



City of Petersburg Virginia

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February 20, 2024 - Regular City Council Meeting

February 20, 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 of a proclamation recognizing Kristi K. Higgins. (Page 4)
 6. Responses to Previous Public Information Posted
 7. Approval of Consent Agenda (to include minutes of previous meetings):
 - a. Minutes: (Page 5)
 - February 6, 2024 -Closed Session Meeting
 - February 6, 2024 - Work Session Meeting
 - February 9, 2024 - Emergency Special Closed Session
 - February 12, 2024 - Closed Session Meeting
 - b. Consideration of an appropriation ordinance for the fiscal year commencing July 1, 2023, and ending June 30, 2024, for the Firearms Violence Intervention and Prevention Grant Program. (Page 23)
 8. City Manager's Report and Special Reports
 - a. Presentation from Jo Ann Glazier on the Animal Sanctuary.
 9. Official Public Hearings
 - a. 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 31)
 - b. 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 44)

- c. A Public Hearing and consideration of a request from Chase Gibrall, applicant, and representative for Navarrete's Auto Sales, to obtain a Special Use Permit at 2520 Deerfield Drive to operate a used car lot 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 61)**
- d. A Public Hearing and consideration of a request from Grand Generation, LLC, owner D. Wyatt for a Special Use Permit pursuant to Article 23, Section 4(20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. The subject property is located at 1700-1701 Midway Ave and is zoned M-1, Light Industrial District. **(Page 89)**
- e. A public hearing and consideration of an ordinance to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing at the request of the Planning Commission. **(Page 111)**
- f. Consideration to accept a donation in the amount of \$500,000 from People's Advantage Federal Credit Union - 2nd Reading **(Page 139)**
- g. A public hearing to amend the FY2023-2024 Budget. **(Page 143)**

10. 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**

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

12. Items removed from Consent Agenda

13. Finance and Budget Report

14. Unfinished Business

15. New Business

- a. 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. - 2nd Reading **(Page 146)**
- b. Consideration of a resolution of support for the Certified Crime Prevention Community Certification Program. **(Page 149)**
- c. Consideration of an appropriation ordinance for State Aid to Public Libraries Revenue Funds in the amount of \$34,450. - 1st Reading **(Page 158)**

- d. Consideration of an appropriation ordinance for the donation to the Petersburg Public Library in the amount \$19,620. - 1st Reading **(Page 161)**
- e. Consideration of a Memorandum of Understanding with Southside Virginia Emergency Crew. **(Page 163)**
- f. Consideration of an Unsolicited PPEA Proposal - Design and Construction of a New Courthouse. **(Page 167)**

16. Business or reports from the Clerk

17. Business or reports from the City Attorney

18. Adjournment

Petersburg



Virginia

Proclamation

WHEREAS, Kristi Higgins grew up in Iowa and has called Virginia her home since 1986 and is the proud mother of two wonderful children; and

WHEREAS, she pursued an Associates in Science and Business Degree at Richard Bland College of William & Mary College and graduated as the 1990 Class Valedictorian. She also served as an Honor Court member and as Phi Theta Kappa president; and

WHEREAS, in 1990, she was recognized by former Governor Douglas Wilder as a Virginia Scholar and received the VCU Virginia Scholarship Award; and

WHEREAS, she was recruited to the Progress-Index team over five years ago and from special events to new businesses, multimedia journalist Kristi K. Higgins keeps the region up to date and upbeat; and

WHEREAS, prior to events, businesses, human interests and breaking new stories in Petersburg and beyond, she was an assistant publisher with Village Publishing, LLC in Chester. In addition to selling and creating ads, Ms. Higgins blossomed into The Social Butterfly columnist; and

WHEREAS, the visual storyteller has her pulse on Petersburg and regional communities. She writes uplifting and fun stories. Often snap happy, Kristi captures beautiful images that bring stories to life. She possesses a natural gift for capturing stories and engaging readers with the well-written tales she tells; and

WHEREAS, she was voted Virginia's 2022 Columnist of the Year as well as the 2022 Tri-Cities Best of the Best Social Media Personality; and

NOW, THEREFORE, I, Mayor Samuel Parham, and Council Member W. Howard Myers, by virtue of the authority vested in us by the City of Petersburg, do hereby recognize

"KRISTI K. HIGGINS"

in the City of Petersburg.

Dated: 2/20/2024

A handwritten signature in black ink, appearing to be "W. Howard Myers", written over a horizontal line.

Council Member W. Howard Myers

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

Mayor, Samuel Parham

ATTEST:

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

Clerk of Council, Nykesha D. Lucas



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Andrew Barnes, General Manager
March Altman, Jr., City Manager

FROM: Nykesha Lucas

RE: **Minutes: (Page 5)**
-February 6, 2024 -Closed Session Meeting
-February 6, 2024 - Work Session Meeting
-February 9, 2024 - Emergency Special Closed Session
-February 12, 2024 - Closed Session Meeting

PURPOSE: Details in minutes of past city council meetings.

REASON: Information on past city council meetings.

RECOMMENDATION: To approve the minutes.

BACKGROUND: See attached minutes.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

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. February 6, 2024 - Work Session Meeting
2. February 6, 2024 Closed Session Meeting Minutes

3. February 9, 2024 Closed Session Meeting Minutes
4. February 12, 2024 Closed Session Meeting Minutes

The work session meeting of the Petersburg City Council was held on Tuesday, February 6, 2024, at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:52 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 to talk about the big check to the Petersburg Library Foundation. But where do I start? How about why do your councilors allow Mayor Parham to make unilateral decisions about spending our money when his vote counts any more than yours? What a minute, there never was a vote on this. Breaking your own rules where any appropriation over \$100 requires a public vote on an ordinance. And the check was only for \$355,000. That is over a third of a million. Whether this huge check was intended to ensure a superior library system with excellent facilities, quality resources, and innovative sources to enhance education on cultural opportunities to quote the Progress-Index. Or to pay off some long-standing loan belonging to the Petersburg Public Library Development Company Inc., that the city is trying to sell me. There is no urgency that requires bringing a check to a birthday party before going through the most basic procedures. Then there is the inescapable fact that this much money would help with many of Petersburg most critical needs. Things like a real community center for the youth and families and a shelter for those who lack a place to stay. But instead, you have let your priorities be screwed by one person's desire to make a big splash at a private party. To quote from the Progress-Index coverage of the presentation of the check, 'Walker was more than happy to accept the donation.' Yeah, I bet he was. I am sure you all are thick as thieves with him salivating over the next shot at a casino here, considering it is his property that you picked for this big project. The bottom line is this, you all are dysfunctional, you ignore your own rules, you will

try to cover up your failures to follow those rules, you disrespect us citizens, and the worst is that you disregard the city's most vulnerable people in favor to seeking to impress and appear important."

Pat Hines, 1227 Hamilton Street, stated, "I am here tonight representing a non-profit, Petersburg Center for Development. But I am also standing with a coalition that works with the homeless in our area. We are here because there is a problem, and we just want to bring it to your attention to let you know that there are concerned citizens out here that are working with our unsheltered and our homeless. And for those in the community who do not understand what unsheltered means, it means that they do not have a sofa to sleep on or a floor to sleep on. They are sleeping outside. They are sleeping under bridges and church porches. They are sleeping on the back of this beautiful library porch. So, with that being said, last year when I started a shelter, I had two of the council people that supported me. Ward 1, Mr. Jones, I thank you. Ward 6, Annette Smith, I thank you. But this year, along with the coalition here we are asking all of you to support the effort in our community for our people. I know what the party line is. When we had a shelter, they dumped all of their people here and it was a problem. But that was the past and things change, and people change. Why is it that Hopewell can run a shelter and Petersburg cannot? Why is it that Chesterfield has shelters and Richmond has shelters? We have to learn to do the right thing. And the right thing is for all citizens. Is it because they do not have an address or because they do not own a voter registration card that they are voiceless and unheard? We are here to speak for them tonight. And I know that I only have 54 seconds left. So, what I am asking of you is to make them a priority and put them in your budget for next year. Make accommodation and provisions for them. It is only the right thing to do. Wouldn't you all agree? I have a lot more to say but I will not take up anymore of your time. But I would like this issue to be addressed in a further meeting. Because we deserve answers on how this problem is going to be addressed. And if the city cannot do it then donate to my non-profit and we will try to get it done. Thank you."

Jasmine McDonald, 19 Jarratt Court, stated, "I am here to bring up business conduct in a lot of these establishments around here. It seems as if we have a lot of people who are being hired and playing very demonic music. For example, I took my children to the store today and one of the employees had this music playing in a Family Dollar talking about 'cutthroat' first thing in the morning while I was trying to get diapers and pull-ups for my kids. And I am tired of it now. I understand that there might be some poverty problem or literacy problems. But enough is enough. We have enough people here who are educated with their right mind. We need to get this place cleaned up. Get these people out of these establishments. I am raising children here and I am getting sick of it now. There is no reason my children should go into the store first thing in the morning hearing 'cutthroat.' And I am tired of it. And whoever runs the Family Dollar on Halifax Street, get those employees out of there today and replace them with people who have enough sense to know how to run a community establishment so that our children can be safe in these environments. And that is my concern. And I just pray that before the end of this month we see a change. And that's it. Thank you."

Genevieve Lohr, 19 Guarantee Street, stated, "First, everything Pat Hines said I think that I have said similar things in front of you. I completely agree and I thank her for all of her efforts and everyone here. So, at the last city council meeting we had a wonderful presentation from VCU with something that sounds like a great thing for our city. Now, she shared a lot of health data that I think is very important. Now it was concerning to me because after that there were some conversations happening about believing that Petersburg is the least healthy city in the State of Virginia. And it is the least healthy city in the State of Virginia. This is not made up and this is not data that is, as I heard from some, that the state is only here because people were diagnosed here. No, this data exists from where people live and not where they are diagnosed. So, this is good data, and it is very sound. We have a huge issue with children in poverty. Do you know how many children are in poverty in the City of Petersburg? It is 36%. The state average is 13%. That is almost three times. That is a lot of kids in poverty. Poverty is a big issue for our children and part of it is because it is an adverse child experience. Enough adverse child experiences means that your life expectancy decreases. But we know that is happening in Petersburg so that makes sense. So, I know my time is up, so I am going to wind it up for you. Please look at this website. There are tons of data, and it is right there, and it is not made up. It is not something from the Progress-Index. So, please do so. Thank you."

Gary Talley, 2323 Fort Rice Street, stated, "A couple of comments. I brought this up before, if I were as consistent in showing up to meetings as you all are, I would not have a job. Now we showed up here a quarter to five waiting for you all to start and an hour later you all come out here. The check still bothers me, that grandstanding check. I support the library and I have a library card and I use it all the time. But committing city funds when you do not have the authority is wrong. I want to bring up the shelter issue. A lot of people whose names you called, and they did not come up, were going to talk about the shelter. We need one here. Now we have had a very mild winter so far. But if you all have been outside in the middle of the night, it is very cold. We are the only jurisdictions around here that does not have a shelter. We have buildings and have the money. Let's do something about it. And finally, I am going to bring up this topic again and I talked to Darrin about it, the sinkhole at 20 West Bank Street. Over two years, and I finally got somewhat of an answer today that maybe it will start it in March. We had a meeting and Mr. Altman did not show up for it. I had a conflict so I could not contribute anything to that meeting except complaints about how bad it is. The last big rain that we had gotten worse. And if we have another big rain it is going to get worse again. It may be that we cannot use that building. That area is not safe to travel to right now. And it is going to get worse. Please do something about this."

David Batts, 1127 High Pearl Street, stated, "I come about the problem on Wythe Street with the last flood that I had. The city does not care about flooding. They were forewarned that it was going to happen. I talked to the city manager. I talked to everybody that would listen. They told me to wait until the grass season is over and that they will clean it out. I have pictures showing that when they tore down the hotel, they dropped trees in the creek. They would not get them out and they just left me with my building tore all the pieces. The embankment would need to be fixed. I cannot afford to fix it. You all did it and I am asking that you have enough sense to pay for what you did. The damage is done. Now I go out on South Park on the 24th of January, and they are out there putting up a retainer wall in a creek. They said that they are not doing any work and that they are doing a study on South Park. But no one knows what is going on. This is crazy. Oh, it is just certain sides of the city that you all work on. That does not make sense. If you are not going to be about what is right, then just get out of it. I mean that this is just crazy. It is stupid that I am sitting here arguing with you all about fixing something that you all did. They cut down and snipped off the tree. You want to see the pictures. The last time I did not have the pictures, but I have them now. I mean that it is crazy that I am sitting here trying to figure out how I am going to fix this problem that someone else made. Now to top it off I don't think that you all realize that you tore down the hotel and left a wall up. The wall is going to fall. We are going to look, and Washington Street is going to be Wythe Street. I want to know who is going to say something then."

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

Mayor Parham stated, "I just want to take a minute to address some of the people that are here for the homeless shelter. Since the Salvation Army Shelter closed over six years ago, we have over 150 churches here. And we have had meetings with all the churches here at various times about doing something for the homeless and the city helping to be a part of it. And no one stepped up. Council Member Marlow Jones was addressing this. He was helping and had a community center. It is all about the people coming together. Even when Councilman Jones was doing his he had a lack of support. You all keep the momentum that you all have tonight to get things started and do not fall off. Because the only time that we had this problem addressed was by First Baptist Church on Washington Street. And that was Reverend Rowe, and she was over 70 years old. And everyone said that they were going to help, and they opened up their doors to help the homeless situation in the city. And that poor lady said that she could not do it anymore and no one stepped up to help her. So, everyone in the room, when it is time to step up, I expect you to be a part of it. Do not just be here to tonight but be here every night to help this issue because we know it is an issue."

- a. Minutes:
 - January 16, 2024 – Closed Session Meeting Minutes
 - January 16, 2024 – Regular City Council Meeting Minutes

- b. Consideration of an appropriation ordinance for State Aid to Public Libraries Revenue Funds in the amount of \$34,450 – 1st Reading
- c. Consideration of an appropriation ordinance for the donation to the Petersburg Public Library in the amount of \$19,620 – 1st Reading
- d. A public hearing and consideration of a request from Chase Gibrall, applicant, and representative for Navarrete's Auto Sales, to obtain a Special Use Permit at 2520 Deerfield Drive to operate a used car lot 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.
- e. A public hearing and consideration of a request from Grand Generation, LLC, owner D. Wyatt for a Special Use Permit pursuant to Article 23, Section 4(20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. The subject property is located at 1700-1701 Midway Avenue and is zoned M-1, Light Industrial District.
- f. A public hearing and consideration of an ordinance to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirements of driveways for low-density housing at the request of the Planning Commission.
- g. Consideration to accept a donation in the amount of \$500,000 from People's Advantage Federal Credit Union - 1st Reading.
- h. A request to schedule a public hearing to amend the FY2023-2024 Budget.

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

7. **SPECIAL REPORTS:**

- a. Presentation and Update from the Petersburg Arts Council.

Sandy Graham, member of Petersburg Arts Council, and Kris Russell (President), provided city council with an overview.

Key Notes:

- Petersburg Arts Council was created by the city council on March 21, 2023.
 - The council is designed to make recommendations to the city council on acquisition, donation, deaccessioning, and funding of public art.
 - On September 19, 2023, the city council amended the terms of office of the eleven-member board. The council changed the name of the commission to Petersburg Arts Council from Petersburg Area Arts Council to avoid confusion of the Petersburg Area Art League.
 - They will be working with the city council in adopting rules and establishing powers of this commission.
 - They will be helping with making decisions and recommendations to the city council on public art that is sought to be donated to the city.
 - They may talk to the council about a policy for public murals.
 - They are putting together a branding kit for the Petersburg Arts Council. They are also rebranding the Friday for the Arts in the city as well.
 - They are working on a marketing campaign to revitalize the public interest for the Friday for the Arts, local businesses, and organizations as well.
- b. Update from Dr. Kai Donsbach Chief Operating Officer of the Medicines for All Institute at VCU.

Mayor Parham stated that this presentation has been moved from tonight's agenda.

c. Presentation and Update from JMT.

Michael P. Luning, Vice President of JMT, gave an update on Poor Creek.

Key Notes:

- There is a new sewage force main coming down North Crater Road. It will be larger and handle more flow.
- They are rehabbing the wastewater pumping station at Poor Creek to handle the flow as well.
- There will be a new water pumping station near Walnut Hill storage tank. There will be a new transmission main on South Crater Road that takes them to Wagner Road.
- Big project of \$40 million dollars of construction.
- Continuing bi-weekly phone calls with DEQ for water quality.
- They are waiting for a pending award.
- The city does not have to make a match grant from EPA which is worth \$600,000.
- All the environmental assessments are done. All water projects are moving through.
- The EDA grant for the water storage tank has a few paperwork issues.
- The ARPA money is already flowing from DEQ.
- Water Main and Booster has a completion of Spring/Summer 2025.
- Wastewater PS and Force Main will be completed in fall 2025.
- Projects are on schedule a year early for 2025.

There was a discussion between the city council and Mr. Luning.

Joanne Williams, Director of Communication, Tourism, Marketing, and Government Relations, stated, "We are applying for a Tech Hub grant, which relates and is for Poor Creek. And we are wrapping that up. It will be due this month. It is in the amount of \$7,184,790. I need the council's approval because we are required to match by 10% which will be a little under \$800,000. This is very normal for federal grants. As he just told you about the federal grant we did, I asked for the waiver, and we got it. But we have to provide a resolution in the grant application saying that we will commit to the 10%."

Mr. Williams stated, "Mr. Mayor, given the time constraints, I believe she has to submit it by the end of the week. And she actually had it properly on the other agenda so, I recommend council consider suspending the Rules of Council and approve the resolution if you are so inclined."

Mayor Parham stated, "At this time I will entertain a motion to suspend the Rules of Council at this time."

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

Mayor Parham stated, "At this time I will entertain a motion to approve the resolution for the Tech Hub grant."

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

24-R-7 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA, COMMITTING FUNDS FOR WATER AND WASTEWATER IMPROVEMENTS NECESSARY TO SUPPORT THE ADVANCED PHARMACEUTICAL MANUFACTURING (APM) TECH HUB.

Mayor Parham stated, "The presentation on the Animal Sanctuary has been stricken for tonight."

8. MONTHLY REPORTS:

There are no items for this portion of the agenda.

9. FINANCE AND BUDGET REPORT:

There are no items for this portion of the agenda.

10. CAPITAL PROJECTS UPDATE:

a. Brief Capital Projects Update

Randall Williams, Assistant Director of Public Works and Utilities, gave a brief update on capital projects.

Key Notes:

- The projected completion date is still around April or May. Some structural repairs may affect that timeframe.
- Since the last update some of the floors had to be taken up. And some work had to be done to get started on repairing the cupola. It was planned to be completed this week or next week.
- Interior and trim work is still being continued.
- Some areas of the roof had to be painted with special paint.
- Light work is being done to make sure that the site is well lit.
- They are looking at proceeding forward with the design phase and the interior.
- The contractor is now scraping and repairing the roof of the Union Train Station before they paint.
- They are awaiting VDOT for an update before they can begin the paving phase.
- Timmons crew is continuing to collect GIS inventory of citywide stormwater assets.
- Data is being collected to be used in modeling the stormwater systems.
- Currently working through Blackwater and Poor Creek Watersheds.

There was discussion among the city council and staff.

11. UTILITIES:

a. Presentation and Update on Department of Utilities

Jerry Byerly, Director of Public Works and Utilities, gave a brief update on capital projects.

Key points:

- Billing has been moved back into Public Works as of December 11, 2023.
- The phone tree has been modified to ensure all calls are answered.
- There is a 48% vacancy rate in the department that calls for more contracting which is more costly.
- Work orders are in for water main repairs and general repairs.

- Meter replacement has taken place. Modern meters are more accurate and can increase revenue.
- There is a 27% vacancy rate in the wastewater department.
- Currently completing an assessment of the sanitary sewer in the Blandford area.

There was discussion among the city council and staff.

There was discussion among the city council and staff.

12. STREETS:

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

13. FACILITIES:

a. Facilities Update

Key notes:

- General District Court Staff area renovation was completed in September 2023.
- Juvenile & Domestic Relations Court had more cameras installed.
- Two new roofs were put on the fiscal management building in August 2023. A new roof HVAC system was done on the first floor.
- At the Blandford Reception Center, the old boiler system was removed and replaced with a heat pump unit.
- New roof was put on the Blandford Cemetery Maintenance Shop. Two rollup doors were replaced as well.
- Hustings Court boiler was completely rebuilt.
- Petersburg Health Department had two new HVAC units installed on the roof. They are in the process of replacing the roof.
- At the fire department a compressor pressurizes the steps and doors in the cab of the new ladder truck were installed.

14. ECONOMIC DEVELOPMENT:

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

15. CITY MANAGER'S AGENDA:

Mr. Altman stated, "Just a couple quick updates. I mentioned at previous meetings that we are working on health insurance. It has been sent out for bids and bids came in. And we are working with TLC (The Local Choice) who are reviewing those bids for us to bring forth a recommendation. We are still waiting for our TLC renewal, which is our current health insurance, for them to send us renewal information so that we can compare apples to apples where we are. The salary study, we are moving forward with the wage and compensation study. There will be some focus group meetings in the library March 5th through 7th with employees. We will be sending out some communication to them. With regard to the zoning ordinance, we have a contract, and the contract is down with the city attorney for renewal. Once he finishes the renewal then he will send it up to me we will sign it and we will get to work on the zoning ordinance update. There was a question asked with regard to what we have invested in the LGIP with city funds. If the treasurer wants to come up, I welcome him to provide comments. Or he had indicated to me that we have funds invested in LGIP. I will not steal his thunder, but we do have money invested in LGIP that the city treasurer manages. I will let him walk through that for you."

Paul Mullin, Treasurer, stated, "We have approximately \$5.6 million in our SNAP fund, which is mostly for everything in CIP. It was actually initially started in 2015 CIP. We need to get on the horn of actually spending that money because if we wait a little longer, we will actually start paying penalties on that money. The general LGIT, we have about \$2.1 million dollars. And \$845,000 of that is in the school scholarship fund, so we have about \$7 million dollars in investments right now. And we are getting about 5.64% comfortably right now."

There was discussion among the city council and staff.

16. BUSINESS OR REPORTS FROM THE CLERK:

Mayor Parham stated, "The clerk is still out but I want to give Council Member Westbrook a point of personal privilege."

Council Member Westbrook stated, "With the help of economic development, on Thursday at 5:30pm, right here in the auditorium, we will be having a community meeting. It is open to everyone. We will be expanding the Ramblewood Subdivision. We are bringing Ryan Homes developer to just take in any concerns and understand the community impact as well as letting the residents speak on any concerns as well as positive projects that they may want to see."

Council Member Jones stated, "I want to make mention that today, February 6th, is National Teen Dating Violence Day. All of you who have kids or have been a teen need to take this serious for not only this day but for every day. Watch your children and watch their activities. Talk to them and be available to talk to them. So, let's celebrate that and protect our teens and wear orange. It is listed as today but let's do this every day."

17. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:

Mr. Williams stated, "I just want to say that anyone that has not been in a closed session of council probably does not appreciate the fast paced and high level and volume of material that is discussed. It is almost a blur sometimes. One of the things that I hoped to do before we adjourned and closed the meeting is to thank the members of council for their condolences in the past week. I did not get a chance to do that so, I wanted to do that today."

18. ADJOURNMENT:

The City Council adjourned at 7:40 p.m.

Clerk of City Council

APPROVED:

Mayor

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, February 6, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:30 p.m.

1. ROLL CALL:

Present:

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

Absent:

Council Member Arnold Westbrook, Jr. (arrived after roll call)
Council Member Marlow Jones (arrived after roll call)

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) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of 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; 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; under Section 2.2-3711 (A)(29) of the Code of Virginia for the purpose of discussion regarding the subject matter of a public contract involving the expenditure of funds and terms of scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public body, specifically including but not limited to the discussion of the award and terms of a public contract; under Section 2.2-3711(A)(3) for the purpose of discussion regarding the subject of the acquisition and/or disposition of real property where such discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body.

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

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

The City Council entered closed session at 3:32 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-6 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 5:48pm

Mayor Parham stated, “At this time I would like to entertain a motion to add to this agenda a motion to direct the city manager to issue a RFI for casino operator.”

Vice Mayor Hill made a motion to add to the agenda a motion to direct the city manager to issue an RFI for casino operator. 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.

Mayor Parham stated, “Now, I will entertain a motion to direct the city manager to issue the RFI for the casino operator.”

Vice Mayor Hill made a motion to direct the city manager to issue the RFI for the casino operator. 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

Mayor Parham stated, “Now, I will entertain a motion to add to tonight’s agenda a motion to add a motion to direct the city manager to proceed with taking necessary action to retain or expand the services of the Robert Bobb Group to work with city council in furtherance of the casino process.”

Council Member Myers made a motion to add to tonight’s agenda a motion to add a motion to direct the city manager to proceed with taking necessary action to retain or expand the services of the Robert Bobb Group to work with city council in furtherance of the casino process. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

Mayor Parham stated, “I will entertain a motion to direct the city manager to perceive with taking the necessary action to retain or expand the services of the Robert Bobb Group to work with city council in the furtherance of the casino process.”

Council Member Myers made a motion to direct the city manager to perceive with taking the necessary action to retain or expand the services of the Robert Bobb Group to work with city council in the furtherance of the casino process. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

3. ADJOURNMENT:

The City Council adjourned at 5:51 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The Closed Session Meeting of the Petersburg City Council was held on Friday, February 9, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 4:04 p.m.

1. ROLL CALL:

Present:

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

Absent: Vice Mayor Darrin Hill

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)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the city attorney and legal consultation regarding the subject of specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to discussion regarding the legal requirements of §58.1-4107 of the Code of Virginia and matters requiring the legal advice of the City Attorney.

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

The City Council entered closed session at 4:06 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."

Council Member Myers made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Westbrook 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, and Parham; Absent: Hill

24-R-8 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 5:02pm

Mayor Parham stated, "We are now in open session. At this time I have Vice Mayor Hill calling in remote from his location. He is in Alabama away at a conference. Are there any objections to Vice Mayor Hill calling in remote?"

There were no objections.

Mr. Williams stated, "Vice Mayor Hill can you confirm what Mayor Parham said regarding your location as well as the nature of your absence."

Vice Mayor Hill stated, "The nature of my absence is that I am at a conference in Alabama. It is a men's conference for a church. And I just landed. I will be doing the men's day sitting on a panel tomorrow and at 8:00am I will be preaching at Westside Baptist Church in Hoover, Alabama."

Mayor Parham stated, "Next, I will entertain a motion to add to the agenda tonight a resolution regarding the city's intent of use of a casino development revenue to the agenda."

Council Member Westbrook made a motion to add to the agenda tonight a resolution regarding the city's intent of use of a casino development revenue to the agenda. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

Mayor Parham read the resolution out loud.

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

24-R-9 A RESOLUTION.

3. ADJOURNMENT:

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

Clerk of City Council

APPROVED:

Mayor

The Closed Session Meeting of the Petersburg City Council was held on Monday, February 12, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 5:01 p.m.

1. ROLL CALL:

Present:

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

Absent: Vice Mayor Darrin Hill

Present from City Administration:

City Manager John March Altman, Jr.
City Attorney Anthony Williams

2. CLOSED SESSION:

Mayor Parham stated, "Before the closed session I will need to entertain a motion to amend the closed session motion tonight to add discussion of an unsolicited PPEA proposal and a personnel matter."

Council Member Smith-Lee made a motion to amend the closed session motion tonight and to add discussion of an unsolicited PPEA proposal and personnel matter. Council Member Westbrook seconded the motion. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion regarding the subject matter of a public contract involving the expenditure of funds and terms or scope of such contracts where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public contract; under Subsection (A)(28) for the purpose of discussion or consideration of information subject to the exclusion in Subdivision 11 of 2.2-3705.6 by responsible public entity on effective locality of public entity as those terms are defined in 33.2-1800 or any independent review panel appointed to review information and advise the responsible entity concerning such records; and under Subsection (A)(1) for the purpose of discussion pertaining to the performance, assignment, appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of performance, assignment, appointment of a specific public officer of the City of Petersburg.

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

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

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.”

Council Member Smith-Lee made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Westbrook 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, Westbrook, Hill, and Parham; Abstain: Myers

24-R-10 A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 6:57pm

Mayor Parham stated, “I will entertain a motion to add to the agenda a motion accept the unsolicited proposal from Gilbane Building Company and Commonwealth Architects for the purpose of publication and conceptual phase consideration and direct the city manager to proceed with the issuance of notice soliciting competing proposals and corresponding review and recommendations.”

Council Member Myers made a motion to add to the agenda tonight a motion accept the unsolicited proposal from Gilbane Building Company and Commonwealth Architects for the purpose of publication and conceptual phase consideration and direct the city manager to proceed with the issuance of notice soliciting competing proposals and corresponding review and recommendations. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

Mayor Parham stated, “Next, I will entertain a motion to accept the unsolicited proposal from Gilbane Building Company and Commonwealth Architects for the purpose of publication and conceptual phase consideration and direct the city manager to proceed with the issuance of notice soliciting competing proposals and corresponding review and recommendations.”

Vice Mayor Hill made a motion to accept the unsolicited proposal from Gilbane Building Company and Commonwealth Architects for the purpose of publication and conceptual phase consideration and direct the city manager to proceed with the issuance of notice soliciting competing proposals and corresponding review and recommendation. Council Member Myers seconded the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Jones, Smith-Lee, Myers, Westbrook, Hill, and Parham

3. ADJOURNMENT:

The City Council adjourned at 7:02 p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Dustin Sloan

RE: Consideration of an appropriation ordinance for the fiscal year commencing July 1, 2023, and ending June 30, 2024, for the Firearms Violence Intervention and Prevention Grant Program. (Page 23)

PURPOSE: To have a first reading and introduction of funds that need to be appropriated and approved by city council for the SRO Incentive.

REASON: Petersburg Bureau of Police was awarded \$172,344 for the Firearms Grant allowing funding for a Crime Analysis.

RECOMMENDATION: Recommend that the City Council accept and approve the appropriation ordinance for the Firearms Grant to be spent in the current fiscal year in the amount of \$172,344.

BACKGROUND: Petersburg Bureau of Police applied for and was awarded the Firearms Grant Program. See attached documents.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 3/19/2024

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. Police Ordinance SRO Incentive

2. ordinance SRO Incentive \$172,344



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

December 7, 2023

March Altman
City Manager
144 North Sycamore Street
Petersburg, Virginia 23803

RE: 2024 Firearm Violence Intervention and Prevention

Dear March Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **521168** and was approved for a total award of **\$172,344**, funded through Award Number **2024-FVIP-GRANT**. The project period is **1/1/2024** through **12/31/2025**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register 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 **Greg Hopkins** at **804-692-0977** or via email at **Gregory.Hopkins@dcjs.virginia.gov**.

Sincerely,

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

Jackson Miller

STATEMENT OF GRANT AWARD (SOGA)

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

505591-Firearm Violence Intervention and Prevention Grant

Subgrantee: Petersburg
DCJS Grant Number: 521168
Grant Start Date: 1/1/2024
Grant End Date: 12/31/2025

Indirect Cost Rate: _____% *If applicable

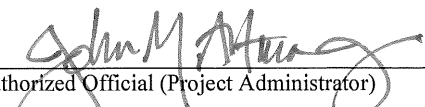
Federal Funds:
State Funds: \$172,344
Local Match: _____

Total Budget: \$172,344

Project Director	Project Administrator	Finance Officer
Larry Mann Captain 37 East Tabb Street Petersburg, Virginia 23803 804-896-6206 lmann@petersburg-va.org	March Altman City Manager 144 North Sycamore Street Petersburg, Virginia 23803 804-732-4222 maltman@petersburg-va.org	Shekira Wynn Finance Manager 144 North Sycamore Street Petersburg, Virginia 23803 804-733-2331 swynn@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:


Authorized Official (Project Administrator)

Title:


City Manager

Date:


Feb. 9, 2024

2024 Firearms Violence Intervention Prevention

Brief Overview Description:

Petersburg Bureau of Police (PBD) Firearm Violence Intervention and Prevention (FVIP) initiative is aimed at reducing violent crime by developing a local strategic & effective community partnership. The initiative will rely on local data and crime trends to effectively apply intervention, prevention and enforcement initiatives that specifically target violent crime, and gang violence where violent crime has been prevalent. The FVIP will cover the cost of one full-time Criminal Justice/Public Safety Coordinator, who is solely responsible for coordinating the implementation of the violent crime reduction strategies & the coordination of city-wide collaborations & multi-agency partnerships.

Need Statement:

In 2023 Petersburg has experienced 105 aggravated assaults, and 18 homicides. The city has experienced approximately 175 calls regarding shots fired or shooting into an occupied dwelling or vehicle. Officers in the city are called to multiple locations in the city daily to combat gun violence, or individuals with weapons. The addition of a crime analyst will certainly assist in the identification of areas that could and currently cause issues, along with target individuals who are the cause of the violence.

Population Served/Service Area:

Petersburg, Virginia continually ranks at the top of the rankings for the most homicides per capita and this remains the same for 2021 with 21 deaths recorded to be the result of homicide. 2021 also saw over 1,000 calls for service regarding shots fired and over 100 shootings. Petersburg has consistently ranked above the state average for homicide per 100,000 with the lowest in the 21st century occurring in 2004 when the rate was only twice that of the Virginia state average; it was 12 times the Virginia state average in 2021 and there has been a consistent increase in homicides per 100,000 since 2012 except outliers in 2015 and 2020. Gun violence in the City of Petersburg is impacting the entire city and traumatizing children and adults throughout its 23.2 square miles.

The city of Petersburg has a population of 33,458; approximately 9,600 residents are under the age of 18. Programming would be available for young men ages 12-17 and 18-24 with structured peer support circles.

Community Background:

Over the last three years, PBD noticed that the City has many resources and entities that operate in silos without unifying goals or priorities. This results in limited resources to meet great needs and excessive duplication of services. Additionally, it results in larger organizations like the schools and parts of city government struggling to identify available resources and engage partners who may already be working to meet various needs. Petersburg City has been chosen as

a Partnership City by Governor Glenn Youngkin. Since the partnership began over a year ago, Petersburg has seen dramatic increase in community engagement, resource driven opportunities and an added focus to public safety via Virginia State Police partnership.

Project Description:

PBD is submitting an application for funding under Category I for the 2024 Firearm Violence Intervention and Prevention Grant Program. It is our hope that funding will support PPD's effort to address violent crime through local coordination and planning. PBD is seeking funding to hire a local criminal justice planner/crime analyst dedicated to coordinating local and regional efforts to address violent crime. This position will be dedicated to serving on the regional criminal justice board, grant management, data management, analyzing local crime trends, and coordinating local multidisciplinary teams with stakeholders. Additionally, this position will be responsible for developing local statistical reports on crime trends and addressing local prevention and enforcement efforts.

Capabilities:

The entirety of the project will be managed by PBD. The City of Petersburg has a great many attributes that can be leveraged for the successful completion of this initiative. See attached for organizational chart.

Budget Narrative:

The PPD FVIP Initiative (FVIP) is a new program and requires the hiring on one FTE. The positions will be based on Petersburg City's Classification and Compensation system.

Program Budget

Personnel	Total Hours Per Year	Annual Salary
1 Crime Analyst	2080 for two years	\$120,000.00

Employee Fringe Benefits

FICA	Retirement	Group Life	Health Insurance	Total Benefit
\$9,264.00	\$14,858.00	\$1,622.00	\$16,800.00	\$42,544

Totals

Personnel	
Employee Fringe Benefits	\$42,544.00
Total Package	\$162,544.00

Equipment and Supplies

- **Cell Phone.....**
- **Office Furniture.....**
- **(2) Desk LCD Monitors.....**
- **Software packages (Adobe).....**
- **Laptop and Docking Station.....**

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024
FOR SRO INCENTIVE GRANT PROGRAM IN THE AMOUNT OF
\$172,344.**

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

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

Previously adopted **\$ 0.00**

ADD: RE: 505591-Firearm Violence Intervention and Prevention Grant

Total Revenues **\$172,344.00**

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

Previously adopted **\$ 0.00**

Expenditures:

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

Total Expenses **\$ 172,344.00**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 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 31)

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. Ordinance - Old Town Alibi's
2. Downtown ground leases - Alibis 2024 with Edits from Anthony Williams- CA Final
3. Alibi lease of 301 North Sycamore Street

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.

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.
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 the sole responsibility of the tenant and must be approved by the City and, if in a Historic District, the Architectural Review Board, prior to installation/construction as needed. Prior to the conclusion of the lease, all improvements made to the subject property shall be removed by the tenant and the property shall be restored to its original condition or better. If the tenant fails to restore the property as provided in this paragraph the City may, at its option, restore the property and tenant shall be liable for any and all costs incurred. If City decides not to restore the property, any improvements remaining upon the property at the conclusion of this lease 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:** Except as otherwise indicated in Paragraph (4), The property shall be returned in substantially the same condition that it was in when it was received by Tenant. 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. **Indemnification and Hold Harmless:** Tenant shall be solely responsible for any losses and damages including but not limited to personal injuries sustained by tenant and third parties using the property during the term of this lease and any extensions. Tenant shall indemnify and hold the City of Petersburg, its officers, employees, agents, and assigns harmless for any and all claims, including but not limited to attorney's fees, arising from tenant's use of the property as described herein.
8. **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.
9. **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. The City may terminate this Agreement without cause upon written Notice of 30 days to tenant. 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.
10. **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

11. 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.

12. 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: _____

Lease of 301 North Sycamore Street to McCay Enterprises, LLC

February 20, 2024
Department of Economic Development



Lease of 301 North Sycamore Street Introduction



Alibi's, operated by McCay Enterprises, LLC, would like to lease the open area next to the restaurant.

Alibi's will:

- Expand the current seating area.
- Improve and beautify the streetscape and curb.
- Fencing will be put up. The fence design will need to be submitted to the ARB for approval.
- The lease amount will be \$ 500.00 a month/ \$ 6,000 a year.

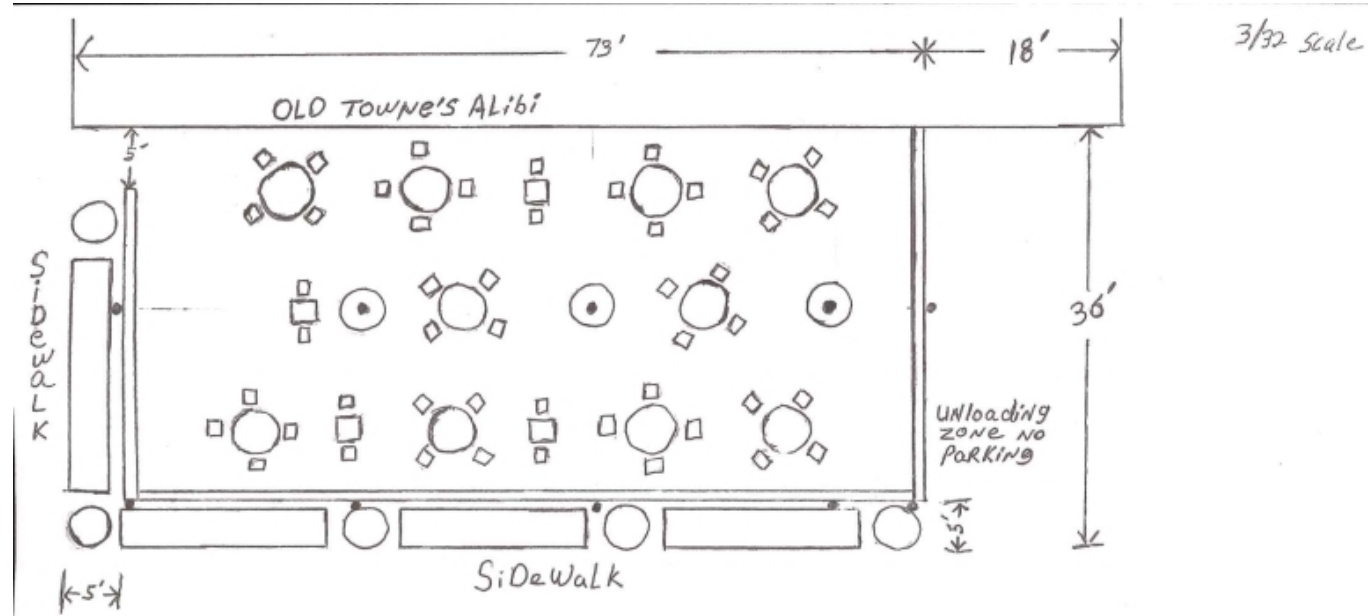


Lease of 301 North Sycamore Street Location



Lease of 301 North Sycamore Street

Diagram of Expansion



INSIDE PATIO DIMENSIONS 31' X 67'

○ Small Tree WHISKEY BARREL PLANTERS

● SHADE SAIL CENTER SUPPORTS

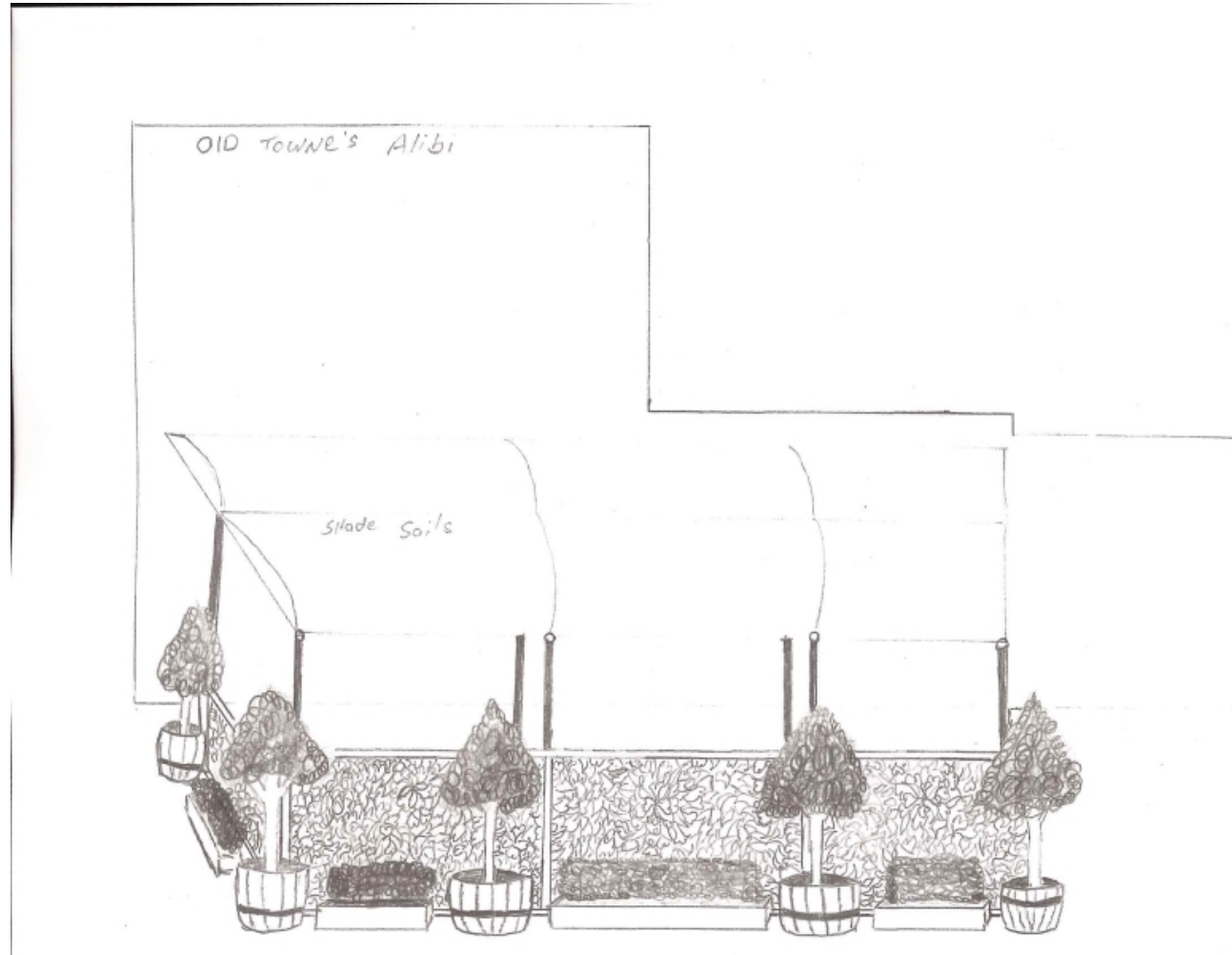
▭ PLANTERS

• OUTER SUN SHADE SAIL SUPPORTS

LIVING FENCE HEIGHT 4.5'

Lease of 301 North Sycamore Street

Diagram of Fencing



Lease of 301 North Sycamore Street

Beautification of space and curb



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.



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

Lease of 301 North Sycamore Street Happy Customers



Awesome business owners and staff with professional SlamBall player Alonzo Scott Jr., a graduate of ARGIS . He is here training to prepare the beginning of the season in May. SlamBall is played in Las Vegas.



Lease of 301 North Sycamore Street Recommendation



**Vote to approve and authorize
the City Manager to sign the
lease agreement.**





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 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 44)

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 with Edits from Anthony Williams

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

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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 and 00/100 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, one thousand and nine hundred and ninety 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. The purchaser may close on the Property prior to completion of the Due Diligent Period with reasonable advance notice to the Seller. At Closing, the 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.

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

- 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, and must be formally approved by City Council. 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. Except for damages proximately caused by Purchaser, its employees, agents, or assigns, 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 or 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:** Except as otherwise provided in this Agreement, 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. In the event of reversion, the property reverts to the City with all improvements thereon, and without reimbursement of any of the purchase price or expenses incurred by purchaser for improvements.
28. **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.

29. 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: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **A Public Hearing and consideration of a request from Chase Gibrall, applicant, and representative for Navarrete's Auto Sales, to obtain a Special Use Permit at 2520 Deerfield Drive to operate a used car lot 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 61)**

PURPOSE:

REASON: To permit the use of 2520 Deerfield Drive as a used car lot.

RECOMMENDATION: Planning Commission and Staff recommend approval with conditions:

1. The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space.
2. Only 10 vehicles are to be for-sale on the property at a given time due to parking requirements. A site plan shall be submitted to the Planning Department prior to the issuance of a Business License showing the delineation of such parking spaces.
3. A lighting plan should be submitted and approved by the Planning Department staff to ensure residentially used properties will not be impacted by glare or spillover.

BACKGROUND: An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on November 28, 2023, by the applicants Chase Gibrall and Marbell Navarrete. The application is for the operation of a used automobile dealership to house 10 vehicles. The subject property has been used for auto-related businesses and service activity since construction in 1980; however, the commercial, one story, cinder block building with metal roof now appears to be vacant.

Prior to the receipt of this application, the property had been used as a coin-operated four (4) bay car wash with

a wax room. There have been several inquiries with Planning Department staff regarding the permitted uses allowed, mainly auto-related uses, such as a vehicle tow lot, used car lot and the continuation of the car wash. None of the previous parties initiated an application to move forward with the Special Use Permit process.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 2/20/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 23 SUP 09 2520 Deerfield Dr Used Car Lot PACKET



City of Petersburg

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

Sandra A. Robinson
Zoning Administrator
804-733-2309
srobinson@petersburg-va.org

To: Mayor and Council

Through: Department of Planning and Community Development

Date: February 2024

SUBJECT: Case 23-SUP-09

Tax Map Parcel 065100007
2520 Deerfield Drive
Petersburg, Virginia 23805

Request by Chase Gibrall, applicant, representative of Navarrete's Auto Sales, 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 2520 Deerfield Drive, and further identified as Tax Parcel #065100007. The Comprehensive Plan suggests this area is appropriate for commercial development (Figure 1). The property is zoned B-2, General Commercial District.



Figure 1. Future Land Use Map

I. APPLICANT'S PROPOSAL

An application for a Special Use Permit was submitted to the Petersburg Department of Planning & Community Development on November 28, 2023, by the applicant Mr. Chase Gibrall and Marbell Navarrete. The application is for the operation of a used automobile dealership to house 10 vehicles. The subject property has been used for auto related businesses and service activity since construction in 1980, however, the commercial, one story, cinder block building with metal roof now appears to be vacant.

Prior to the receipt of this application the property had been used as a coin operated four (4) bay car wash with wax room. There have been several inquiries with Planning Department staff regarding the permitted uses allowed, mainly auto related uses, such as a vehicle tow lot, used car lot and the continuation of the car wash. None of the previous parties initiated an application to move forward with the Special Use Permit process.

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 indicates that the subject parcel is .331 acres. To staff's knowledge there has been two (2) Special Use Permit request granted within the past three years on properties in the vicinity of the subject parcel, the most recent approvals would be 3641 S Crater Rd (Flag Stop Car Wash) and 3450 S Crater Rd (Mod Wash) in front of Wal-Mart. The Planning Commission had recommended the approval of a hand detailing car was on property addressed as 2744 S Crater Rd, a request by Mr. Stacy Phelps, however, the City Council denied the applicant's petition.

Although there have not been any applications received by the Planning Department in the past 5 years for auto sales-related businesses to be located within a B-2, General Commercial District along the Crater Rd area. There have been several inquiries to locate used auto sales and related businesses on nearby commercially zoned properties along the S Crater Road corridor. Those property locations are as follows: 1847 S. Crater Rd, next to Wendy's, 2535 S Crater Rd, Carvana (old Shoney's Restaurant), 2540 S Crater Rd, former Daycare, Banquet Hall, and Vape Store; 2614 S Crater Rd, the former C-21 Real Estate office which is currently utilized as a mental health and counseling office. The nearest auto dealership business is Loyalty Used Car Super Center located at 2833 S Crater Rd. This establishment performs auto repair services as well.

Other Special Use Permits approved for the sale of vehicles are as follows: 1242 W Washington Street, Russell Johnson, 23-SUP-02 (Old What-A-Burger); Eldrika Whitaker, Barely Used Cars & Trucks, 2306 E Washington St, located in a B-2, General Commercial District. 944 E Washington Street, Chris Faraq – Tire & Auto Sales, Application pending City Council approval is 112-14 S Crater Rd, Syed Shah.

The subject property and all surrounding properties along the S Crater Road corridor are zoned B-2, General Commercial District, the area immediately adjacent to the subject commercial building directly across the street is R-1, Single-Family Residence District, Oakhurst Subdivision and there's an R-B, Office -Apartment designation along Holly Hill Dr. beyond Deerfield Dr. See Figure 2 below.



Figure 2. Zoning Map

II. CHARACTER OF THE AREA

The subject property and surrounding properties have been the location for automobile service-related establishments over the past several years. 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 the 3180 sq ft structure was built as a commercial structure in 1980. There is a residential subdivision, "Oakhurst", located across the street from the proposed used car dealership. In addition to the residential structures there are several businesses located along S Crater Rd and Holly Hill Dr. Those business activities to name a few are: Platinum Plush Salons & Suites (Beauty & Barber shops), Medical office – Varatia Family LLC., Childcare Center, Banquet Hall & Meeting Facility, Taylors Enhanced Living Inc. (Day Support/Office) and Crusade for Christ Temple Church to name a few along with the many businesses fronting along S Crater Rd from Holly Hill Dr to the former Kings Barbeque property and further. See Figure 3 for a map of neighboring establishments. Currently there are no additional used car lots in the immediate area except Loyalty Used Car Super Center at 2833 S Crater Road. Article 23, Supplementary Use Regulations-Special Uses. Section 4, Special Uses Enumerated. Item (22) of the Zoning Ordinance to establish a 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 and is required to have the approval of a Special Use Permit overlay.

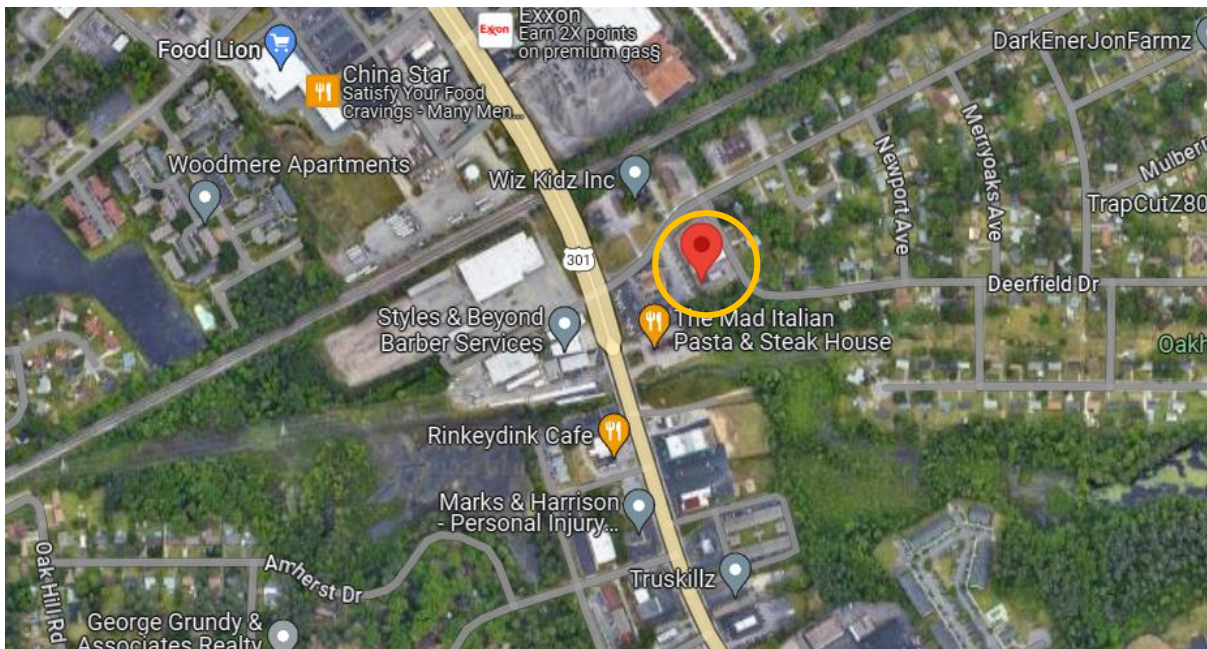


Figure 3. Neighboring Uses

The subject location and request for a SUP is to accommodate for not more than 10 used vehicles to be located on the parcel, the area currently is and always has been utilized for the purpose of automotive related uses and activities. The site does have adequate space for the owner to position vehicles for sale on the lot and accommodate employee parking. The proposal is to only allow for 10 vehicles to be stored on the premises and all parking spaces will require delineation (marking). The lot is clean and currently free from the clutter of vehicles, trash & debris and should remain so. As of the writing of this report the staff has not received any complaints regarding the request nor have there been any complaints received regarding the property being a nuisance while under the operation of other business activity.

ZONING ORDINANCE

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.”

III. FINDINGS

Article 23 of the Zoning Ordinance, Section 4. (22) provides that the City Council may approve the establishment of a 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 and is required to have the approval of a Special Use Permit overlay.

Nearby properties along Crater Rd are currently operating similar types of businesses if not the same and the property has always been utilized for automotive related purposes.

Although the petitioner has not submitted a conceptual site plan as to how the existing building and property will be situated to ensure that all areas be considered involving the parking arrangement for vehicles and clear delineation of spaces, signage, exterior lighting, appropriate containment and disposal of oil and grease waste products it should NOT pose an issue with the approval, if granted, will NOT allow for the property to be utilized as an auto repair and service establishment.

IV. RECOMMENDATION

As of the preparation of this report, our office has received no public input to the request.

The Planning Commission and Department of Planning and Community Development recommend approval with the below conditions:

- A. The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space.
- B. Only 10 vehicles are to be for-sale on the property at a given time due to parking requirements. A site plan shall be submitted to the Planning Department prior to the issuance of a Business License showing the delineation of such parking spaces.
- C. A lighting plan should be submitted and approved by the Planning Department staff to ensure residentially used properties will not be impacted by glare or spillover.

V. EXHIBITS

- Presentation
- Resolution
- Applicants Petition
- Tax Parcel and Zoning Map Extract
- Zoning Map Extract
- Lease
- Public Notification Information

CITY COUNCIL
FEBRUARY 2024



2023-SUP-09

Request by Chase Gibrall, applicant, representative of Navarrete's Auto Sales, to obtain a Special Use Permit to establish stand-alone used vehicle sales located at 2520 Deerfield Drive

Background

Applicant: Chase Gibrall, applicant, representative of Navarrete's Auto Sales

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.

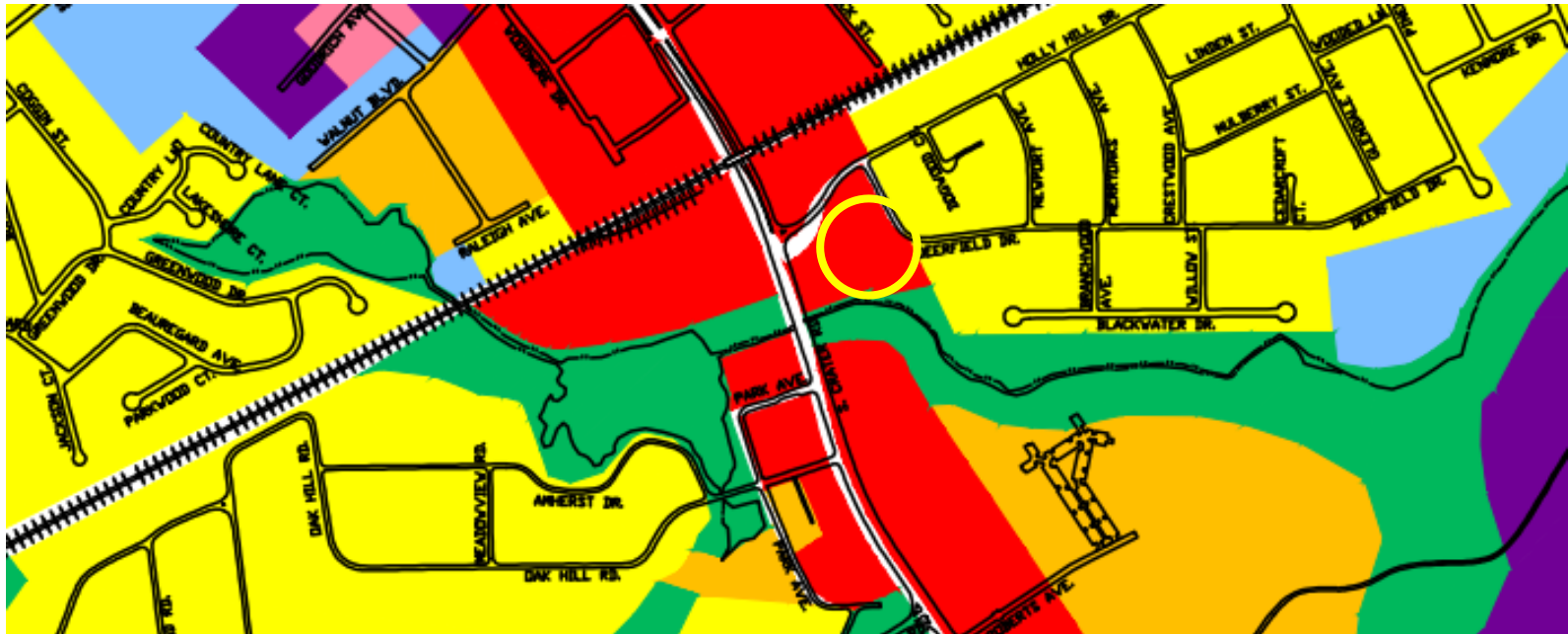
Location 2520 Deerfield Drive



Zoning B-2, General Commercial



Comprehensive Plan Commercial



Site Photos



Site Photos



Recommendation

Planning Commission and the Department of Planning & Community Development, recommends approval of the requested Special Use Permit with conditions:

- A. The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space.
- B. Only 10 vehicles are to be for-sale on the property at a given time due to parking requirements. A site plan shall be submitted to the Planning Department prior to the issuance of a Business License showing the delineation of such parking spaces.
- C. A lighting plan should be submitted and approved by the Planning Department staff to ensure residentially used properties will not be impacted by glare or spillover.

AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT AT 2520 DEERFIELD DRIVE PARCEL IDENTIFICATION NUMBERS 065100007 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 property is located at 2520 Deerfield Drive, Tax Parcel Number: 065100007.

WHEREAS, the property is in the B-2, General Commercial, zoning district; and

WHEREAS, the City received a petition submitted by Chase Gibrall, applicant, and representative of Navarrete's Auto Sales, 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; and

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, the City Council approves the request with conditions as listed below:

- 1) The lot shall be maintained in an appropriate, clean manner; paved; and vehicles for sale shall be parked only one per space.
- 2) Only 10 vehicles are to be for-sale on the property at a given time due to parking requirements.
- 3) A lighting plan shall be submitted and approved by the Planning Department staff to ensure residentially used properties will not be impacted by glare or spillover.

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

NOW THEREFORE BE IT ORDAINED that the City Council hereby approves a Special Use Permit for 2520 Deerfield Drive with the aforementioned conditions.

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-SUP-09

APPLICANT: Chase Gibrall

ADDRESS: 3701 New Kent Hwy Quantico VA 23141

I, Navarrete's Auto Sales hereby petition to ~~rezone~~ the following described properties
from zoning district N/A to zoning district N/A

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

USED CAR Dealer - 10 cars

* Do not work on them and no car wash

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

065100007

2. Current Street Address(es) if assigned:

2520 Deerfield Dr.

3. Approximate Area:

2,995 sq. ft.

1.607 acres

4. Public Street Frontage:

See plat attached 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:

none

7. Brief:

Said deed restrictions will expire on:

NONE

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:

Mailing Address:

3701 New Kent Hwy. Quantico VA 23141

Phone Number:

804-690-5964

Email Address:

Cgmotorsports1@gmail.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department):

11/28/2023

Date of Planning Commission Public Hearing:

1	11	2024
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Planning Commission Action(s):

Date of City Council Hearing:

City Council Action(s):

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).

Want to put a used car dealership in
these or small one

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).

Business use at property since the 1980's.

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).

Add 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).

Use requires the approval of an SUP

Petersburg, Virginia

Parcel:

065100007

Summary

Owner Name	GIBRALL PATRICK GIBRALL CHASE	National Historic District:	
Owner Mailing Address	3701 NEW KENT HWY QUINTON, VA 23141	Enterprise Zone:	
Property Use	432	Opportunity Zone:	51730811200
State Class:	4 Commercial and Industrial	VA Senate District:	16
Zoning:	B-2	Va House District:	63
Property Address	2520 DEERFIELD DR Petersburg, VA	Congressional District:	4
Legal Acreage:	1.607	City Ward:	2
Legal Description:	OAKHURST 0.331 ACRES SEC 1 90 X 60	Polling Place:	Good Shepherd Baptist Church
Subdivision:	Oakhurst	Primary Service Area:	
Assessment Neighborhood Name:		Census Tract:	8112
Local Historic District:		Elementary School:	Walnut Hill
		Middle School:	Vernon Johns Middle School
		High School:	Petersburg High School

Improvements

Finished (Above Grade):	3,180	Shed:	
Basement:		Total Rooms:	
Attached Garage:		Bedrooms:	
Detached Garage:		Full Baths:	2
Enclosed Porch:		Half Baths:	
Open Porch:		Foundation:	
Deck/Patio:		Central A/C:	100%

Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
GIBRALL,PATRICK	12/22/2022	\$0	2022/4917
HOBBS,LAMONT A	10/18/2022	\$115,000	2022/4041
VINSON INVESTMENTS INC,	1/19/2021	\$87,300	2021/0189

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	\$58,700	\$58,700	\$58,700	\$58,700	\$58,700
Improvement Value	\$52,700	\$52,700	\$52,700	\$74,900	\$74,900
Total Value	\$111,400	\$111,400	\$111,400	\$133,600	\$133,600

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
- Zoning

- A
- B-1
- B-2
- B-2c
- B-3
- M-1
- M-2
- MXD1
- MXD2
- PUD
- R-1
- R-1A
- R-2
- R-3
- R-4
- R-5
- R-6
- RB
- RMH
- RTH



Parcel #: 065100007

Date: 1/5/2024

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.

Michael E. Bristow C.L.S. 1305

JOSEPH V. POWROZNIK JR.
D.B. 319, P. 524

N 66° 09' E 100.00'

NOW VIRGINIA-FLORIDA CAPITAL CORP.
D.B. 203, P. 578 PRINCE GEORGE
PARCEL TO BE ACQUIRED BY
RICHARD A. BRISTOW
14400⁺ 0.331 ACRE
#2520 DEERFIELD DRIVE.

S 66° 09' W 160.00'

VIRGINIA-FLORIDA
CAPITAL CORP.

NOTE: SEE P.B. 10, P. 55 PR. GEO.

MICHAEL E. BRISTOW
CERTIFIED LAND SURVEYOR PETERSBURG, VA.

PLAT SHOWING PROPERTY TO BE ACQUIRED BY
RICHARD A. BRISTOW
ON WEST SIDE DEERFIELD DRIVE
OAKHURST SUBDIVISION
PETERSBURG, VIRGINIA

SCALE: 1" = 30'
DATE: NOVEMBER 16, 1978

Draw. No.

I hereby certify that the taxes imposed by
Sec. 58-54.1 of the Code in the amount of
\$25.00 have been paid to this office.

VIRGINIA: In the Clerk's Office of the Circuit Court of
the City of Petersburg, December 15th 1978
The foregoing instrument was this day lodged in said
office and, with the certificate and plat
admitted to record at 1:10 P.M.
Tested Walter L. Rouse Clerk

Mailed 2-2-79 to Richard A. Bristow, #675 Shirley Ave Petersburg, Virginia

PROPERTY LOCATI Map 065100007 Block

No	Alt No	Direction/Street/City
2520		DEERFIELD DR, PETERSBUR

OWNERSHIP		Unit #
Owner	GIBRALL PATRICK	
Street	2520 DEERFIELD DR	
Twn/Cit	PETERSBURG	
St/Prov	VA	Cntr
Postal	23805	Type

ACTIVITY INFORMATION			
Date	Result	By	Name

PROPERTY FACTORS					
Ite	Code	Description	%	Item	Code
Z	B-2	B-2	10	water	
o				Sew	
n				Elect	
Exmpt:					

CONDO INFORMATION		DEPRECIATION	
Locatio	Phys Con		
Ttl Unit	Functiona		
Floor:	Economic		
% Ow	Special:		
Name:	Override:		

IN PROCESS APPRAISAL SUMM

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value
432	70000.000	74,900		58,700	133,600

Total Card	1.607	74,900	58,700	133,600
Total Parcel	1.607	74,900	58,700	133,600

Source: OverRide	Total Assmnt per SQ unit /C	42.01	/Parc	42.0
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PREVIOUS ASSESSMENT

Tax Yr	Use	Building Value	Yard Items	Land Size	Land Value	Total Value	Total Assessed
2023	432	74,900		70,000.	58,700	133,600	
2022	432	52,700		70,000.	58,700	111,400	111,400

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Nal Desc	Sale Price	V	Tst	Verif	Assoc	PCL	Value
GIBRALL PATRICK	2022-4917	DG	12/22/202	GIFT		No	No				
HOBBS LAMONT A	2022-4041	DBS	10/18/202	QUALIFIED	115,000	No	No				

SPEC FEATURES/YARD ITEMS

Code	Description	A	Y	Qty	Size/Dim	Qual	Con	Year	Unit Price	D/	Dep	LUC	Fact	NB F	Appr Value	JCo	JFa	Ass'd Value
------	-------------	---	---	-----	----------	------	-----	------	------------	----	-----	-----	------	------	------------	-----	-----	-------------

More N	Total Yard Item	Total Special Feature	Total:
--------	-----------------	-----------------------	--------

LAND SECTION

Code	Description	Fact	Units	Depth/Pr	Unit Type	Land Type	Facto	Base	Price	Adj	NBC	N.INF	N.Mo	Infl 1	%	Infl 2	%	Infl 3	%	Appraised	Alt Cla	%	Spec	J	Fact	Use Value	Notes
432	Car Wash		70000		SQUARE SITE			0	1.	0.75	4075	0.75			0					52,500						52,500	

Total AC/H	1.60698	Total SF/S	70000	Parcel LU	432	Car Wash	Prime NB D	Crater Roa
------------	---------	------------	-------	-----------	-----	----------	------------	------------

EXTERIOR INFORMATION

Type:	1S Warehouse
Sty Ht:	1S - 1 STORY
(Liv) Units	Total: 0
Foundation	
Frame:	
Prime Wa	BLOCK
Sec Wall:	%
Roof Stru	
Roof Cov	METAL
Color:	
View /Des	

GENERAL INFORMATION

Grade: AVERAGE	
Year Blt: 1980	Eff Yr Blt: 20
Alt LUC:	Alt %:
Jurisdic:	Fact:
Const Mod:	
Lump Sum Ad	

INTERIOR INFORMATION

Avg Ht/FL STD	
Prim Int	
Sec Int W	
Partition:	
Prim Floo	
Sec Floor	
Bsmnt Flr	
Bsmnt Ga	
Electric:	
Insulation:	
Int vs Ext:	
Heat Fuel	
Heat Typ	HEATPUM
# Heat Sy	
% Heated	100
Solar HW	NO
% Com	
% AC:	
Central V	
% Sprinkl	

BATH FEATURES

Full Ba	2	Ratin
A Bath:		Ratin
3/4 Bat		Ratin
A 3Qbt		Ratin
1/2 Bat		Ratin
A HBth		Ratin
OthrFix		Ratin

OTHER FEATURES

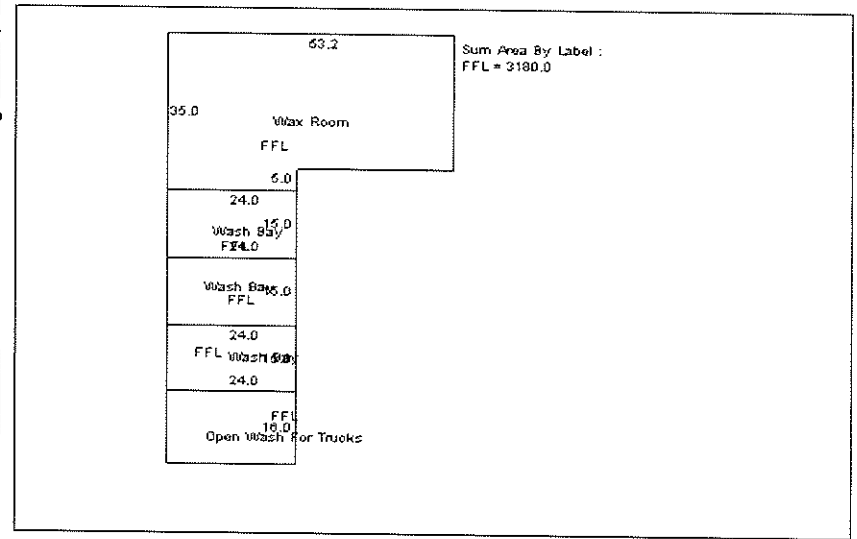
Kits:	Rating
A Kits:	Rating
Frpl:	Rating
WSFlu	Rating

REMODELING

Exterior:	
Interior:	
Additions	
Kitchen:	
Baths:	
Plumbin	
Electric:	
Heating:	
General:	

Print Date/Ti 11/27/2 10:22:3

TAX DISTRIC



BUILDING PERMIT CAR 1 of 1 TOTAL ASSESSE 133,600

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
------	--------	---------	--------	-----	------------	----------	------------	---------

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value
FFL	First Floor	3,180	54.630	173,708

RES BREAKDOWN

No	Uni	RMS	BRS	FL
	2	0		

SUB AREA DETAIL

Sub	%	Descr	%	Qu	#
Area	Usbl	Type		Ten	

CALC SUMMARY

Basic \$ / SQ:	50.00
Size Adj.:	1.149999
Const Adj.:	0.949999
Adj \$ / SQ:	54.625
Grade Factor:	1.00
Other Feature	9613
NBHD Inf:	0.750000
NBHD Mod:	
LUC Factor:	1.00
Adj Total:	137490
Depreciation:	1512
Depreciated T	135978
Juris. Factor	
Special Featur	0
Final Total:	136000

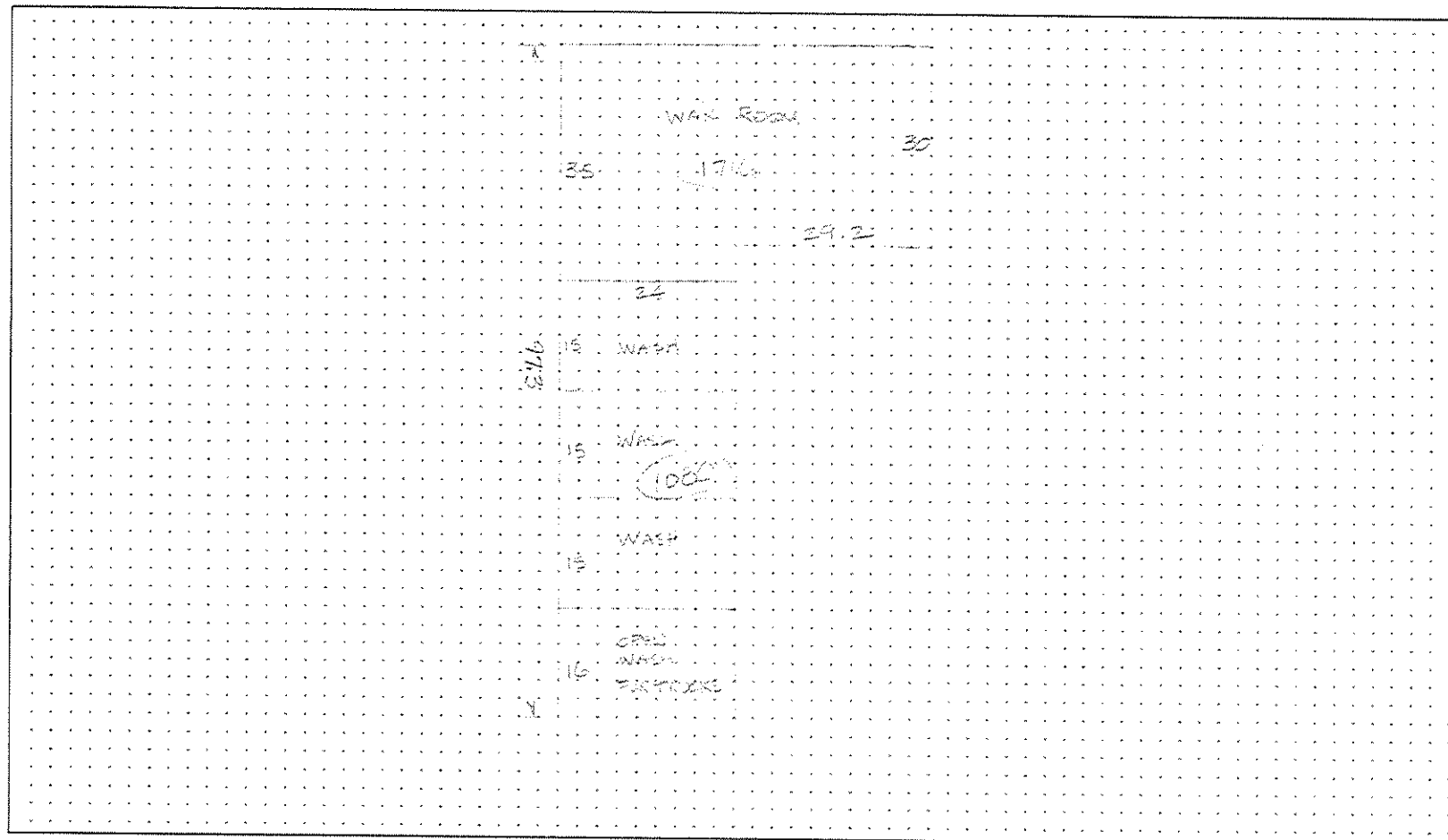
COMMENTS

EXTDC522.

Legal Description

OAKHURST 0.331 ACRES SEC 1 90 X 60

OWNER OF RECORD				DATE RECORDED	DEED OR WILL BOOK	CONSIDERATION	MAP #: 28	065-10-007
EDWARDS, ARON C & CATHERINE J				1-16-85	411-99	\$ 30,000 R/S	LEGAL: 2520 DEERFIELD DRIVE OAKHURST SEC 1 0.331 AC 90 X 160	
Blowe Brothers Inc.				12-18-89	470-741	\$ 115,000		
Carbone, James J.				9/18/96	559-814	\$ 55,000	SITE DESCRIPTION	
Vinson Investments, Inc.				3/26/99	611-31	\$ 110,000	ZONING: R1A	USE CODE: 442
						\$	FRONTAGE: 90	DEPTH: 160
YEAR	LAND VALUE	BUILDING VALUE	TOTAL VALUE	REMARKS			SQ. FEET:	ACREAGE:
88/89	28,800	37,000	65,800				14400	0.331±
90	28800	38800	67600				REMARKS: 3/26/99 D/T 95,000 Car Wash	
92	28800	38800	67600				Previous called "77-Sidewalkway" by owner	
95	29600	50000	79600				BUILDING DESCRIPTION	
90x	43700	39000	82700				OCCUPANCY:	
01/04	44600	39800	84400				STORY TYPE:	
05	46800	41000	87800				EXTERIOR WALL:	
06	46800	43000	89800				ROOF:	
07	58500	47200	105700				ROOMS:	BEDROOMS: BATHS:
08/09	64400	52000	116400				HEAT:	
							% A/C:	BASEMENT: FP:



GROSS AREA:

NOTES: Pave 10000²

Agreement

This agreement, effective as of November 28, 2023, is entered into by and between Chase Prince Gibrall (hereinafter referred to as "Landlord") and Dasaylin Marbella Navarrete Santos (hereinafter referred to as "Tenant").

1. Initial Payment and Special Use Permit: The tenant agrees to provide the landlord, Chase Prince, with the sum of \$4,000 to initiate the process of obtaining a special use permit for the property located at 2520 Deerfield Dr., Petersburg, VA 23805. Upon receipt of this amount, the tenant shall be granted possession of the property, including the right to commence its use. No further payments shall be due from the tenant until the special use permit is approved by the relevant zoning authorities. In the event that the special use permit is not approved, the tenant reserves the right to vacate the property, as it cannot be utilized for its intended purpose as a used car dealership.

2. Month-to-Month Lease: Upon approval of the special use permit, a month-to-month lease agreement will commence. This arrangement will persist until the issuance of the dealership license by the dealer board. If, for any reason, the dealership license is not approved, the tenant retains the right to terminate the lease agreement and vacate the property.

This agreement represents the understanding and agreement reached by both parties, Chase Prince Gibrall and Dasaylin Marbella Navarrete Santos.

Landlord: [Signature]

Chase Prince Gibrall

Tenant: [Signature]

Dasaylin Marbella Navarrete Santos

Date: November 28, 2023



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

City of Petersburg

Sandra A. Robinson
Zoning Administrator
804-733-2309
srobinson@petersburg-va.org

PUBLIC NOTICE

Notice is hereby given to all interested persons, the City of Petersburg Planning Commission will hold a public hearing on Thursday, January 11, 2024, in the Petersburg Public Library Multipurpose Room, located at 201 W Washington Street, Petersburg, Virginia 23803, beginning at 6:30 p.m. to hear the following cases:

2023-SUP-09: A Public Hearing and consideration of a request from Chase Gibrall, applicant, and representative for Navarrete's Auto Sales 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 2520 Deerfield Drive, and further identified as Tax Parcel # 065100007. The parcel of land contains 0.331 acres. The applicant's goal is to operate a used car lot containing a minimum of 10 cars on the property. The Comprehensive Plan suggests this area is appropriate for commercial and residential uses. The property is zoned B-2, General Commercial District.

2023-SUP-10: A Public Hearing and consideration of a request from Grand Generation, LLC, owner, D. Wyatt for a Special Use Permit pursuant to Article 23, Section 4(20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. The subject property is located at 1700-1701 Midway Ave, Tax Parcel 028310001 and is zoned M-1, Light Industrial District. The location of the subject property is within the Anchor Industrial Park owned by Charles H. Funk III of Funk LLC.

2023-ZTA-02: A public hearing and consideration of a resolution recommending approval to amend and readopt Article 21, Sign Regulations, to regulate and allow for sandwich board/A-frame signs.

2023-ZTA-03: A public hearing and consideration of a resolution recommending approval to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing.

Information and related material concerning this request may be examined on the Planning Commission Website: <http://www.petersburg-va.gov/119/Planning-Commission>, or by contacting the Department of Planning and Community Development at (804)733-2308. The Department is open Monday-Friday, 8:30 a.m. to 5:00 p.m.

All interested persons shall have the opportunity to be heard at said public hearing. The public is encouraged to submit comments through electronic means. Comments may be sent by email to

pcd@petersburg-va.org or by postal mail to the Department of Planning & Community Development, 135 N Union St., City Hall, Room 304, Petersburg, VA 23803. Citizens are encouraged to submit comments by 10:00 a.m. Tuesday, January 9, 2024, to ensure they can be provided to the Planning Commission for their consideration prior to the hearing.

Should you have any questions about this correspondence, or if you need additional information or assistance regarding this matter, please contact the Department of Planning and Community Development at 804 -733-2308 or via email at pcd@petersburg-va.org.

Naomi Siodmok, Director
Department of Planning & Community Development

12/28/23 and 1/4/24 (#9411664)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: A Public Hearing and consideration of a request from Grand Generation, LLC, owner D. Wyatt for a Special Use Permit pursuant to Article 23, Section 4(20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. The subject property is located at 1700-1701 Midway Ave and is zoned M-1, Light Industrial District. (Page 89)

PURPOSE: To operate a tow service company at 1700 Midway Avenue.

REASON: A petition for a special use permit to operate a tow service at 1700 Midway Avenue.

RECOMMENDATION: Planning Commission and Staff recommend approval with conditions:

1. All vehicles are to be stored within the confines of the property's fence.
2. Beyond vehicles, no open, outdoor storage is permitted.
3. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License.

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 2/6/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 23-SUP-10 1700 Midway Ave Tow Lot PACKET



City of Petersburg

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

Sandra A. Robinson
Zoning Administrator
804-733-2309
srobinson@petersburg-va.org

TO: Mayor and Council

FROM: Planning and Community Development

DATE: February 2024

SUBJECT: 2023-SUP-10
Tax Map Parcel 028310001
1700 Midway Ave, Petersburg, VA. 23803

A petition from the owner of Grand Generation, LLC., D. Wyatt, leasee, of 1700 Midway Ave. T.P. 028310001. The property is currently zoned M-1, Light Industrial District. The applicant seeks a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. FUNK LLC is the owner of said property. The current Comprehensive Plan 2000 suggests that the area is suitable for commercial/industrial uses.

I. APPLICANT'S PROPOSAL

The applicant desires to be allowed to operate his tow service company at the subject property as provided under Article 23, Section 4 (20) of the Zoning Ordinance, on a 0.865-acre parcel located off W. Washington St and within the "Anchor Industrial Park" addressed as 1700 Anchor Ave, Lot 1C-R, also identified as Tax Parcel 028310001. (See attached plat dated February 8, 2022, by Stephen L. Barcena, Baseline Land Surveying, 526 Grove Ave). The subject property is zoned M-1, Light Industrial District and the Comprehensive Plan 2000 suggests that the property is suitable for commercial/industrial uses. The proposed use requested, if permitted, will be controlled by zoning conditions and ordinance standards.

The lot is vacant and fenced where parking can be provided between Anchor and Midway Avenue. Access can also be gained from Armada Avenue as well. The lot is partially paved. The property has no real vegetative areas apart from the entrance along the right-of-way.

It is the request of the applicant/owner to use the existing parcel to accommodate his vehicle towing business within the parameters of the

property. The applicant is hindered by use of the premises unless his request for a Special Use Permit is approved as there aren't any available sites in the city which can accommodate his needs.

Occupancy of the property for the proposed use will be achieved under the existing zoning classification/regulations, however, the proposed use requires the approval of a Special Use Permit as an overlay district.

The parcel will not need to be converted but will need to ensure that suitable ground cover (asphalt, concrete, or gravel) is provided for the towing use per regulations. This requirement can be changed only by the City Engineer within the Department of Public Works. Per Article 23 of the Zoning Ordinance, among the delineated uses included is a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1, Light Industrial and M-2, Heavy Industrial zoning districts and by the granting of a Special Use Permit as an overlay district.

II. CHARACTER OF THE AREA

The subject property is immediately adjacent to and surrounded by other automotive operations along the West Washington Street corridor. Those establishments are Quaye Automotive & Repair, the Horse & Carriage Auto Body Collision Repair at 1917 W Washington Street, Wheel Service at 2300 W. Washington Street, Mabry's Towing at 2318 W Washington Street, 2128 Sams Auto Repair, Sells and Auto Tinting, to name a few. Further along W Washington Street at the Dinwiddie County line is the home of Dominion Virginia Power contractor's yard/headquarters.

III. RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: As per Article 23 of the Zoning Ordinance, a Special Use Permit may be requested in seeking to operate a business enumerated per Article 23 at an appropriate location when supported by the property owner(s). A favorable Planning Commission recommendation may be referred to the City Council and the Council may grant approval when the public health, safety, moral and general welfare will not be adversely affected, and provided that necessary safeguards will be provided to protect surrounding property, persons, and neighborhood values.

IV. PUBLIC INPUT:

As of the writing of this report, staff have received no telephone calls, emails, or letters in support of or in opposition to the request.

V. Recommendation

Planning Commission and staff recommend approval with the following conditions:

1. All vehicles are to be stored within the confines of the property's fence.

2. Beyond vehicles, no open, outdoor storage is permitted.
3. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License.

VI. EXHIBITS

Tax Parcel Map Extract
Zoning Map Extract
Applicants Petition
Miscellaneous Information

CITY COUNCIL
FEBRUARY 2024



2023-SUP-10

Request by Grand Generation, LLC., D. Wyatt, lessee of 1700 Midway Avenue, to obtain a Special Use Permit to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot.

Background

Applicant: Grand Generation, LLC., D. Wyatt, lessee.

Request: A Special Use Permit for the operation of a vehicle storage lot/tow lot.

Code Requirement: Article 23, Section 4 (20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.

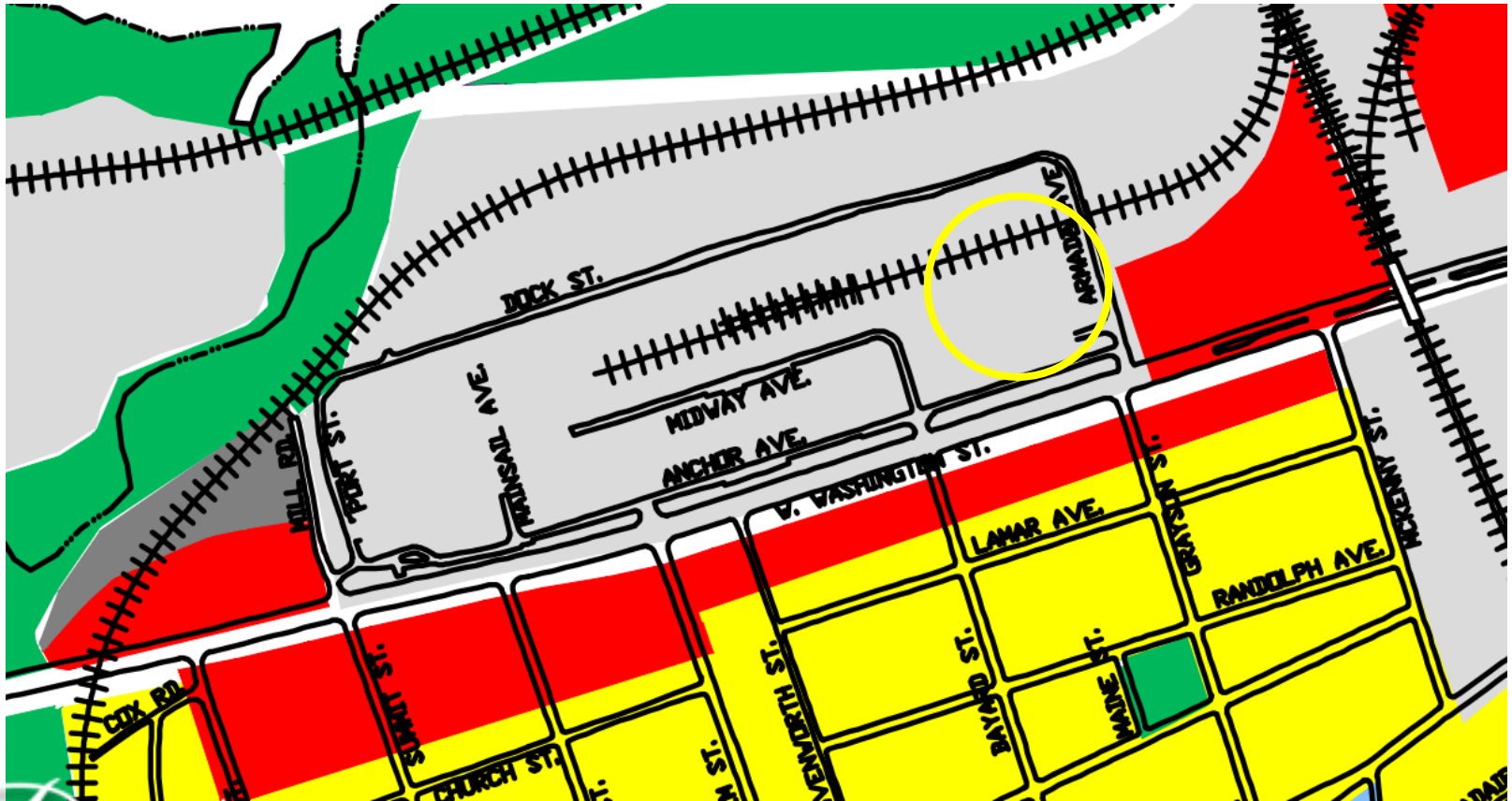
Location 1700 Midway Ave



Zoning M-1, Light Industrial



Comprehensive Plan Light Industrial



Site Photos



Site Photos



Recommendation

The Planning Commission and Department of Planning & Community Development, recommend approval of the requested Special Use Permit with conditions:

1. All vehicles are to be stored within the confines of the property's fence.
2. Beyond vehicles, no open, outdoor storage is permitted.
3. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License.

**AN ORDINANCE APPROVING A PETITION FOR A SPECIAL USE PERMIT AT 1700 MIDWAY DRIVE
PARCEL IDENTIFICATION NUMBER 028310001 IN THE M-1, LIGHT INDUSTRIAL, ZONING
DISTRICT TO OPERATE AS A VEHICLE REMOVAL OPERATOR, VEHICLE STORAGE LOT, OR
VEHICLE TOW LOT.**

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

WHEREAS, the property is located at 1700 Midway Drive, Tax Parcel Number: 028310001; and

WHEREAS, the property is in the M-1, Light Industrial, zoning district; and

WHEREAS, the City received a petition from the owner of Grand Generation, LLC., D. Wyatt, lessee of 1700 Midway Avenue, Tax Parcel Number 028310001. The property is zoned M-1, Light Industrial, District. The applicant seeks a Special Use Permit pursuant to Article 23, Section 4 (20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only; and

WHEREAS, the proposed use of a vehicle 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 industrial; and

WHEREAS, City Council approves the request with conditions as listed below:

1. All vehicles are to be stored within the confines of the property's fence.
2. Beyond vehicles, no open, outdoor storage is permitted.
3. The site shall be properly lit with lighting directed in a downward and inward position to not spillover onto adjacent properties. A lighting plan shall be submitted and approved by the Planning Department staff prior to the issuance of a Business License; 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 the SUP, and the public hearing was advertised, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve a Special Use Permit for 1700 Midway Drive with conditions.

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-SUP-10

APPLICANT: Grand Generation LLC DBA 5Star Logistics

ADDRESS: 17200 Eppes Rd Dewitt, VA 23840

I, Grand Generation LLC hereby petition to rezone the following described properties
from zoning district M-1 to zoning district M-1

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

Towing yard and vehicle storage.

B. PROPERTY INFORMATION

1. Tax Parcel Identification Number(s):

028310001

2. Current Street Address(es) if assigned:

17100 Midway Ave, Petersburg, VA 23803

3. Approximate Area:

27,904.751 sq. ft.

0.641 acres

4. Public Street Frontage:

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:

None.

7. Brief:

Said deed restrictions will expire on:

N/A

C. JUSTIFICATION FOR REZONING

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

Wouldn't be able operate without a special use permit. Per article 23 of the zoning ordinance.

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).

Property is zoned light Industrial and towing operations are allowed in the M-1 district. ~~Vehicle~~ Automobiles will not be stored over allowed DMV time frame to process. Yard will be visible, lighted, and also secured. Also will be blocked from ~~public~~ public view.

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 increase in demand of towing in the tri-city area. Another opportunity of employment for jobs within the city limits.

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).

Sup. is required for a overlay to the zoning district.

D. CERTIFICATION:

The undersigned applicant certifies that they:

D.W. (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:

D. W. [Signature]

Mailing Address:

17200 Eppes Rd DewAH, VA 23840

Phone Number:

804-605-7585

Email Address:

5STARlogistics18@gmail.com

APPROVED

City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

ACTION RECORD

Date Filed (with Planning Department): 12-13-2023

Date of Planning Commission Public Hearing: 1-11-2024

Planning Commission Action(s): _____

Date of City Council Hearing: _____

City Council Action(s): _____

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

Nonis Enterprises LLC

1781 Anchor Ave.
Petersburg, VA

Kirk Kley
Edward M. Dunn

1741 Anchor Ave.

Frank K Kley

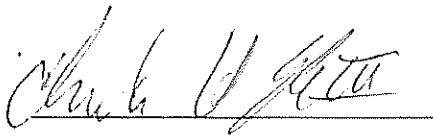
1711 Anchor Ave.

For additional names, use back of sheet

December 14, 2023

To whom it may concern:

This document is to verify that Grand Generation LLC dba 5 Star Logistics has signed a lease agreement with Funk LLC for the property located at 1701 Midway Ave, Petersburg, Va, 23803.

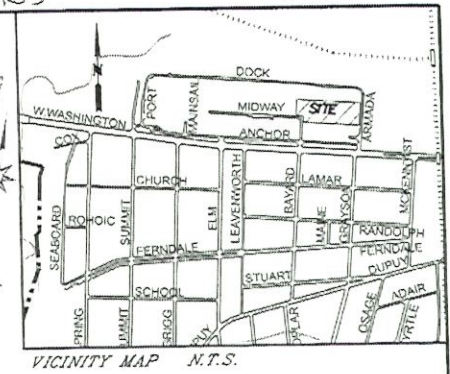
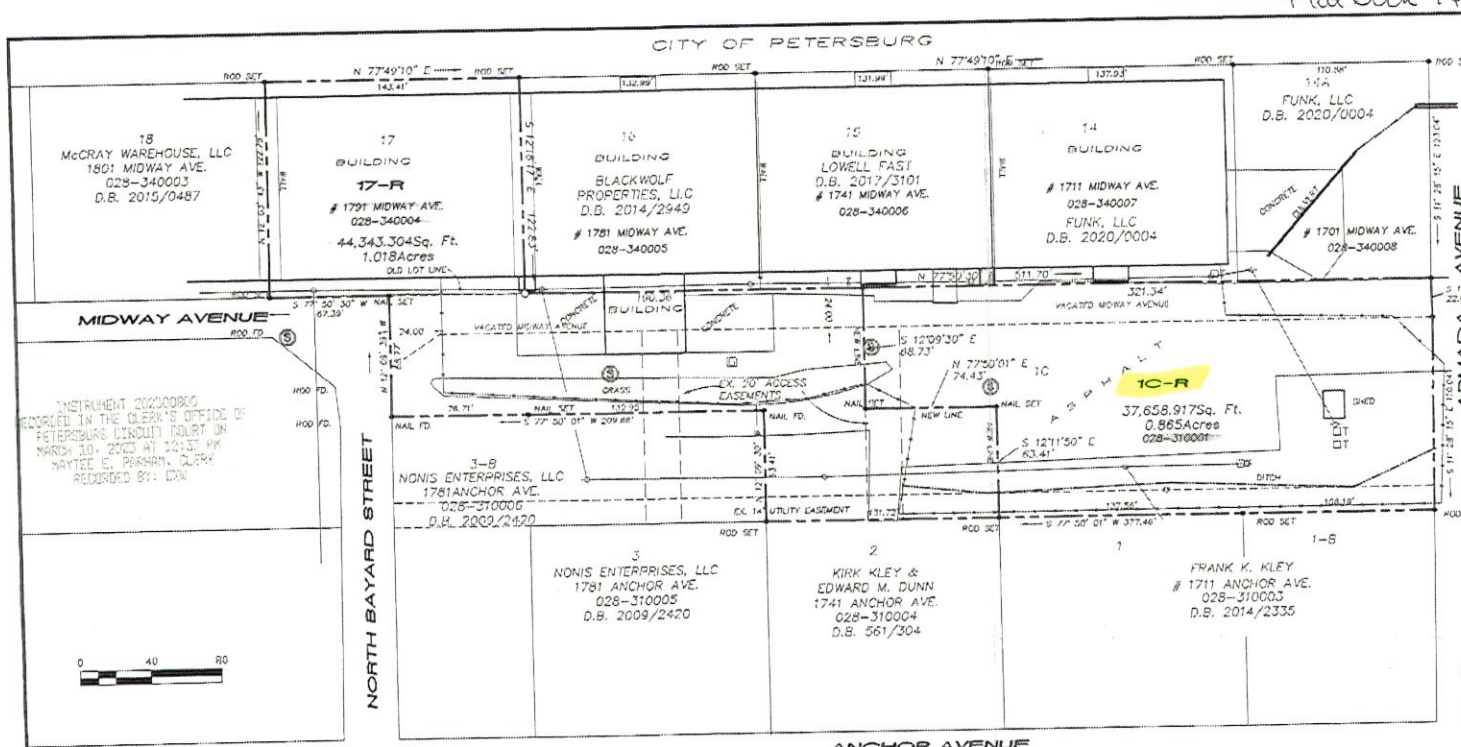


Charles H. Funk III

Funk, LLC

12-14-2023

Date



- NOTES**
1. ZONING: M-1
 2. USE: LIGHT INDUSTRIAL
 3. ROADS: EXISTING
 4. DRAINAGE: EXISTING CURB & GUTTER
 5. SEWER: EXISTING PUBLIC SYSTEM
 6. WATER: EXISTING PUBLIC SYSTEM
 7. No. OF LOTS EX/PROP.: 2/7
 8. TOTAL AREA: 1.893 ACRES
 9. TAX PARCEL Nos: 028-310001, 028-340004

City Engineer's Certificate of Approval

Examined this date 12-21-2022 and approved as meeting all Engineering requirements:
Director of Public Works

City Planner's Certificate of Approval

All applicable requirements of the City of Petersburg Subdivision Ordinance have been complied with. Approved for recording this 1st day of January, 2023.
Director of Planning/CD

Owner's Certificate

We the undersigned owners do consent to the Boundary Line Adjustment/ Lot Line Vacation as shown on this plat between Lot 17 and Lot 10, Anchor Industrial Park. A plat of said Subdivision being recorded in Plot Book 4, Page 184 in the Clerk's Office of the Circuit Court, Petersburg, Virginia.

SURVEYOR'S CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISIONS IN THE CITY OF PETERSBURG, VIRGINIA, HAVE BEEN COMPLIED WITH. ALL MONUMENTS HAVE BEEN SET.

STATE OF VIRGINIA

I, THOMAS P. CHAPMAN, a Notary Public in and for the State of Virginia, do hereby certify that CHARLES M. FUNK, LLC whose names are signed to the Owner's Certificate have acknowledged the same before me in my State aforesaid. Given under my hand this 12th day of FEBRUARY, 2023.
Notary Public

STATE OF VIRGINIA

I, THOMAS P. CHAPMAN, a Notary Public in and for the State of Virginia, do hereby certify that CHARLES M. FUNK, LLC whose names are signed to the Owner's Certificate have acknowledged the same before me in my State aforesaid. Given under my hand this 12th day of FEBRUARY, 2023.
Notary Public

SOURCE OF TITLE

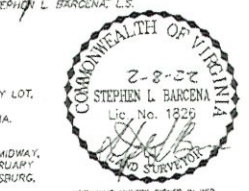
LOT 1-6
THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED FROM MIDWAY LOT, LLC TO FUNK, LLC BY DEED DATED DECEMBER 23, 2020 AND RECORDED JANUARY 4, 2021 AS INSTRUMENT # 202100004 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT, PETERSBURG, VIRGINIA.

LOT 17
THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED FROM 1701 MIDWAY, LLC TO BLACKWOLF PROPERTIES, LLC BY DEED DATED FEBRUARY 15, 2013 AND RECORDED FEBRUARY 16, 2013 AS INSTRUMENT # 13-000530 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT, PETERSBURG, VIRGINIA.

STATE OF VIRGINIA

I, THOMAS P. CHAPMAN, a Notary Public in and for the State of Virginia, do hereby certify that CHARLES M. FUNK, LLC whose names are signed to the Owner's Certificate have acknowledged the same before me in my State aforesaid. Given under my hand this 12th day of FEBRUARY, 2023.
Notary Public

PLAT SHOWING
A BOUNDARY LINE ADJUSTMENT BETWEEN LOTS
17 & 10
ANCHOR INDUSTRIAL PARK
PETERSBURG, VIRGINIA



BASELINE LAND SURVEYING
 326 GROVE AVENUE
 PETERSBURG, VIRGINIA 23803
 PH: 804.220.9160 / FX: 804.222.9517

DATE: FEBRUARY 8, 2022 SCALE: 1" = 40'
 DRAWN BY: SLB
 CHECKED BY: CALC: CHK: SLB
 JOB NO: 23105 P.B. TDS



City of Petersburg

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

Sandra A. Robinson
Zoning Administrator
804-733-2309
srobinson@petersburg-va.org

January 2, 2024

Notice is hereby given to all interested persons, the City of Petersburg Planning Commission will hold a public hearing on Thursday, January 11, 2024, in the Petersburg Public Library Multipurpose Room, located at 201 W Washington Street, Petersburg, Virginia 23803, beginning at 6:30 p.m. to hear the following case:

2023-SUP-10: A Public Hearing and consideration of a request from Grand Generation, LLC, owner, D. Wyatt for a Special Use Permit pursuant to Article 23, Section 4(20) of the Zoning Ordinance to operate as a vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only. The subject property is located at 1700-1701 Midway Ave, Tax Parcel 028310001 and is zoned M-1, Light Industrial District. The location of the subject property is within Anchor Industrial Park, owned by Charles H. Funk III of Funk LLC.

Information and related material concerning this request may be examined on the Planning Commission Website: <http://www.petersburg-va.gov/119/Planning-Commission>, or by contacting the Department of Planning and Community Development at (804)733-2308. The Department is open Monday-Friday, 8:30 a.m. to 5:00 p.m.

All interested persons shall have the opportunity to be heard at said public hearing. The public is encouraged to submit comments through electronic means. Comments may be sent by email to pcd@petersburg-va.org or by postal mail to the Department of Planning & Community Development, 135 N Union St., City Hall, Room 304, Petersburg, VA 23803. Citizens are encouraged to submit comments by 10:00 a.m. Tuesday, January 9, 2024, to ensure they can be provided to the Planning Commission for their consideration prior to the hearing.

Should you have any questions about this correspondence, or if you need additional information or assistance regarding this matter, please contact the Department of Planning and Community Development at 804 -733-2308 or via email at pcd@petersburg-va.org.

Naomi Siodmok, Director
Department of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: A public hearing and consideration of an ordinance to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing at the request of the Planning Commission. (Page 111)

PURPOSE: Though the City Ordinance under Article 19, Off Street Parking Regulations, states that parking spaces are required for residential development, the issue of developers not installing driveways prior to requesting a certificate of occupancy seems to make clarification necessary for compliance.

With this, Planning Commission has suggested a minor edit to Article 19 clarifying that parking must take the form of a driveway for low-density residential development. Further, a definition for driveway has been added to Article 3, Definitions, in the zoning ordinance.

REASON: To clarify the parking requirement for residential development.

RECOMMENDATION: Planning Commission recommends approval of the text amendment.

BACKGROUND: Though the City Ordinance under Article 19, Off Street Parking Regulations, states that parking spaces are required for residential development, the issue of developers not installing driveways prior to requesting a certificate of occupancy reveals that the ordinance needs clarification.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 2/6/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Planning Commission

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2023-ZTA-03 Residential Driveway PACKET



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: February 2024

TO: Mayor and Council

FROM: Planning Commission

RE: 2023-ZTA-03: A public hearing and consideration of a resolution recommending approval to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing.

SUMMARY: This text amendment is for clarification regarding the requirement for driveways for low-density (four units or less) residential.

BACKGROUND: Though the City Ordinance under Article 19, Off Street Parking Regulations, states that parking spaces are required for residential development, the issue of developers not installing driveways prior to requesting a certificate of occupancy seems to make clarification necessary for compliance.

With this, staff has suggested a minor edit to Article 19 clarifying that parking must take the form of a driveway for low-density residential development. Further, a definition for driveway has been added to Article 3, Definitions, in the zoning ordinance.

RECOMMENDATION: Planning Commission recommend approval of the proposed text amendments.

ATTACHMENTS

Presentation

Resolution

Article 19. Off Street Parking Regulations – Revised.

Article 3. Definitions – Revised.

CITY COUNCIL
February 2024

2023-ZTA-03: To amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing.

Request

2023-ZTA-03: To clarify the driveway requirement for low-density residential development (4-units or less).

Background

Though the City Ordinance under Article 19, Off Street Parking Regulations, states that parking spaces are required for residential development.

There has been a recent issue of developers not installing driveways prior to requesting a certificate of occupancy, which seems to make clarification necessary for compliance.

Proposed Language

ARTICLE 3. Definitions

Sec. 2. Definitions.

Driveway. The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

Article 19. Off-Street Parking Regulations

Section 4. General

(8) Residential parking requirements for single-family, duplexes, triplexes, quadplexes, and townhomes, must be accommodated in the form of a driveway that meets the minimum parking space requirements and design standards of this article.

Article 19. Off Street Parking Regulations

This article already outlines the following:

- 1) That off-street parking is required for all land uses and structures unless otherwise stated.
- 2) Parking must be surfaced.
- 3) Dimensions of parking spaces (180 SF – 9' x 20' or 10' x 18').
- 4) Parking space requirements for residential.
 - a. SF and Townhouse: Two spaces per dwelling unit.
 - b. Multi-family (including two-family): One space per each one-bedroom unit; two spaces per every two- or more bedroom dwelling units.

Recommendation

Planning Commission recommends approval of the recommendation to amend and readopt Article 19. and Article 3. of the City Zoning Ordinance.

AN ORDINANCE AMENDING AND READOPTING ARTICLE 3, DEFINITIONS, AND ARTICLE 19, OFF-STREET PARKING REGULATIONS, TO CLARIFY THE REQUIREMENT OF DRIVEWAYS FOR LOW-DENSITY HOUSING.

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3, Definitions, and Article 19, Off-Street Parking Regulations; and

WHEREAS, the purpose of Article 19 is to ensure all structures and land uses that are constructed, enlarged, erected, or extended provide off-street parking spaces; and

WHEREAS, The City of Petersburg currently requires off-street parking for residential development; and

WHEREAS, developers have been unclear about this requirement and have requested certificates of occupancy without installing the required parking spaces; and

WHEREAS, the City Council seeks clarify that parking for residential structures that are four units or less and townhomes are required to have driveways as a means of accommodating the required parking spaces; 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 ORDAINED that City Council does hereby approve an ordinance to amend and readopt Article 3, Definitions, and Article 19, Off-Street Parking Regulations, to clarify the requirement of driveways for low-density housing.

ARTICLE 19. OFF-STREET PARKING REGULATIONS

Section 1. Off-street parking requirements.

Except as otherwise provided in this ordinance, all structures and land uses constructed, enlarged, erected or extended shall provide off-street parking spaces in accordance with the provisions of this article.

(Ord. No. 89-88, 9-5-1989)

Section 2. Location of off-street parking.

Location of off-street parking facilities shall be provided on the same lot with the structure or land use served; except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained in areas within two hundred (200) feet of the building served.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit.

(Ord. No. 89-88, 9-5-1989)

Section 3. Design standards.

All off-street parking lots shall be surfaced with asphalt, concrete or other impermeable surface to protect against potholes, erosion and dust unless an alternative surface is allowed by the city engineer to control stormwater runoff. All parking lots shall be bordered by a curb of asphalt, concrete or other material acceptable to the city engineer. Entrances and exits for all parking facilities shall comply with existing ordinances of the city.

(Ord. No. 89-88, 9-5-1989)

Section 4. General.

- (1) All parking lots, regardless of the number of spaces, must have individual spaces marked. Such spaces shall be laid out on the parking surface with paint or plastic stripping which shall provide a permanent delineation between spaces. Spaces should be arranged so that any maneuvering directly incidental to entering or leaving a parking space shall not be on any public street, alley or walkway.
- (2) The parking requirements in this article do not limit requirements which may be imposed with special uses (Article 23) or special use exception (Article 27).
- (3) The parking requirements in this article apply to all districts except the B-3, Central Commercial District, where no special requirements are imposed.
- (4) The parking requirements in this article do not limit other requirements in this ordinance for parking contained in district regulations, particularly in the B-1, Shopping Center District, where special requirements may be imposed.

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- (5) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
 - (6) In the case of mixed uses, uses with different parking requirements occupying the same building or premises or in the case of joint use of a building or a premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - (7) Whenever a building or use constructed after the date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or other wise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
 - (8) Residential parking requirements for single-family, duplexes, triplexes, quadplexes, and townhomes, must be accommodated in the form of a driveway that meets the minimum parking space requirements and design standards of this article.

(Ord. No. 89-88, 9-5-1989)

Section 5. Parking space requirements.

Each individual space must total one hundred eighty (180) square feet using either 9' × 20' or 10' × 18' dimensions. Compact car spaces may account for up to twenty (20) percent of the total available spaces and shall be so marked. Compact car spaces shall have a minimum size of 7½' × 15'. Handicapped parking spaces shall conform to a minimum size of 13' × 19' and must be marked so. Any lot having at least ten (10) spaces must have one (1) handicapped space. Additional handicapped spaces will be determined using the ratio of one (1) handicapped space per fifty (50) spaces in the lot.

(Ord. No. 89-88, 9-5-1989; Ord. No. 13-25, 4-16-2013)

Section 6. Minimum parking spaces.

The following uses shall comply with the minimum parking requirements designated therefor:

- (1) *Animal hospitals, veterinary clinics, kennels, animal pounds and shelters:* At least one (1) space per three hundred (300) square feet of floor area.
- (2) *Auto sales and services to include new and used car dealers:* One (1) space per three hundred (300) square feet for the first one thousand five hundred (1,500) square feet of floor area and four hundred (400) square feet in excess thereof.
- (3) *Automobile service stations:* One (1) space per everyone hundred twenty-five (125) square feet of gross floor area.
- (4) *Banks, credit unions, savings and loans and other financial institutions:* Eight (8) spaces for first one thousand (1,000) square feet of floor area plus one (1) space per every one hundred fifty (150) square feet of additional floor area.
- (5) *Bowling alleys:* Five (5) spaces for each alley.
- (6) *Child-care centers and child-care education centers:* One (1) space per every three hundred (300) square feet of gross floor space.
- (7) *Convenience stores or quick-service food stores:* One (1) space per everyone hundred twenty-five (125) square feet of gross floor area

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- (8) *Institutions and libraries, museums and art galleries:* Not less than ten (10) spaces and one (1) additional space for every three hundred (300) square feet of gross floor space except as listed below:
- (a) *Convalescent homes or nursing homes:* One (1) space for every six (6) beds plus one (1) space per each employee, including staff doctors.
 - (b) *Churches or civic associations or assembly rooms:* One (1) space for every eight (8) seats.
 - (c) *Homes for the aged, disabled and handicapped:* One (1) space per every three patient beds plus one (1) space per each staff doctor, employee or doctor on main shift.
 - (d) *Hospitals:* One (1) space for every two (2) beds and one (1) space per every two (2) employees.
 - (e) *Theaters:* One (1) space for every four (4) fixed seats.
 - (f) *Primary and secondary schools:* One (1) space per classroom or one (1) space per every ten (10) seats in auditorium, whichever is greater.
 - (g) *High school, college or vocational:* One (1) space per eight (8) seats in auditorium or three (3) per classroom, whichever is greater.
- (9) *Fast-food restaurants:* One (1) space per one hundred (100) square feet of floor area plus five (5) stacking spaces per drive-thru window;
- (10) *Hotels:* One (1) space per each guestroom plus one employee space for every ten (10) guestrooms plus spaces for eating and assembly rooms as required for those uses in this ordinance.
- (11) *Medical, optical and dental offices and clinics:* One (1) space for each doctor and employee and three (3) spaces for each examining room and dentist's chair.
- (12) *Mortuaries and funeral homes:* One (1) space per every seventy-five (75) square feet of gross floor area plus one (1) space per each employee working on main shift.
- (13) *Motels:* One space per each guestroom plus one employee space per every ten guestrooms plus spaces for eating and assembly rooms as required for those uses in this ordinance.
- (14) *Nightclubs, bars and taverns:* One space per one hundred (100) square feet of floor area.
- (15) *Personal services, including beauty and barbershops, accountant and tax services, attorney offices and any other comparable services that cannot be classified as retail, with medical, dental or optical offices and clinics excluded:* Two spaces for each chair (barber or beauty shop) or one space for every 300 square feet of floor space for the first 1,500 square feet and one per 400 square feet in excess thereof.
- (16) *Private clubs, social centers, athletic clubs and commercial recreation facilities other than bowling alleys:* One space per every 200 square feet of gross floor area.
- (17) *Retail establishments, repair, plumbing and heating establishments and service establishments, excluding personal services defined hereinabove:* One space for every 300 square feet.
- (18) *Residential:*
- (a) *Single-family:* Two spaces per dwelling unit;
 - (b) *Townhouse:* Two spaces per dwelling unit;
 - (c) *Multifamily (including two-family dwelling(s)):* One space per each one-bedroom unit; two spaces per every two- or more bedroom dwelling units;
 - (d) *Multifamily elderly:* One space for every two dwelling units;
 - (e) *Boarding:* One space for each rental room and two spaces for principal dwelling.

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- (19) *Restaurants except fast-food restaurants but including those accessory to hotels and motels:* One space per 100 square feet of gross floor area.
 - (20) *Manufacturing and industrial plants, including processing, packaging, fabricating, research or testing labs, warehousing, printing or publishing:* At least one space per employee or maximum working shift.

(Ord. No. 89-88, 9-5-1989; Ord. No. 13-25, 4-16-2013)

Section 7. Similar uses.

For any use not specifically listed herein, the requirements of the most similar listed use shall apply unless otherwise specified.

(Ord. No. 89-88, 9-5-1989)

Section 8. Buffers required.

- (a) *Buffer required where adjoining property is residential.* Where a side or rear lot line abuts property used or zoned for residential purposes, there shall be installed and maintained a continuous evergreen vegetative screen or opaque structural fence not less than six feet in height planted or erected along such lot line.
- (b) *Buffers required along streets.* Buffers are required for new parking areas.

(Ord. No. 89-88, 9-5-1989; Ord. No. 13-25, 4-16-2013)

Section 9. Off-street shared parking requirements in B-2, B-3, and PUD districts.

Shared parking. In the B-2, B-3 and PUD districts, fifty percent of the number of off-street parking spaces required under section 6 of article 19 for dwelling units may be supplied by shared off-street parking spaces located on private property provided for non-dwelling uses that are not routinely open, used or operated between the hours of 6:00 p.m., and before 7:30 a.m. on any day. Notwithstanding the provisions of article 19, section 2, the required spaces for dwelling units may be located onsite or off-site, but if located off-site, in no event a distance greater than 500 feet measured from the end of the building closest to the off-site parcel to the individual parking space located on an off-site parcel supplying the required spaces. If a portion of an individual parking space is within the 500 feet distance, such parking space may be included as an off-site parking space for purposes of this section. In any case where the required off-street parking spaces are supplied by shared off-street parking spaces pursuant to this section, a written agreement shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit.

(Ord. No. 11-80, 7-19-2011)

ARTICLE 3. DEFINITIONS

Section 1. General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. No. 94-140, 11-15-1994)

Section 2. Definitions.

Abattoir. A commercial slaughterhouse.

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

Adult book store. A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult entertainment establishment. A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or

"specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Adult video store. A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

Alley. A public way which affords only a secondary means of access to property abutting thereon.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

Apartment house. Same as "dwelling, multiple-family."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

Automobile. A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

Automobile self-service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

Automobile service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

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(Supp. No. 18)

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Boardinghouse. A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

Breezeway. A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

Building. Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Buildable width. The width of that part of a lot not included within the open space herein required.

Child-care center. A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

Clinic. An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which insures to any individual, and not primarily to render a service which is customarily carried on as a business.

Conditional zoning. As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Commission. The planning commission of the City of Petersburg.

Court. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

District. Any section of the City of Petersburg within which the zoning regulations are uniform.

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(Supp. No. 18)

Drive-in restaurant. A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

Driveway. The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

Dwelling. Any building, or portion thereof: designed or used for residential purposes.

Dwelling, single-family. A building designed for use, or occupied exclusively, by one family.

Dwelling, two-family. A building designed for, or occupied exclusively, by two families living independently of each other.

Dwelling, multiple-family. A building designed for, or occupied exclusively, by three or more families living independently of each other.

Dwelling, townhouse. One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Family. One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

Family day-care home. Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

Floor area. The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

Frontage.

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

Garage, private. An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [such vehicle] of not more than two tons capacity.

Garage, storage or parking. A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline service station. Same as automobile self-service station.

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Grade.

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

Guesthouse. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

Hospital. A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

Hotel, motel. An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

Loading space. A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

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(Supp. No. 18)

Lodging house. Same as "boardinghouse."

Lot. A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

Lot, area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, depth of. The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

Lot, interior. A lot whose side line or lines do not abut upon any street.

Lot, through. An interior lot having frontage on two streets.

Lot of record. A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

Lot, width. The distance between the side lot lines measured at the required front yard line.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

Mini-storage facility, mini-warehouse, or self-storage facility. A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

Mobile food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Mobile home park. Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space. A plot of ground within a mobile home park designed for accommodation for one mobile home.

Mobile home subdivision. Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

Modular home or unit. An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

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(Supp. No. 18)

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

Parking space, off-street. An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Premises. A lot, together with all buildings and structures thereon.

Private club. An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

Private nursery school. A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

Proffer. A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

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(Supp. No. 18)

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

Rooming house. Same as "boardinghouse."

Sign. A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

Sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

Sign, flashing. Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, illuminated. Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must confirm to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Specified anatomical area. As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

Stand-alone used vehicle sales. A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

Structural alterations. Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court, auto court. Same as "motel."

Tractor-trailer. A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

Tractor-trailer service station or truck stop. Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

Trailer park, auto trailer camp or mobile home court. That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

Truck. A vehicle with a gross weight of more than five tons.

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(Supp. No. 18)

Vehicle demolisher. Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

Vehicle rebuilder. Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

Vehicle removal operator. Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

Vehicle salvage dealer. Any person who acquires any vehicle for the purpose of reselling any parts thereof.

Vehicle tow lot or storage lot. The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

Yard, front. A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, side. A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

(Ord. No. 21-15, (Exh. A), 3-16-2021; Ord. No. 21-18, (Exh. A), 3-23-2021; Ord. No. 23-13, Exh. A, 3-21-2023)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Consideration to accept a donation in the amount of \$500,000 from People's Advantage Federal Credit Union - 2nd Reading (Page 139)**

PURPOSE: Accept a \$500,000 donation by People's Advantage Federal Credit Union for the Petersburg High School Fieldhouse project.

REASON: Formally acceptance of the \$500,000 donation from People's Advantage Federal Credit Union (PAFCU) per the Memorandum of Understanding/Sponsorship Agreement

RECOMMENDATION: Accept the donation for \$500,000 by People's Advantage Federal Credit Union and direct the City Manager to transfer the funds to the Petersburg High School Stadium Enhancement Committee.

BACKGROUND: The City of Petersburg and People's Advantage Federal Credit Union (PAFCU) entered into a Memorandum of Understanding and Sponsorship Agreement where PAFCU agreed to invest \$500,000 toward the construction and maintenance of the Petersburg High School Fieldhouse. The City has received the sponsorship funds in accordance with the MOU. Once City Council formally accepts the donation, City Staff will transfer the funds to the Petersburg High School Stadium Enhancement Committee, a 501(c)3, that is undertaking the fundraising and construction of a new fieldhouse/athletic training facility at Petersburg High School. The funds are budgeted and appropriated as part of the FY24 budget amendment.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

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. MEMORANDUM OF UNDERSTANDING_CityofPBV2 - Fully Executed

MEMORANDUM OF UNDERSTANDING

SPONSORSHIP AGREEMENT

THIS MEMORANDUM OF UNDERSTANDING is made this 19th day of December 2023, by and between Peoples Advantage Federal Credit Union (hereinafter referred to as “PAFCU”), a federal credit union, licensed and duly authorized to conduct business in the Commonwealth of Virginia, and The City of Petersburg (hereinafter referred to as “The City of Petersburg”), collectively may be referred to as “the Parties”.

WITNESSETH:

WHEREAS, PAFCU desires to invest FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.00) to the City of Petersburg and the City of Petersburg School Board for the purpose of building and maintaining the Petersburg High School Field House (hereinafter referred to as the “Sponsorship”).

WHEREAS, The City of Petersburg is agreeable to provide advertising and benefits to PAFCU in return for PAFCU’s Sponsorship (hereinafter referred to as the “Benefits”).

WHEREAS, the Parties have agreed to enter into this Memorandum of Understanding to memorialize their agreement;

NOW, THEREFORE, in consideration of the mutual obligations contained herein, the parties do covenant and agree as follows:

1. PAFCU will provide its Sponsorship to the City of Petersburg within ten (10) days of the execution of this Memorandum of Understanding by both Parties.

2. To the extent permitted by Virginia law, The City of Petersburg will provide the following Benefits in return for PAFCU’s Sponsorship:

- Right of first refusal to offer financial education to all city employees and through city services- including the Virginia Community Resource Center for the term of the sponsorship.
- Access to use the mobile unit on site at all Petersburg City Events.
- Public announcement of partnership through all City of Petersburg and PAFCU press outlets.
- Right of first refusal for future small business revolving loan fund in partnership with the City of Petersburg.
- Premiere Financial Institution included as City and School employee benefits
- Access to provide PAFCU marketing material at all public city events
- Exclusive financial institution partnership for all City Employee programs

3. The City of Petersburg agrees to provide the Benefits for a term of fifteen (15) years from the date of this Memorandum of Understanding (hereinafter the “Term”).

4. If the City of Petersburg fails to provide the Benefits to PAFCU through the Term of this Memorandum of Understand, PAFCU may pursue a pro-rated reimbursement of its Sponsorship from the date of default.

5. If the Petersburg Field House is not built and open for use within three years of the execution of this agreement, PAFCU may pursue reimbursement of its Sponsorship from the date of default.

IN WITNESS WHEREOF, the Parties have executed this agreement of the day and year first above written.

PEOPLES ADVANTAGE FEDERAL CREDIT UNION

BY: *Amanda Habansky*
Amanda Habansky (Dec 18, 2023 13:26 EST)
Amanda Habansky, President/CEO

THE CITY OF PETERSBURG

BY: *John M. Altman, Jr.*
John M. Altman, Jr. (Dec 19, 2023 11:02 EST)
City Manager



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: A public hearing to amend the FY2023-2024 Budget. (Page 143)

PURPOSE: The City of Petersburg's Financial Policy and Virginia Code requires an appropriation amendment to the operating budget to be brought before the City Council if additional appropriations exceed 1% of the total expenditures; the appropriation amendment process must include a notice of a meeting and a public hearing.

REASON: Based on an extensive revenue assessment including the review of the City Assessor and City Commissioner of Revenue real property data, the Finance Department has determined that the Real property revenue projections were understated. In addition, the city received a \$500,000 pass-through grant, and additional state revenue funds.

RECOMMENDATION: To approve the amendment and Appropriation ordinance.

BACKGROUND: The Finance Department takes a very conservative position when projecting revenue. Our conservative approach has allowed the city to accumulate a strong general fund balance. The current financial policy requires that the city maintain a 17% actual expenditure fund balance. The city's current fund balance through the FY 2022 fiscal year was 53% (\$40 million). The FY 2023 unaudited fund balance projects a large fund balance increase. After the recent close of FY 2023, we have completed a detailed revenue analysis through January 31, 2024, and have determined that some revenue categories needed to be updated. Please note that the Finance Department's requested budget modification updates are still very conservative, and we still anticipate a significant increase in fund balance.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

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. FY24 Budget Amendment Ordinance Request

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

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

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

Previously adopted Revenues	\$84,202,469
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ADD:

Revenues from local sources	\$3,881,348
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Total Revenue	<u>\$88,123,817</u>
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023, and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted Expenditures	\$84,202,469
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ADD:

Field House Project Pass through	\$500,000
Special Projects	\$440,450
Bond Debt Payment	\$400,000
Workers Compensation	\$750,000
Southside VA Emergency Crew	\$650,000
Petersburg Public Library Development Co	\$349,445
Contingency	\$441,453
Audit/Compliance Contracts	<u>\$350,000</u>

Sub-Total	<u>\$3,881,348</u>
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Total Expense	<u>\$88,123,817</u>
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 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.
- 2nd Reading (Page 146)

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

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: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Travis Christian

RE: **Consideration of a resolution of support for the Certified Crime Prevention Community Certification Program. (Page 149)**

PURPOSE: Consideration of a resolution of support for crime prevention.

REASON: To approve resolution supporting crime prevention program.

RECOMMENDATION: To approve of the resolution of support for the Certified Crime Prevention Community Certification Program.

BACKGROUND: Our community, City of Petersburg, Virginia, wishes to participate in the Certified Crime Prevention Community Certification Program. The leadership of this community fully realizes this program requires dedicated efforts. By making entry into this program, we are pledging our honest efforts to become designated as a "Certified Crime Prevention Community."

The program requires the existence of formation of a local community crime prevention/community safety council or coalition. The name of the council/coalition is The Ace Team. The goal of the community is to complete successfully this program within six (6) months of the day of the official start date, to be recorded when the program manual is delivered.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/20/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

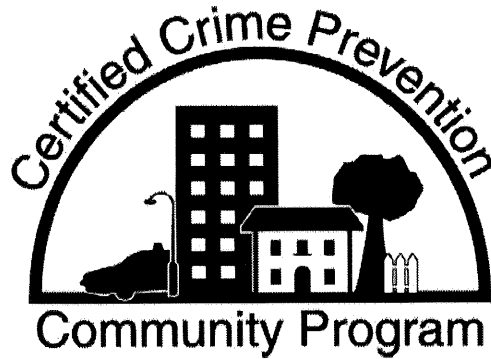
AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 20240202100541753
2. Resolution participation certified crime prevention 2024



STATEMENT OF INTENT

Our community, the City of Petersburg, Virginia wishes to participate in the Certified Crime Prevention Community Certification Program. The leadership of this community fully realizes this program requires dedicated effort. By making entry into this program, we are pledging our honest efforts to become designated as a "Certified Crime Prevention Community".

The program requires the existence of formation of a local community crime prevention/community safety council or coalition. The name of this council/coalition is the ACE Team.

We understand that the goal of our community is to complete successfully this program within six (6) months of the day of the official start date, to be recorded when the program manual is delivered.

Travis C. Christian

Designated Official

Chief of Police

Title

December 29, 2023

Date

Carol Adams

Program Coordinator

Captain

Title

December 29, 2023

Date

Address for Contact:

37 E. Tabb St.

Petersburg, Virginia

23803

Address for Contact:

32 W. Washington St.

Petersburg, Virginia

23803

Telephone:

Office 804-732-4222

Home _____

Telephone:

Office 804-605-6951

Home _____



RESOLUTION OF PARTICIPATION

WHEREAS, The governing body of _____ is interested in the safety and security of its citizenry and the community at large; and,

WHEREAS, The governing body is prepared to support appropriate efforts within the community to become totally prepared to promote crime prevention and community safety; and,

WHEREAS, The Department of Criminal Justice Services offers a program which is specifically designed to recognize Virginia communities committed to crime prevention and community safety while providing a framework for those communities to institutionalize crime prevention at the local level; and,

WHEREAS, This program is entitled the Certified Crime Prevention Community Program,

NOW THEREFORE, BE IT RESOLVED by the _____ That our community, _____ wishes to participate in the Certified Crime Prevention Community Program, and that the leadership of this community fully supports all reasonable efforts to meet the DCJS requirements to become designated as a Certified Crime Prevention Community; and

BE IT FURTHER RESOLVED, that the program requires the existence or formation of a local community crime prevention/community safety council or coalition, and this governing body designates the _____ as representing our community for the purpose or participating in this program.

This resolution is in full effect upon its adoption this ____ day of _____, 20__

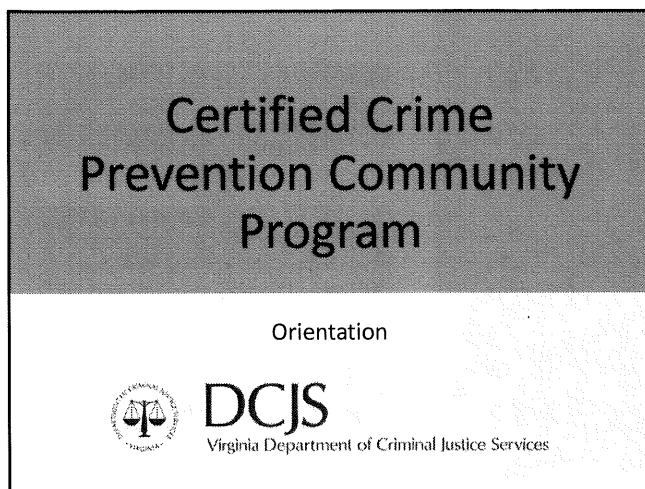
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Official

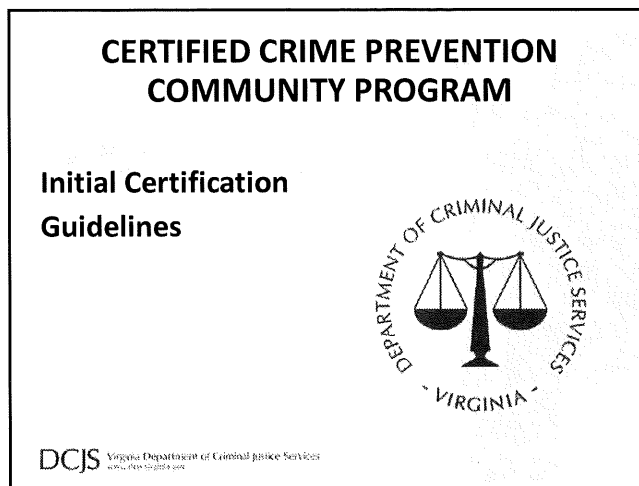
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Attest

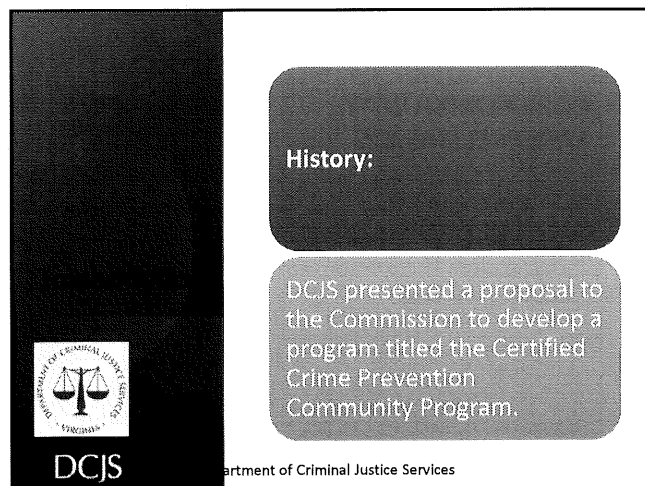
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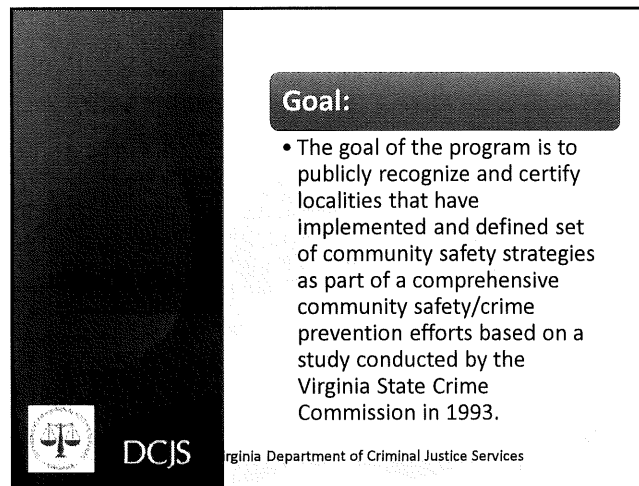
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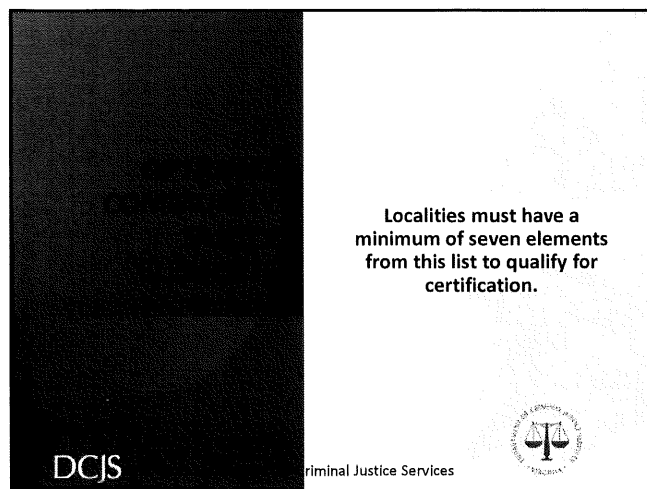
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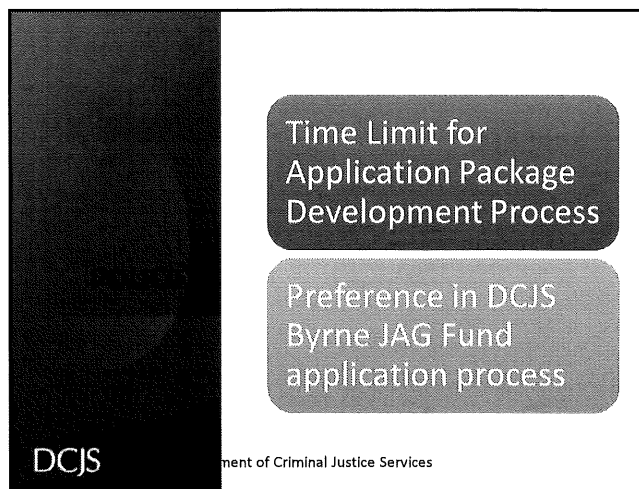
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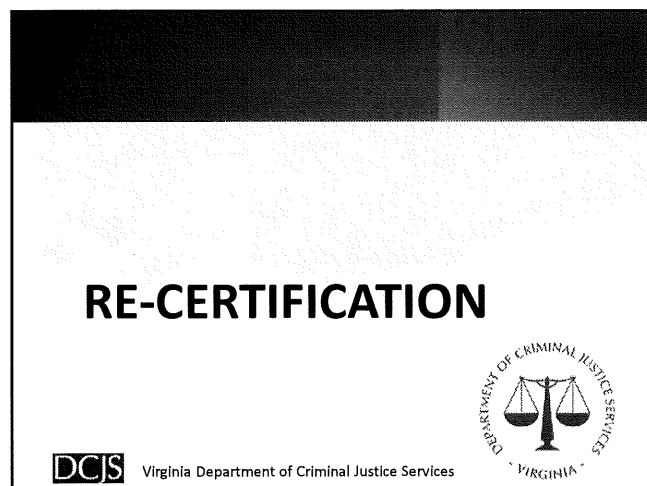
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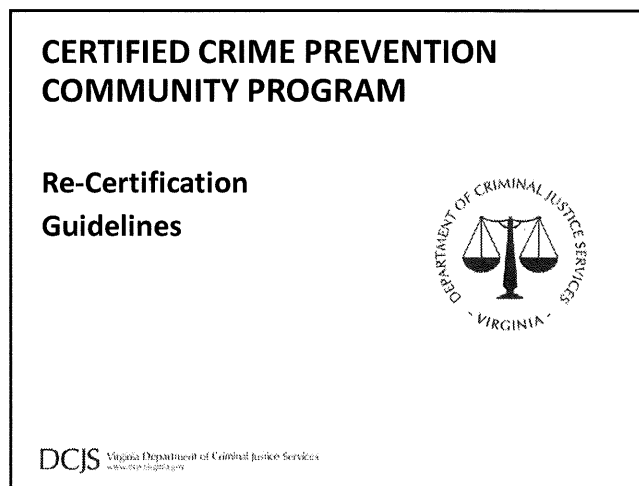
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12

CONTACT
INFORMATION

Tina Sumpter
**Virginia Department of Criminal
Justice Services**
Virginia Law Enforcement Professional
Standards Commission

Law Enforcement Accreditation –
Accreditation Coordinator
Tina.Sumpter@dcjs.virginia.gov
804-836-9818

DCJS Virginia Department of Criminal Justice Services

**A RESOLUTION APPROVING THE
PARTICIPATION OF THE CERTIFIED CRIME
PREVENTION COMMUNITY PROGRAM.**

WHEREAS, the governing body of the City of Petersburg is interested in the safety and security of the citizenry and the community at large; and

WHEREAS, the governing body is prepared to support appropriate efforts within the community to become totally prepared to promote crime prevention and community safety; and

WHEREAS, The Department of Criminal Justice Services offers a program which is specifically designed to recognize Virginia communities committed to crime prevention and community safety while providing a framework for those communities to institutionalize crime prevention at the local level; and

WHEREAS, this program is entitled the Certified Crime Prevention Community Program; and

NOW, THEREFORE, BE IT RESOLVED, by the Petersburg City Council, that our community, the City of Petersburg wishes to participate in the Certified Crime Prevention Community Program and that the leadership of this community fully supports all reasonable efforts to meet the DCJS requirements to become designated as a Certified Crime Prevention Community.

BE IT FURTHER RESOLVED, that the program requires the existence of or formation of a local community crime prevention/community safety council or coalition, and this governing body designates The ACE Team as representing our community for the purpose of participating in this program.

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: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Wayne Crocker

RE: **Consideration of an appropriation ordinance for State Aid to Public Libraries Revenue Funds in the amount of \$34,450. - 1st Reading (Page 158)**

PURPOSE: To provide funds to support the Petersburg Public Library.

REASON: To provide funds to support the Petersburg Public Library.

RECOMMENDATION: To approve the appropriation ordinance.

BACKGROUND: State Aid to Public Libraries is a formula based grant that encourages the formation of library systems at the regional, county and city level. The Petersburg Public Library has received notification from the Library of Virginia that its State Aid to Public Libraries appropriation is \$227,628.00 for FY24. This is \$34,6450.00 more than anticipated in the City's FY24 budget which takes in to consideration \$193,976.00 for State Aid to Public Libraries. The additional funds will be used for eligible State Aid expenditures to include the purchase of books, magazines, e-books, newspapers and other library materials necessary to enhance the Library collection offerings to the patrons of the Petersburg Public Library.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/6/2024

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. Ordinance State Aid 02-01-2024 (revised)

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024
FOR THE STATE AID FOR PUBLIC LIBRARIES FOR PETERSBURG.**

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

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

Previously adopted	\$193,178.00
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ADD: Additional State Aid (4-100-73100-8101)	\$34,450.00
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Total Revenue	<u>\$227,628.00</u>
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II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2023 and ending June 30, 2024, the following sums for the purposes mentioned:

Previously adopted	\$193,178.00
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ADD: Proceeds from the Estate of Nina Thaxter (3-100-73100-6012)	\$34,178.00
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Total Expenses	<u>\$227,628.00</u>
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City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Wayne Crocker

RE: Consideration of an appropriation ordinance for the donation to the Petersburg Public Library in the amount \$19,620. - 1st Reading (Page 161)

PURPOSE: To provide funds to support the Petersburg Public Library.

REASON: To provide funds to support the Petersburg Public Library.

RECOMMENDATION: To approve the appropriation ordinance in the amount of \$19,620.

BACKGROUND: In November 2023, the Petersburg Public Library was notified that it was one of the beneficiaries of the estate of Nina G. Thaxter. Mrs. Thaxter was once a resident of Petersburg, Virginia but was residing in Arizona. In December 2023, the Petersburg Public Library received a check in the amount \$19,620.00 from the estate of Mrs. Thaxter. These funds will be used to update the computers in the children's section of the Library.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 2/6/2024

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. Ordinance Thaxter Estate

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024
FOR THE PROCEEDS FROM THE ESTATE OF NINA THAXTER FOR
PETERSBURG.**

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

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

Previously adopted	\$150,000.00
ADD: Proceeds from the Estate of Nina Thaxter (4-100-73100-8101)	\$19,620.00
Total Revenue	<u>\$169,620.00</u>

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

Previously adopted	\$150,000.00
ADD: Proceeds from the Estate of Nina Thaxter (3-100-73100-8101)	\$19,620.00
Total Expenses	<u>\$169,620.00</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Consideration of a Memorandum of Understanding with Southside Virginia Emergency Crew. (Page 163)**

PURPOSE: Enter into a Memorandum of Understanding with Southside Virginia Emergency Crew.

REASON: Amend the 2019 Memorandum of Understanding with Southside Virginia Emergency Crew for Emergency Medical Services to provide increased Advance Life Support services to the community.

RECOMMENDATION: Authorize the City Manager to enter a Memorandum of Understanding with SVEC for the provisions of EMS Services for 2-years at a cost of \$650,000 annually.

BACKGROUND: SVEC has provided Advanced Life Support (ALS) service to the citizens of Petersburg since 1945. In 2019, SVEC and the City of Petersburg entered a MOU for the provision of EMS/ALS service. Many factors, including a 60% increase in operating expenses due to an increase in call volume of over 30%, have rendered the renewal of the current agreement an unsustainable option for SVEC. To address the increased call volume SVEC is changing its staffing model to add an additional daytime unit. This will result in Staffing/Units available as follows:

2 EMS ALS Transport Units-7 days a week, 1930-0730

3 EMS ALS Transport Units-7 days a week, 0730-1930

4 EMS ALS Transport Units-5 days a week, 0900-1700

SVEC will act as the primary EMS response agency during peak call times of 0730-1930 – 7 days/week. In the event all SVEC response vehicles are unavailable, the Petersburg Fire Rescue & Emergency Services (PFRES) will provide additional EMS Transport Units to respond or request mutual aid from a neighboring locality. This will result in an increased cost to the city of \$300,000 annually.

COST TO CITY: Total \$650,000 current FY, increase of \$300,000.

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

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. 2023 SVEC EMS Proposal 12.7.23



December 7, 2023

March Altman
City Manager
City of Petersburg City Hall
135 N. Union St.
Petersburg, VA 23803

RE: EMS MOU Proposal Revised based on December 6, 2023 discussion

Mr. Altman,

Effective Date: MOU will begin 120 Days after full execution of MOU with an Expiration Date no sooner than June 30, 2026. Beginning July 1, 2026, MOU will automatically extend annually with either party having the ability to terminate with 120 days written notice.

Staffing/Units Available: All SVEC units are Advanced Life Support (ALS) certified and staffed

2 EMS ALS Transport Units-7 days a week, 1930-0730

3 EMS ALS Transport Units-7 days a week, 0730-1930

4 EMS ALS Transport Units-5 days a week, 0900-1700

Units will be staged at SVEC Headquarters at 425 Graham Road, Petersburg, Virginia. SVEC requires at least 120 days following fully executed MOU to staff the additional peak daytime vehicle.

Response Determination: SVEC will act as the primary EMS response agency during peak call times of 0730-1930 – 7 days/week. In the event all SVEC response vehicles are unavailable, the Petersburg Fire Rescue & Emergency Services (PFRES) will provide additional EMS Transport Units to respond or request mutual aid from a neighboring locality.

During Non-Peak Times (1930-0730 – 7 days/week), PFRES EMS Transport Unit(s) will respond to calls for service, **in standing rotation**, with SVEC's units to ensure minimum EMS Transport coverage for the City of Petersburg is 3 EMS Transport Units.

If it is determined that either party is not fulfilling the obligations of this agreement, written notification of the violation (Violation Notification) must be sent to Petersburg City Manager and SVEC Board of Trustees President. If violation continues 60 days following Violation Notification, this agreement can be terminated with 120 days written notice addressed to Petersburg City Manager and SVEC Board of Trustees President.

Personnel/Vehicles/Equipment: SVEC will operate and maintain personnel, vehicles and equipment used in providing EMS services.

Designated Response Agency: SVEC'S Director of Operations will report directly to the SVEC Board of Trustees President with concerns regarding the MOU. SVEC will be an independent agency and not a subagency under direction of Petersburg Fire Rescue.

425 Graham Road, P O BOX 574, Petersburg, VA 23804

Training: SVEC will aid in coordinating training between SVEC and Petersburg Personnel, ensuring cohesion with responses involving both SVEC and PFRES.

Funding: The City of Petersburg shall provide funding of \$650,000.00/year for SVEC to provide ALS coverage as listed above. This will be paid in 12 equal installments of \$54,166.67 paid by the 5th of every month. Any funding not paid by the 5th is subject to a 10% late penalty. If additional EMS coverage is required by the City of Petersburg, the funding level will be addressed appropriately by SVEC and the City of Petersburg. Funding will increase 5% annually beginning on July 1, 2025 and continuing on each following the Fiscal Year Anniversary.

Sincerely,

Nicholas Walker

Nicholas Walker
President
SVEC Board of Trustees



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: February 20, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Consideration of an Unsolicited PPEA Proposal - Design and Construction of a New Courthouse. (Page 167)**

PURPOSE: Accept an unsolicited PPEA Proposal from Gilbane Building Companies and Commonwealth Architects for the Design and Construction of a New Courthouse.

REASON: Allow staff to move forward with the review of the proposal and solicit competing proposals.

RECOMMENDATION: A motion to accept the Unsolicited PPEA from Gilbane Building Company and Commonwealth Architects for the purpose of publication and conceptual phase consideration, and direct the City Manager to proceed with issuance of a notice soliciting competing proposals and corresponding review and recommendation.

BACKGROUND: City of Petersburg has received and accepted an unsolicited proposal from Gilbane Building Company and Commonwealth Architects under the Public-Private Education Facilities and Infrastructure Act of 2002, Virginia Code §§ 56-575.1, et seq., (hereafter referred to as “PPEA”), and the City’s PPEA implementing procedures for the design and construction of City of Petersburg’s new consolidated courthouse. The location proposed is the site located across from on property identified as 27-37 E. Tabb Street and 40 Henry Street, further identified as City of Petersburg Real Estate Tax Map Nos. 011220006 and 011220019, respectively.

The City intends to evaluate the proposal simultaneously along with any competing proposals that comply with the PPEA, the City's implementing procedures, and the instructions, terms, and conditions in a more detailed “Receipt of Unsolicited PPEA Proposal and Solicitation of Competing Proposals” (“Solicitation”), which has been issued concurrently with this Notice. The City and may negotiate an interim or comprehensive agreement with the proposer based on the proposal. A public copy of the unsolicited proposal received is included in this notice, subject to the provisions of the Virginia Freedom of Information Act, Code of Virginia, PPEA, and City Purchasing Policy.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

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: None