



City of Petersburg Virginia

www.petersburgva.gov

Special Regular City Council Meeting

**December 8, 2020
Live Stream
12:00 PM**

City Council

Samuel Parham, Mayor – Ward 3
John A. Hart, Sr., Vice-Mayor – Ward 7
Treska Wilson-Smith, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Charlie Cuthbert, Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6

City Manager

Aretha R. Ferrell-Benavides

-
1. **Roll Call**
 2. **Prayer**
 3. **Closed Session**
 4. **Moment of Silence**
 5. **Pledge of Allegiance**
 6. **Determination of the Presence of a Quorum**
 7. **Proclamations/Recognitions**
 - a. Proclamation for National Influenza Vaccination Week, December 6-12, 2020
 8. **Reports/responses to previous public information period**
 9. **Communication/Special Reports**
 - a. Introduction from Delegate Jennifer D. Carroll Foy
 - b. City Manager Report - Aretha Ferrell-Benavides, City Manager
 - c. COVID-19 Update
 - d. Presentation on proposed terms and conditions for entranceway improvements and park.
 10. **Consent Agenda (to include minutes of previous meetings):**
 - a. A request to schedule a public hearing and consideration of an ordinance authorizing the execution and recordation of a deed of vacation and quitclaim of property at 37 Slagle Avenue, Parcel ID: 014010001, related to a 15" Sewer easement on the property.
 - b. Request for City Council to schedule a public hearing on January 5, 2021 regarding a Proposal to Purchase and Develop 703 Hinton St. and, consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.
 - c. Consideration to approve the supplemental appropriation in the amount of \$7,397,181 for Petersburg Public Schools for the current fiscal year - 1st Reading

- d. Consideration to appropriate the balance of Urban Highway from set-aside Funds in the amount of \$2,601,761.50 from the Virginia Department of Transportation (VDOT). -1st Reading
- e. Consideration for City Council to approve the CARES Act of 2020 funding for the Petersburg Registrar's Office in the amount of \$60,665 - 1st Reading
- f. Consider appropriation of an additional \$1,339.00 received from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Grant for Prevention and Recycling Program activities for the period July 1, 2020 to June 30, 2021 - 1st Reading
- g. ABC Application for Striver's Row Petersburg, LLC
- h. Special Regular City Council Meeting Minutes of May 19, 2020; October 20, 2020; Special Closed Session City Council Meeting Minutes of November 10, 2020; Special Regular City Council Meeting Minutes of November 10, 2020; and Special Regular City Council Meeting Minutes of November 17, 2020.

11. Official Public Hearings

- a. A public hearing December 8, 2020 regarding a Proposal to Purchase and Develop 115 Harrison Street and consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.
- b. A Public hearing regarding an amendment to the City of Petersburg Code, Article IV, I-95 Technology Zone, definitions, incentives and compliance sections

12. 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**

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

14. Items removed from Consent Agenda

15. Unfinished Business

- a. A resolution to establish guidelines for the maintenance, review, certification and distribution of certified Ordinances and Resolutions adopted by City Council.

16. New Business

- a. Consideration of the 2021-2025 Strategic Plan.
- b. Request to adopt a resolution amending the City of Petersburg Disposition Guidelines regarding City-owned Real Estate Property

- c. Consideration of approval for Petersburg Law Library Appropriation in the amount of \$22,000 - 2nd Reading
- d. An Ordinance Authorizing the City Manager to execute the Commercial Lease Agreement between Lending Tree and the City of Petersburg for the property located at 20 E. Tabb Street Petersburg, VA.
- e. Consideration of a Resolution of Support to authorize the use of the City-owned property at 629 N South Street, Parcel Number 009010005, for Right of Way needed for the ATP/Fall Line Trail Phase 1A SMART SCALE Project (App. 6695)
- f. Resolution to authorize the City Manager to execute first amendment to sublease agreement for the Petersburg Public Library.
- g. Consideration of a resolution in support of Legislative Efforts to repeal or revise the judicially created doctrine of qualified immunity now preventing citizens from holding law enforcement personnel and others accountable for the harm they negligently cause.

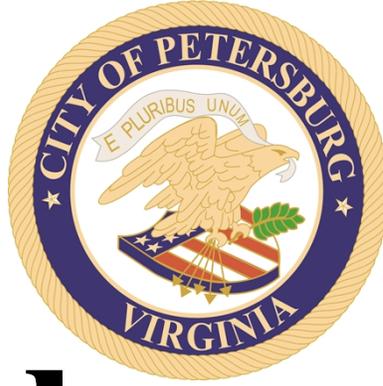
17. City Manager's Agenda

18. Business or reports from the Clerk

19. Business or reports from the City Attorney

20. Adjournment

Petersburg



Virginia

Proclamation

WHEREAS, for the last 30 years the severity of the influenza seasons has differed substantially year-to-year with a low of 3,000 to a high of 61,000 deaths; and

WHEREAS, each year in the United States on average 9,300,000 to 45,000,000 Americans can be infected with the flu and more than 140,000 people may be hospitalized during the flu season; and

WHEREAS, African American (39%) American Indians (38%) and Latinx (37%) adults continue to have lower vaccination rates in comparison to the general population (55%); and

WHEREAS, all medically underserved populations can adopt healthy lifestyle behaviors that include annual flu vaccination, management of chronic health conditions such as diabetes and hypertension, and follow CDC guidelines to protect against COVID-19 to minimize health complications that impact the physical and economic well-being of an entire community; and

WHEREAS, the *Protect the Ones You Love* campaign was launched by the Virginia Department of Health to address flu vaccination coverage disparities in light of COVID-19 within African American, American Indian, and Latinx communities and to promote annual flu vaccinations for everyone six months and older; and

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

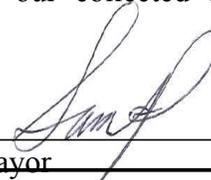
December 6th-12th, 2020

as

“NATIONAL INFLUENZA VACCINATION WEEK”

in the City of Petersburg and urge all residents to participate in local flu vaccinations drives and promotional activities planned here forth. And that the City of Petersburg will use social media platforms and engage local health officials to increase awareness of influenza vaccination coverage disparities within underserved communities in testimony whereof, we have hereunto set our collected body to recognize the Virginia Department of Health’s campaign *Protect the Ones You Love*.

Dated: December 8, 2020



Mayor

ATTEST:

Clerk of Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Introduction from Delegate Jennifer D. Carroll Foy

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Aretha Ferrell-Benavides

RE: **City Manager Report - Aretha Ferrell-Benavides, City Manager**

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Darnetta Tyus

RE: COVID-19 Update

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS: None



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Mayor Samuel Parham

RE: **Presentation on proposed terms and conditions for entranceway improvements and park.**

PURPOSE:

REASON:

RECOMMENDATION: Consideration of approval of an execution of a deed of easement to the Appomattox River Soil and Water Conservation District Commission granting to it and its assigns the right to construct and maintain a park at 10 North Jefferson Street and restricting the use of 125 Washington Street to vehicle parking and open space.

BACKGROUND: PowerPoint presentation included.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Petersburg Entranceway powerpoint 1
2. park assignments

Petersburg Entranceway Improvements & Park



Saint Joseph School

Saint Joseph School

N Adams St

Ave

Franklin St

Franklin St Franklin St

Franklin St Franklin St

City Parking
(leased/public)
Open Space
Conservation
Easement

PARK

\$ Bank \$

BB&T

N Jefferson St

E Washington St

N Adams St

E Washington St

Cares

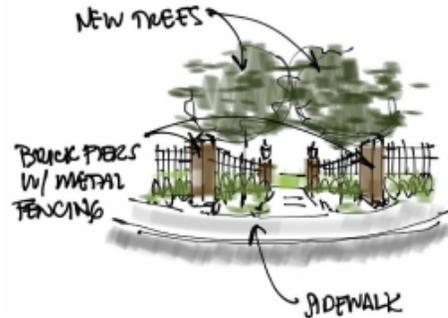
Google

Liberty Mart Liberty Gas

hington St



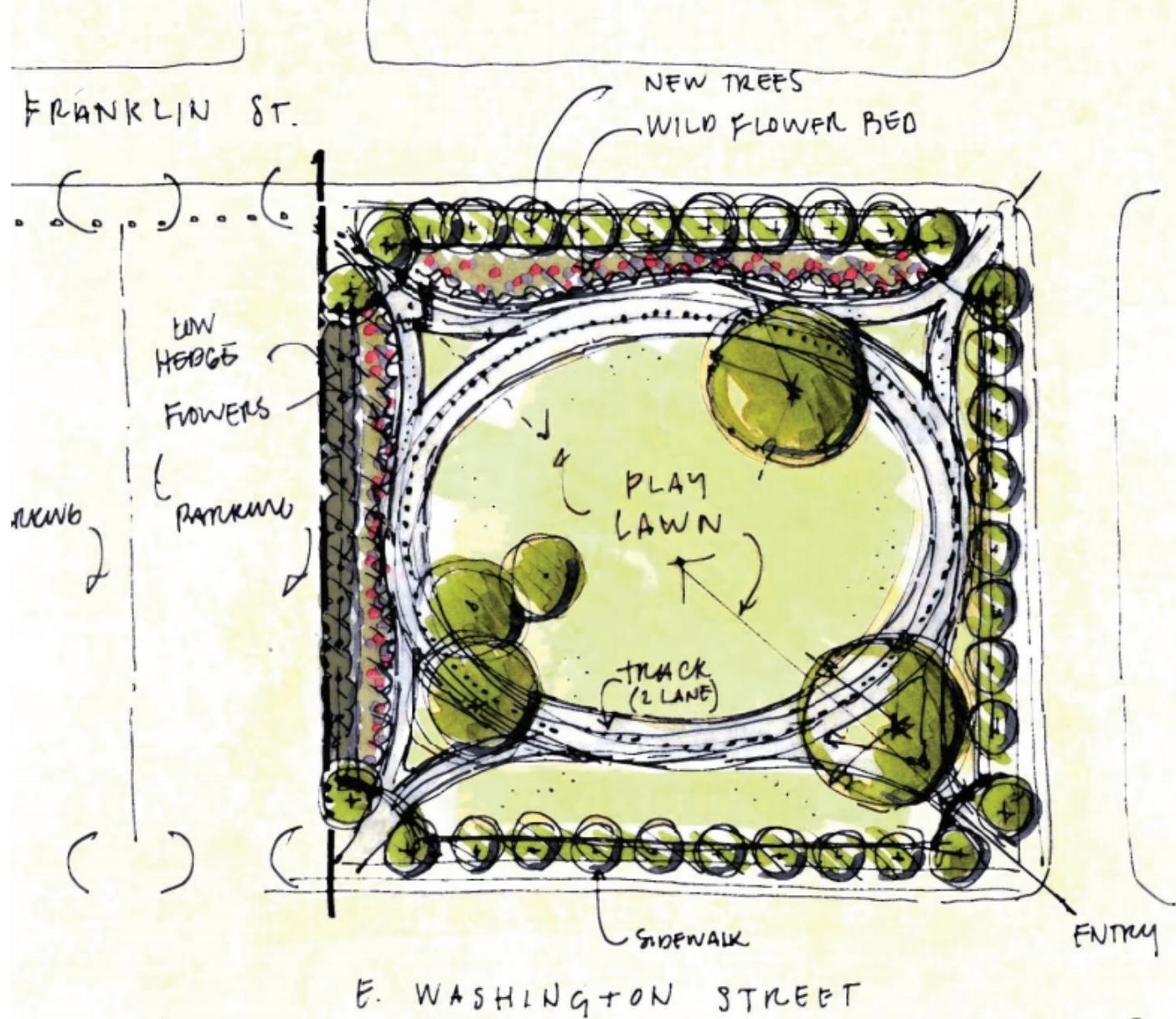
STONE DUST PATHS TO CONNECT FROM ENTRY TO TRACK



ENTRY AT PARK CORNERS



POWDER COATED ALUMINUM FENCING



DESIGN CONCEPT PARK SITE PLAN

Petersburg Gas Light Company, Gasholder, Bank & Madison Streets





WELCOME TO
PETERSBURG





Residential Rain Garden

Overflow structure (if needed)

Root zone of at least 4" for nutrient uptake, water filtration and microbial activity

Gravel trench of at least 4" to store water until it infiltrates into the surrounding earth

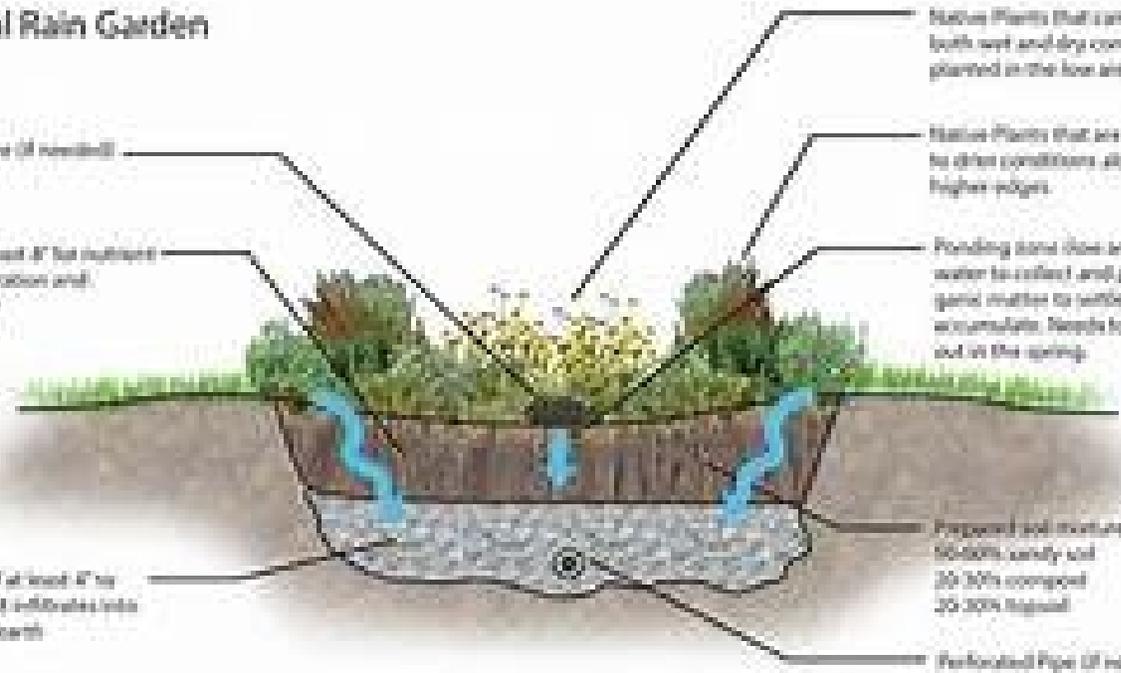
Native Plants that can survive in both wet and dry conditions planted in the low area

Native Plants that are better suited to drier conditions along the higher edges

Ponding zone (low area) allows water to collect and pollutants/organic matter to settle and accumulate. Needs to be cleaned out in the spring

Prepared soil mixture (if needed)
 50-60% sandy soil
 20-30% compost
 20-30% topsoil

Perforated Pipe (if needed)



Proposed Terms and Conditions Entranceway Improvements and Park:

1. The City of Petersburg will execute a deed of easement (or other suitable encumbrance) to the Appomattox River Soil and Water Conservation District Commission granting to it and its assigns the right to construct and maintain a park at 10 North Jefferson Street and restricting the use of 125 Washington to vehicle parking and open space. Such easement shall include the right to make improvements to adjacent sidewalks, curbs and gutters, and grass areas. The City shall continue to hold fee simple title to the properties and shall continue to include them in its general liability insurance coverage.
2. The City will provide, at no cost, the remains of the gasholder plant in its possession and not presently being used by the City to be used as a part of the park construction.
3. City will pay for electricity used to light the property and a “Welcome to Petersburg” sign.
4. The Petersburg Foundation will raise all funds to pay for the park and appurtenance construction, such to include a “Welcome to Petersburg” sign.
5. Petersburg Foundation will be the fiscal agent for the project and will contract for and manage, as the assignee of Appomattox River Soil and Water Conservation District Commission, the construction work to include the provision of in-kind services.
6. Saint Joseph School will maintain the park (grass cutting and bush trimming). Saint Joseph School will have priority on the use of the park property for its educational purposes.
7. FOLAR will develop educational components to the park such as rain gardens, special plantings, etc. and will be granted appropriate space to install directional, informational, and educational signs on the park property.
8. All terms and conditions shall be memorialized in the Deed of Easement and a separate agreement executed by all parties.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Lionel Lyons, Deputy City Manager of Development
Tangela Innis, Director of Public Works and Utilities

FROM: Andrew Barnes

RE: **A request to schedule a public hearing and consideration of an ordinance authorizing the execution and recordation of a deed of vacation and quitclaim of property at 37 Slagle Avenue, Parcel ID: 014010001, related to a 15" Sewer easement on the property.**

PURPOSE: Authorization to execute and record a deed of vacation and quitclaim of property at 37 Slagle Avenue, Parcel ID: 014010001, related to a 15" Sewer easement on the property.

REASON: Authorization to execute and record a deed of vacation and quitclaim of property requires an ordinance approved by the City Council.

RECOMMENDATION: It is recommended that the City Council approves the Ordinance authorizing the execution and recordation of a deed of vacation and quitclaim of property at 37 Slagle Avenue.

BACKGROUND: The plat entitled "Pin Oak, Petersburg, Virginia" dated October 5, 1971, duly recorded in the Clerk's office of the Circuit Court of the City of Petersburg, in Plat Book 3 at Page 262 1/2 (the "Plat"), a 15' sewer easement was dedicated to the City of Petersburg ("the Easement").

To facilitate the development of the property encumbered by the Easement, the City is requested to vacate and release its interest in a portion of the Easement.

The existing sewer line will be realigned to facilitate construction and encumbered by a new easement.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: Petersburg Redevelopment and Housing Authority

AFFECTED AGENCIES: City Manager, Public Works & Utilities, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Vacation of Easement with Exhibit 9-29-20

Prepared by and return to

Delphine G. Carnes, Esq., VSB # 48661
Delphine Carnes Law Group, PLC
101 W. Main Street, Suite 440
Norfolk, VA 23510

Tax Parcel Numbers:

THIS DEED OF VACATION AND QUITCLAIM is made this ____ day of October, 2020, by **CITY OF PETERSBURG**, a municipal corporation of the Commonwealth of Virginia (the “City”), both as “Grantor” and “Grantee” for indexing purposes.

WHEREAS, by that certain plat entitle “PIN OAK, PETERSBURG, VIRGINIA” dated October 5, 1971, duly recorded in the Clerk’s Office of the Circuit Court of the City of Petersburg, in Plat Book 3 at Page 262 ½ (the “Plat”), a 15’ sewer easement was dedicated to the City of Petersburg (the “Easement”);

WHEREAS, to facilitate the development of the property encumbered by the Easement, the City has agreed to vacate and release its interest in a portion of the Easement; and

WHEREAS, it is in the interest and desire of the City to vacate a portion of the Easement;

NOW, THEREFORE, WITNESSETH, in consideration and for the reasons stated above, the City does hereby release, terminate, relinquish and vacate a portion of the Easement shown on the above referenced Plat, which shall include all of its right, title and interest in, under and to the property as shown on Exhibit A, attached hereto.

Signatures begin on following page

CITY OF PETERSBURG

By: _____

Name:

Title:

ATTEST:

City Clerk

COMMONWEALTH OF VIRGINIA

CITY OF NORFOLK, to-wit:

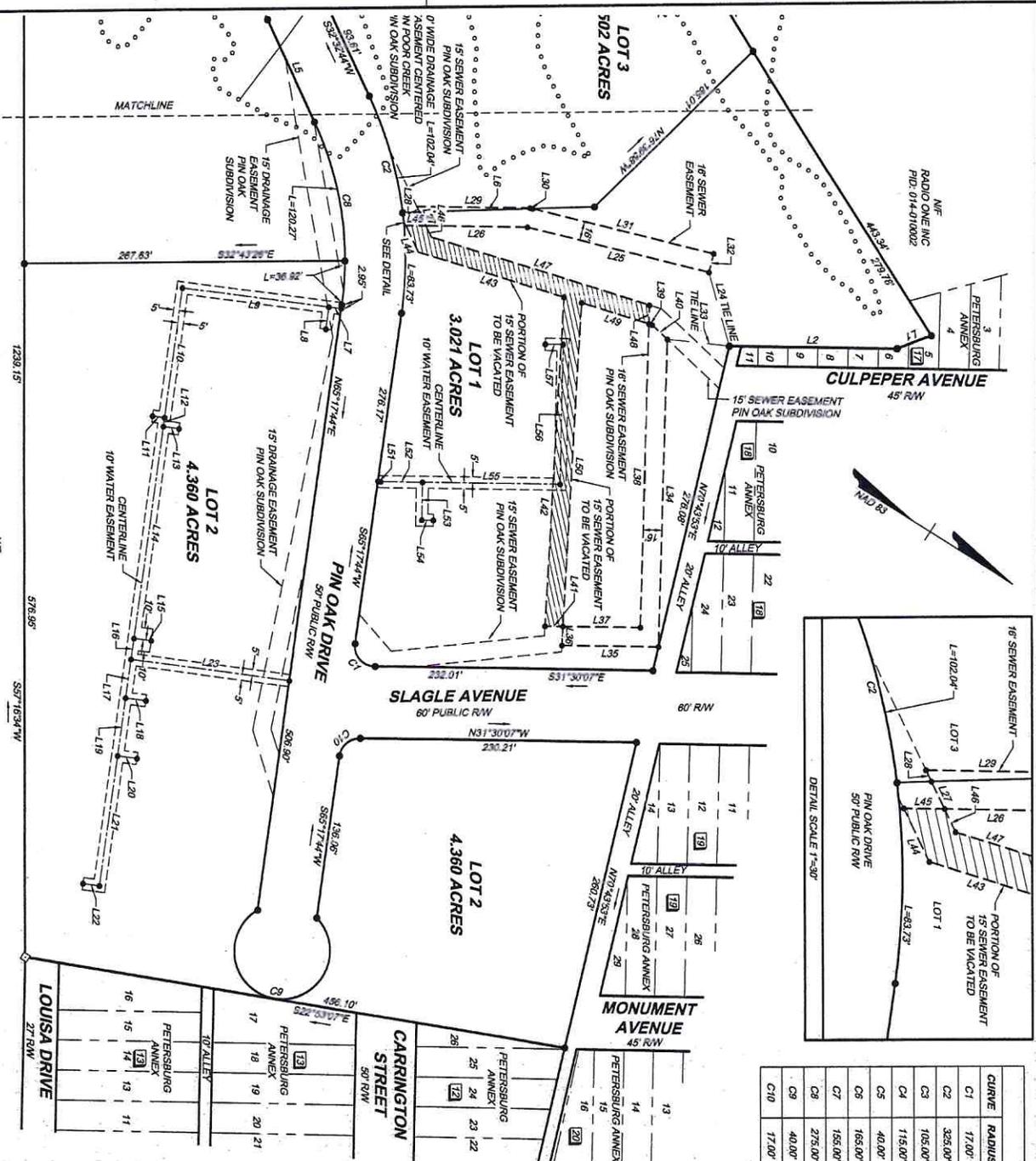
I, _____, a Notary Public in and for the City of Petersburg, in the Commonwealth of Virginia, do hereby certify that _____, City Manager, and _____, City Clerk, respectively, whose names as such are signed to the foregoing Deed of Vacation and Quitclaim, bearing date on the ____ day of _____, 2020, have acknowledged the same before me in my City and State aforesaid, this ____ day of _____, 2020.

My commission expires on the _____ day of _____, 20__.

[SEAL]

Notary Public

Notary ID No. _____



ABBREVIATION LEGEND
 RW - RIGHT OF WAY
 D.B. - DEED BOOK
 PG. - PAGE
 CL - CENTERLINE

SYMBOL LEGEND
 [] - CONCRETE MONUMENT FOUND
 ● - ROD SET

SCALE 1"=60'
 0 60 120

UNITED STATES OF AMERICA
 PETERSBURG NATIONAL BATTLEFIELD PARK
 N/F
 P.D. 033-060022



PIN OAK SUBDIVISION
 PETERSBURG, VIRGINIA

In testimony whereof, I have hereunto set my hand and the Great Seal of the City of Petersburg, VA, this foregoing instrument was recorded in the Public Records on this 20th day of August, 2020.
 MANTEE E. BARRAL, CLERK

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	S82°36'28"E	29.63'	L30	N10°24'07"W	2.31'
L2	S31°30'07"E	139.63'	L31	N16°24'07"W	158.93'
L3	N49°57'16"W	48.57'	L32	N71°55'53"E	16.00'
L4	S48°57'16"E	48.57'	L33	S26°12'46"E	82.11'
L5	N32°32'44"E	93.61'	L34	N59°01'12"E	254.65'
L6	N30°01'20"W	159.96'	L35	S31°30'07"E	81.39'
L7	S24°59'02"E	10.31'	L36	S80°29'20"W	16.03'
L8	N65°03'55"E	18.46'	L37	N31°20'04"W	64.93'
L9	S24°59'02"E	123.54'	L38	S59°01'12"W	251.00'
L10	S24°59'02"E	107.24'	L39	N15°06'38"W	3.17'
L11	N65°17'44"E	10.15'	L40	N10°16'29"E	17.23'
L12	N65°17'44"E	7.89'	L41	S31°29'04"E	15.01'
L13	N24°42'16"W	13.39'	L42	S60°38'20"W	272.41'
L14	N65°17'44"E	178.20'	L43	S15°06'38"E	128.86'
L15	N24°42'16"W	14.50'	L44	S22°07'05"W	24.62'
L16	N65°17'44"E	18.00'	L45	N31°20'07"W	16.74'
L17	N65°17'44"E	32.61'	L46	N22°07'05"E	10.63'
L18	N24°42'16"W	17.08'	L47	N15°06'38"W	19.124'
L19	N65°17'44"E	40.78'	L48	N69°01'12"E	15.56'
L20	N24°42'16"W	16.32'	L49	S15°06'38"E	58.63'
L21	N65°17'44"E	100.89'	L50	N60°38'20"E	288.04'
L22	S24°42'16"E	14.00'	L51	N20°14'59"W	2.37'
L23	N24°42'16"W	133.85'	L52	N31°20'07"W	34.66'
L24	S41°41'42"W	63.28'	L53	N69°29'53"E	31.66'
L25	S16°24'07"E	157.41'	L54	N31°20'07"W	8.22'
L26	S31°30'07"E	84.22'	L55	N31°20'07"W	114.54'
L27	S32°07'05"W	12.86'	L56	S89°29'53"W	114.48'
L28	S32°07'05"W	5.20'	L57	S31°20'07"E	14.94'
L29	N31°20'07"W	94.40'			

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	17.00'	28.78'	19.21'	98°59'54"	S16°59'59"W	25.46'
C2	325.00'	185.77'	95.50'	32°46'01"	S48°59'13"W	183.25'
C3	105.00'	178.69'	119.73'	97°30'04"	N81°17'46"E	157.89'
C4	115.00'	88.25'	46.43'	43°58'08"	S27°29'13"E	66.10'
C5	40.00'	156.48'	32.72'	281°26'05"	S72°58'48"W	50.65'
C6	165.00'	116.82'	61.04'	40°35'00"	S29°36'16"E	114.49'
C7	155.00'	283.77'	178.25'	97°30'04"	N81°17'46"E	233.07'
C8	275.00'	157.19'	80.81'	32°46'01"	S48°59'13"W	155.06'
C9	40.00'	197.32'	32.03'	282°28'08"	N24°38'29"W	60.00'
C10	17.00'	24.89'	15.09'	63°12'09"	N73°06'12"W	22.57'

TIMMONS GROUP

Site Development Residential Infrastructure Technology

YOUR VISION ACHIEVED THROUGH OURS.

THIS DRAWING PREPARED AT THE
 4762 Owens Way, Suite 200, 1105 Yorks Square, VA 23075
 TEL: 804.541.8800 FAX: 804.541.1511 www.timmons.com



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Kelly Evko, Clay Mansell

RE: **Request for City Council to schedule a public hearing on January 5, 2021 regarding a Proposal to Purchase and Develop 703 Hinton St. and, consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.**

PURPOSE: Request for City Council to schedule a public hearing on January 5, 2021 regarding a Proposal to Purchase and Develop 703 Hinton St. and, consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.

REASON:

Request for the City Council to schedule a public hearing on January 5, 2021 regarding a Proposal to Purchase and Develop 703 Hinton St. and, consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.

RECOMMENDATION: It is recommended that City Council schedule a public hearing and adoption of an Ordinance approving and authorizing the City Manager to execute a Purchase Agreement and proceed with the sale of City-owned property in accordance with applicable legal requirements.

BACKGROUND: The city has received a proposal from Ramon Esparza to purchase the following City-owned property:

Parcel ID	Premise	Street	Proposed Use
023-060004	703	Hinton St	Industrial

Mr. Esparza propose to develop 703 Hinton St as a parkin lot.

703 Hinton St. assessed value is 4,700. The offer price is \$2000. Proposed investment is \$4000

COST TO CITY: Conveyance of Real Property

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from sale of property and associated fees and taxes

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, City Assessor

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Purchase Agreement 703 Hinton St (signed by purchaser)
2. 703 Hinton St. Ordinance
3. 703 Hinton St

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$ 4700

Consideration: \$2000

Tax Map No.: 023-060004

This Real Estate Purchase Agreement (the "Agreement") is dated December 8, 2020, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to a "Seller" and party of the first part, Amigos Commercial Trucking, hereinafter referred to as "Purchaser", and party of the second part, and Pender & Coward (the "Escrow Agent") and recites and provides the following:

RECITALS:

The Seller owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as: 703 Hinton St, Tax Map Number: 023-06004 (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 two thousand dollars (\$2000) (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, two hundred dollars (\$200) (the "Deposit") within fifteen (15) business days of the Effective Date to the Escrow Agent which shall be held and disbursed pursuant to the terms of this Agreement.
4. **Closing:** Closing shall take place on or before ninety (90) business days after the completion of the Due Diligence Period described in Section 5. Purchaser may close on the Property prior to completion of the Due Diligence Period with reasonable advance notice to Seller. At Closing, Seller shall convey to Purchaser, by Deed Without Warranty, good and marketable title to the Property in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the Property and current taxes.

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

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

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

- a. At or before the extinguishing of the Due Diligence Period, the Purchaser shall draft a Development Agreement in conformance with the proposal presented to City Council on December 8, 2020. Such proposal shall be reviewed by the City to determine its feasibility and consistency with the original proposal made on December 8, 2020. Approval and execution of the Development Agreement shall not be unreasonably withheld by either party, and execution of the Development Agreement by all parties shall be a condition precedent to closing on the property. The Development Agreement shall be recorded by reference in the deed of conveyance to the Property which shall include a right of reverter in the event that the Developer fails to comply with the terms of the Development Agreement.

6. Termination Prior to Conclusion of Due Diligence Phase:

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

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

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

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

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

8. Purchaser's Representations and Warranties:

- a. There is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Purchaser, nor is Purchaser subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator, that would affect Purchaser's ability and capacity to enter into this Agreement and transaction contemplated hereby.
- b. Purchaser has full power, authorization and approval to enter into this Agreement and to carry out its obligation hereunder. The party executing this Agreement on behalf of Purchaser is fully authorized to do so, and no other signatures are required.

9. **Condition of the Property:** Purchaser acknowledges that, except as otherwise set forth herein, the Property is being sold "AS IS, WHERE IS AND WITH ALL FAULTS", and Purchaser has inspected the Property and determined whether or not the Property is suitable for Purchaser's use. Seller makes no warranties or representations regarding the condition of the Property, including without limitation, the improvements constituting a portion of the Property or the systems therein.

10. **Insurance and Indemnification:** Purchaser shall indemnify Seller from any loss, damage or expense (including reasonable attorney's fees and costs) resulting from Purchaser's use of, entry upon, or inspection of the Property during the Due Diligence Period. This indemnity shall survive any termination of this Agreement. Notwithstanding any other provision of this Agreement, Purchaser's entry upon the subject property and exercise of due diligence is performed at Purchaser's sole risk. Purchaser assumes the risk and shall be solely responsible for any injuries to Purchaser, its employees, agents, assigns and third parties who may be injured or suffer damages arising from Purchaser's entry upon the property and the exercise of Purchaser's due diligence pursuant to this Agreement.

11. **Escrow Agent:** Escrow Agent shall hold and disburse the Deposit in accordance with the terms and provisions of this Agreement. In the event of doubt as to its duties or liabilities under the provisions of this Agreement, the Escrow Agent may, in its sole discretion, continue to hold the monies that are the subject of this escrow until the parties mutually agree to the disbursement thereof, or until a judgment of a court of competent jurisdiction shall determine the rights of the parties thereto. In the event of any suit where Escrow Agent interpleads the Deposit, the Escrow Agent shall be entitled to recover a reasonable attorney's fee and cost incurred, said fees and cost to be charged and assessed as court costs in favor of the prevailing party. All parties agree that the Escrow Agent shall not be liable to any party or person whomsoever for mis-delivery to Purchaser or Seller of the Deposits, unless such mis-delivery shall be due to willful breach of this Agreement or gross negligence on the part of the Escrow Agent. The

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

12. **Risk of Loss:** All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by Seller until Closing. In the event of a loss or damage to the Property or any portion thereof before Closing, Purchaser shall have the option of either (a) terminating this Agreement, in which event the Deposit shall be returned to Purchaser and this Agreement shall then be deemed null and void and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party, or (b) affirming this Agreement, in which event Seller shall assign to Purchaser all of Seller's rights under any applicable policy or policies of insurance and pay over to Purchaser any sums received as a result of such loss or damage. Seller agrees to exercise reasonable and ordinary care in the maintenance and upkeep of the Property between the Effective Date and Closing. Purchaser and its representatives shall have the right to make an inspection at any reasonable time during the Due Diligence Period or prior to Closing.
13. **Condemnation:** If, prior to Closing, all 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
Aretha Ferrell-Benavides
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:

Amigos Commercial Truck & Auto Repa
Lisa Capel
Owner 
11-18-20

COPY TO:

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

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

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

26. **Development Agreement:** A Development agreement detailing the development scope, budget, funding, schedule and any other agreed upon performance requirements of the Developer will be executed prior to the transfer of the deed for the property.
27. **Reversion Provision:** The deed of conveyance to this property shall contain a provision that this property will revert back to the City if performance requirements are not met by the Developer within the time period specified in the Development Agreement upon Notice of Breach to Developer and failure to timely cure.
28. **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: Amigos Commercial Truck & Auto Repair

By: Lisa Capelk 

Title: Owner

Date: 11-18-20

SELLER:

The City of Petersburg, Virginia

By: _____, Aretha Ferrell-Benavides

Title: City Manager

Date: _____

ESCROW AGENT:

By: _____,

Title: _____

Date: _____

Approved as to form:

Date: _____

By: _____, Anthony Williams

Title: City Attorney

ORDINANCE

This is an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of City-owned property at 703 Hinton St, and

WHEREAS, the City of Petersburg has received a proposal from Ramon Esparza to purchase the City-owned property at 703 Hinton St. to develop a parking lot; and

WHEREAS, the potential benefits to the City include infill development, population growth, increased tax base, and future business; 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 Ramon Esparza toward the Sale and development of City-owned property at 703 Hinton St.

City of Petersburg

Property Disposition Summary

Executive Summary

Ramon Esparza reached out to purchase City-owned property at 703 Hinton St which is currently a vacant lot. He plans to clean the lot, fence it in, pave it and use it for storage/ parking for his business, Amigos Commercial Truck and Auto Repair which is located at 107 N South St (map provided to show proximately of business in relation to the lot). To support his proposed offer of \$2000 for the property valued assessed at \$4700, Mr. Davis intends to invest \$2,000 into the property, and has proven he has \$4,000 in funds immediately available. Mr. Esparza has been diligent in working with Economic Development staff in providing proof of financing, and a description of his plans for the vacant lot. The proposal complies with the Comprehensive Plan of the City of Petersburg. The City of Petersburg stands to benefit from increased tax revenue. The disposition of this property also saves the City costs associated with the maintenance of this lot by City staff. Economic Development staff recommends to Council the disposition of this property to Mr. Esparza.

BUYER

*Amigos Commercial Trucking and
Auto Repair, LLC*

ADDRESS	<i>703 Hinton St</i>
COMP PLAN LAND USE	<i>Industrial</i>
PARCEL #	<i>023-060004</i>
WARD	<i>5</i>
COUNCIL MEMBER	<i>Myers</i>
ASSESS VALUE	<i>\$4700</i>
PROPOSED PURCHASE PRICE	<i>\$2000</i>
INVESTMENT	<i>\$4000</i>
PROPOSED USE	<i>Parking & Storage for business</i>
PROOF OF FINANCING	<i>Finance Statement Attached</i>
SITE PLANS	<i>Brief Description</i>
BUSINESS PLAN	<i>NA</i>
OED RECOMMENDATION	<i>Recommend Disposition</i>

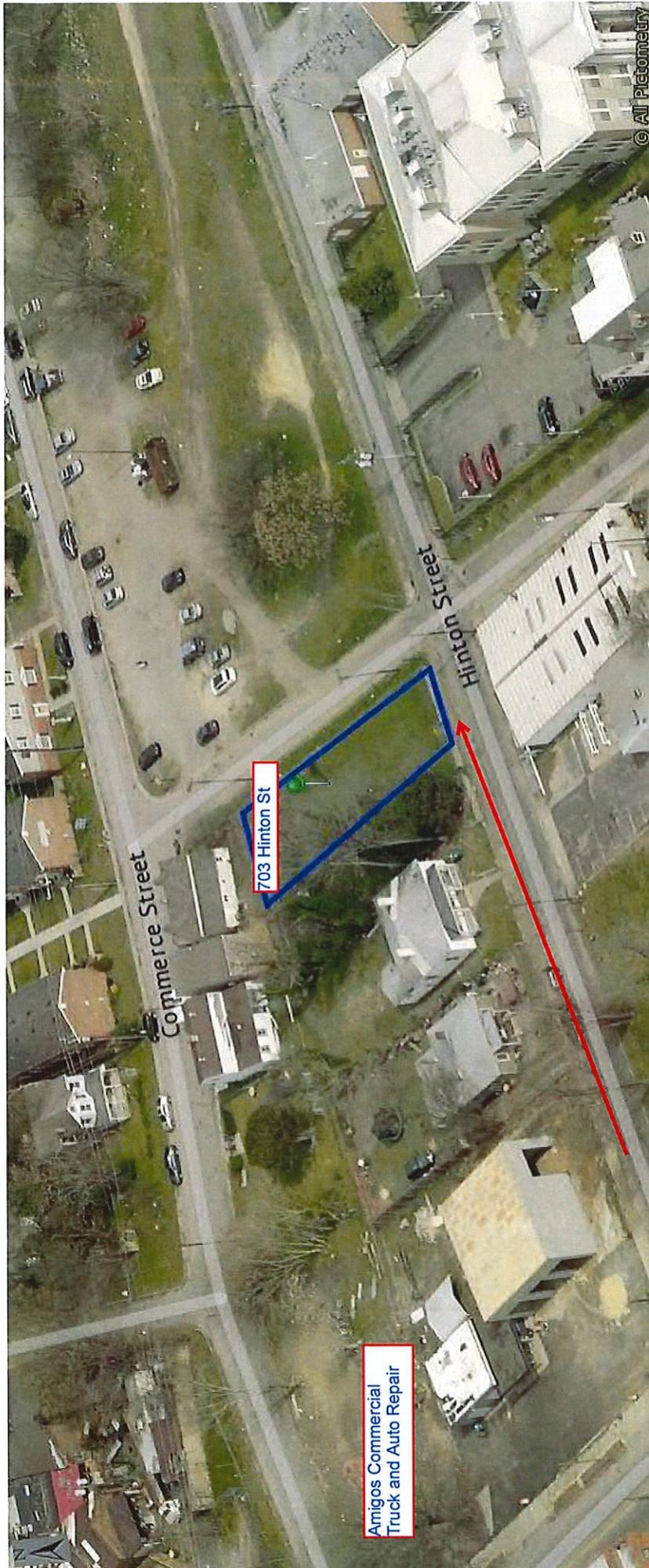
Proposal to Purchase City-Owned Property



Purchaser	
Project Name	Amigos Truck Parking Lot
Property Address	703 Hinton St, Petersburg VA
Parcel Number	023-060009
Year Constructed	
Project Developer	Amigos Commercial Truck and Auto Repair LLC
Contact Name	Ramon Esparza
Address	13131 Drakewood Rd Midlothian, VA
Phone	540-607-4658
Email	fullservicetruckshop@gmail.com
Experience/Qualifications	
Development Description	To clean up the overgrown lot, place paving there and use it for parking, storage and fencing in the lot.
Offered Purchase Price	\$2,000
Construction Costs	\$ 2,000.00
Total Investment	\$ 4,000.00
Description of Financing (%)	personal
Community Benefit	clean developed lot
Due Diligence Period (months)	1
Construction Start Date	Jan-20
Completion Date	Feb-20
Number of Projected Jobs	Temp/Const. Jobs
Average Wage	
Contingencies	

City Assessment	
Outstanding Obligations	
Proposed Land Use	Industrial
Comp Plan Land Use	Industrial
Zoning	M-1
Enterprise Zone	Yes
Rehab/Abatement	Rehab
New Construction	no
Historic District	Yes
Assessed Value	\$ 4,700.00
Appraised Value	\$ -
Date	
City Revenue from Sale	\$ (2,700.00)
Projected Tax Revenue	Abatement
Real Estate Tax	Year 1
Personal Property Tax	Year 5
Machinery and Tools Tax	Year 20
Sales and Use Tax	
Business License Fee	
Lodging Tax	
Meals Tax	
Other Taxes or Fees	
Total	
Total Tax Revenue	
Waivers & Other Costs to the City	
City ROI (Revenue - Cost)	
Staff Recommendation	
Last Use Public	Comm. Review Date
Council Decision	Council Review Date
Disposition Ord #	Ord Date

703 Hinton St



Property Record Card - Petersburg, VA

General Property Data

Parcel ID 023-060009	Account Number FOR SALE, Jones St (Nw Corner)
Prior Parcel ID --	Property Location 703 HINTON ST
Property Owner CITY OF PETERSBURG	Property Use CIP
Mailing Address 135 N. Union St	Most Recent Sale Date 12/21/2000
City Petersburg	Legal Reference 650-632
Mailing State VA Zip 23803	Grantor
ParcelZoning M-1	Sale Price 0
	Land Area acres

Current Property Assessment

Card 1 Value	Building Value 0	Xtra Features Value 0	Land Value 4,700	Total Value 4,700
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Building Description

Building Style N/A	Foundation Type N/A	Flooring Type N/A
# of Living Units N/A	Frame Type N/A	Basement Floor N/A
Year Built N/A	Roof Structure N/A	Heating Type N/A
Building Grade N/A	Roof Cover N/A	Heating Fuel N/A
Building Condition N/A	Siding N/A	Air Conditioning
Finished Area (SF)	Interior Walls N/A	# of Bsmt Garages 0
Number Rooms 0	# of Bedrooms 0	# of Full Baths
# of 3/4 Baths	# of 1/2 Baths	# of Other Fixtures

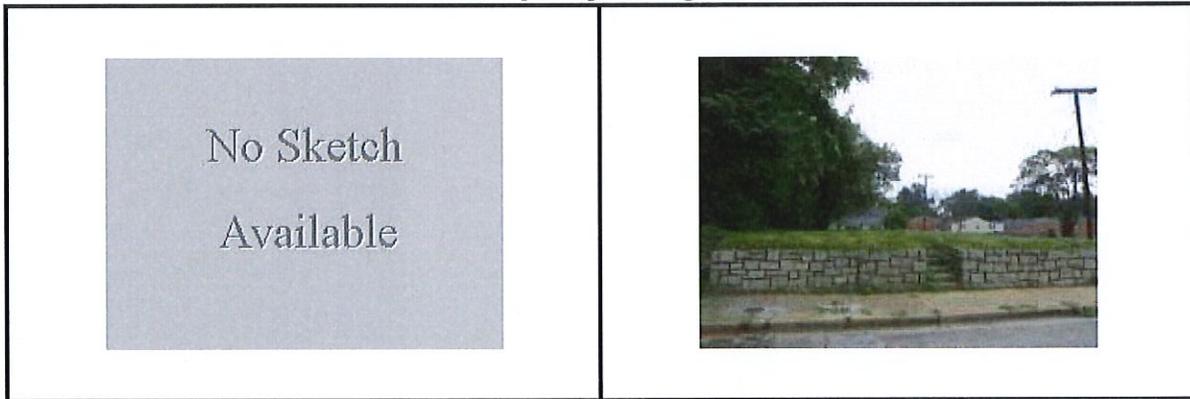
Legal Description

Pridesfield 31.5X142.5T

Narrative Description of Property

This property contains acres of land mainly classified as CIP with a(n) N/A style building, built about N/A , having N/A exterior and N/A roof cover, with N/A unit(s), 0 room(s), 0 bedroom(s), bath(s), half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Dr. Maria Pitre-Martin

RE: **Consideration to approve the supplemental appropriation in the amount of \$7,397,181 for Petersburg Public Schools for the current fiscal year - 1st Reading**

PURPOSE: To have City Council approve the supplemental appropriation for Petersburg Public Schools for the current fiscal year

REASON: When the fiscal year 2020-2021 budget was developed by Petersburg City Public Schools, the exact amounts for grant awards were unknown. Therefore, an estimated amount was placed in the budget for these grants.

RECOMMENDATION: Recommend that City Council approve the supplemental appropriation for Petersburg Public Schools.

BACKGROUND:

Once we determined the amounts that would need to be carried over in our grants, and as we received grant awards for the exact totals, the School Board approved those amendments to the FY2021 appropriation. We are now requesting that Petersburg City Council formally approve and appropriate these budget amendments in accordance with State Code.

The summary of appropriations as of October 20, 2020 is as follows: Use of Food Services Reserves accounts for \$39,375 Amendments to existing grants and new grants adds an additional \$7,357,806 The supplemental appropriation totals \$7,397,381

COST TO CITY: N/A

BUDGETED ITEM: Yes

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Public Schools

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Petersburg Public School Appropriation FY2020_21

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR PETERSBURG PUBLIC SCHOOLS.**

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

I. That appropriations for the fiscal year commencing July 1, 2020, for Petersburg Public Schools are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$56,810,492
ADD: Food Services Reserve	<u>39,375</u>
ADD: Amendments to existing grants and new grants	<u>7,357,806</u>
Total Expenses	<u>\$64,207,673</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$56,810,492
ADD: Petersburg Public Schools	<u>7,397,181</u>
Total Expenses	<u>\$64,207,673</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Darnetta Tyus

RE: **Consideration to appropriate the balance of Urban Highway from set-aside Funds in the amount of \$2,601,761.50 from the Virginia Department of Transportation (VDOT). -1st Reading**

PURPOSE:

To re-appropriate set-aside funds in the amount of \$2,601,761.50 from VDOT to Street Operations.

REASON: These funds remained after the set-aside program ended with VDOT and were returned to the City after meeting VDOT requirements.

RECOMMENDATION: Recommend City Council approve the attached appropriation ordinance in the amount of \$2,601,761.50 to be added to Street Operations for fiscal year 2021.

BACKGROUND:

In fiscal year 2018 the City's Urban Maintenance funds were set-aside and managed by VDOT due to the City's financial crisis. In order to ensure compliance, the City met and worked with VDOT representatives for approximately two fiscal years. Activity codes were changed to align with the VDOT Urban Construction and Maintenance Program Manual, Street Operations and Grounds personnel were trained on the changes, and delinquent outstanding Weldon Cooper Highway Survey Reports were completed to bring the City back into compliance. In fiscal year 2020 the set-aside program ended and the set aside funds were sent back to the City where it was deposited into a new bank account.

COST TO CITY: N/A

BUDGETED ITEM: No

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 12/8/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Street Operations

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Street Operations Urban Highway Ordinance 10-29-20

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE STREET OPERATIONS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2020, in the General Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$ 5,981,699.00
ADD:	
Urban Maintenance Highway (3-204-024040-0615)	<u>2,601,761.50</u>
Total Revenues	<u>\$ 8,583,460.50</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$ 5,981,699.00
ADD:	
Urban Maintenance Highway (4-204-041200-3190)	<u>2,601,761.50</u>
Total Expenses	<u>\$ 8,583,460.50</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Dawn Williams, Robert Floyd

RE: **Consideration for City Council to approve the CARES Act of 2020 funding for the Petersburg Registrar's Office in the amount of \$60,665 - 1st Reading**

PURPOSE: To have City Council approve the CARES Act of 2020 funding to the Petersburg Registrar's Office.

REASON: Covid 19 has brought unprecedented challenges to our electoral system. It is vital to keep our election officials and voters safe. As a result of these circumstances, the Virginia department of Elections distributed \$9 million in CARES funding to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 federal election cycle.

RECOMMENDATION: Recommend that City Council approve the appropriation of the CARES Act of 2020 funding for the Petersburg Registrar's Office.

BACKGROUND: The Virginia Department of Elections today announced the distribution of \$9 million in Coronavirus Aid, Relief and Economic Security (CARES) Act funding, granted specifically to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 federal election cycle.

The Department of Elections is notifying local voter registration offices that CARES Act funding may be used for a number of expenses related to COVID-19 for the November 2020 federal elections only. These funds may be used toward any expenditures related to the protection of the health and safety of poll workers, staff, and voters during the federal election as well as those resulting from anticipated increased demand for absentee ballots by mail costs (e.g. printing ballots, printing envelopes, postage, etc.), equipment and temporary staff. Local voter registration offices may also utilize the funding for voter outreach to include mailings, public service announcements, etc. Funds cannot be utilized for items that would be needed regardless of the COVID-19 pandemic.

COST TO CITY: \$60,665

BUDGETED ITEM: N/A

REVENUE TO CITY: \$60,665

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Petersburg Registrar's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 2020 CARES Act Registrar Grant Appropriation Ordinance
2. City of Petersburg - CARES ACT Certification

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE GRANTS FUND.**

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

I. That appropriations for the fiscal year commencing July 1, 2020, in the Grants Fund are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021.

Previously adopted	\$0.00
ADD: CARES Act of 2020-Registrar 3-200-024060-0001	<u>\$60,665.00</u>
Total Revenues	<u>\$60,665.00</u>

II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2020 and ending June 30, 2021, the following sums for the purposes mentioned:

Previously adopted	\$0.00
ADD: CARES Act of 2020-Registrar 4-200-24060-6014	<u>\$60,665.00</u>
Total Expenses	<u>\$60,665.00</u>

2020

CARES ACT - (COVID-19)

Enter Contact Information

Email completed certification as an attachment to:

County or City Name **Petersburg City**

Locality Code 730

ID (internal use only) 0000046251

Mailing Address:

Street 1 135 N. Union Street

Street 2

City Petersburg

Zip Code 23803

fiscal@elections.virginia.gov

For questions, contact
Kevin Hill at: 804-864-8950

INSTRUCTIONS:

See Instructions Tab . Fill in the shaded areas .

When finished, SAVE this workbook .

Email the completed certification to
fiscal@elections.virginia.gov Enter the subject like this:
Name of Locality - CARES ACT Certification.

Please Provide all signatures (as applicable)

Total Award amount of CARES ACT (COVID-19) Funding \$ 60,665

Chief Administrative Officer (City Manager, County Administrator or authorized designee)

I certify that the amount awarded is to be used for Elections allowable expenses. Any funding from CARES ACT that is not an eligible expense must be paid back to ELECT with interest. We also agree to maintain all records for a period of 4 years or audited. All funds must be encumbered by November 30, 2020 and paid out by December 31, 2020.

Name **Aretha Ferrell-Benavides** Email city.manager@petersbur-va.org

Work Title **City Manager** Phone **804-733-2301**

General Register (Primary Contact)

I certify that the amount awarded is to be used for Elections allowable expenses for the 2020 Presidential Elections. We also agree to maintain all records for a period of 4 years or audited. All funds must be encumbered by November 30, 2020 and paid out by December 31, 2020.

Name **Dawn Williams** Email petersburgelections@comcast.net

Work Title **Director of Elections** Phone **804-203-4029**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd

RE: **Consider appropriation of an additional \$1,339.00 received from the Virginia Department of Environmental Quality (DEQ) for the City of Petersburg's Litter Grant for Prevention and Recycling Program activities for the period July 1, 2020 to June 30, 2021 - 1st Reading**

PURPOSE: To appropriate an additional \$1,339.00 received from the DEQ for the City of Petersburg's Litter Prevention and Recycling Program. It should be noted that \$5,559.00 was included in the adopted FY 2021 budget. This will increase the total to \$6,898.00.

REASON: To implement litter prevention and recycling educational programs and pilot projects in the City of Petersburg for FY 2021.

RECOMMENDATION:

Recommend Council approve the additional \$1,339.00 to be added to the fiscal year 2021 budget.

BACKGROUND:

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

COST TO CITY: \$1,339.00

BUDGETED ITEM: Yes

REVENUE TO CITY: \$1,339.00

CITY COUNCIL HEARING DATE: 12/8/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Street Operations

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Litter Grant 11-24-20
2. Litter Grant Award Letter

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION
FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 & ENDING ON JUNE 30,
2021 IN LITTR CONTROL SECTION OF THE STREET OPERATIONS FUND**

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

I. That appropriations for the fiscal year commencing July 1, 2020, and ending June 30, 2021, are made from the following resources and revenues anticipated for the fiscal year

Revenue:

Previously Appropriated	\$5,559.00
Fiscal Year 2021 Litter Grant Increase	<u>\$1,339.00</u>
Total Revenue	\$6,898.00

Expenditures:

Previously Appropriated	\$5,559.00
Fiscal Year 2021 Litter Grant Increase (4-204-041300-6005)	<u>\$1,339.00</u>
Total Expenditures	\$6,898.00



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Matthew J. Strickler
Secretary of Natural Resources

Street address: 1111 E. Main Street, Suite 1400,
Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

November 18, 2020

Aretha R. Ferrell-Benavides
City Manager
City of Petersburg
135 N Union Street
PETERSBURG, VA 23803

Dear Aretha R. Ferrell-Benavides:

I am pleased to inform you that a grant award of **\$6,898.00** has been approved for the **City of Petersburg** Litter Prevention and Recycling Program activities for the period July 1, 2020 to June 30, 2021. Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 698-4159.

Sincerely,

A handwritten signature in black ink, appearing to read "Sanjay Thirunagari".

Sanjay Thirunagari
Manager, Recycling and Litter Programs
Division of Land Protection & Revitalization



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Christopher Walker

RE: **ABC Application for Striver's Row Petersburg, LLC**

PURPOSE: To receive comments from City Council in the regards to the application for an ABC License for property located at 9 E. Old St. Petersburg, VA 23803-4658.

REASON: Except for applicants for wine shipper's, beer shipper's, wine and beer shipper's licenses, and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

RECOMMENDATION: Staff recommends City Council to review information on the ABC License Application request and provide comments or questions to the chief law enforcement officer.

BACKGROUND: See attached.

In the last two years there have been 2 Call for Service that were not Burglary Alarms. Both involved disturbances with Patrons of the establishment.

That establishment has not had an impact on Crime or Public Safety and it is my recommendation that they be granted an ABC License.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Croaker 2
2. Croaker ABC







City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Nykesha Jackson

RE: Special Regular City Council Meeting Minutes of May 19, 2020; October 20, 2020; Special Closed Session City Council Meeting Minutes of November 10, 2020; Special Regular City Council Meeting Minutes of November 10, 2020; and Special Regular City Council Meeting Minutes of November 17, 2020.

PURPOSE:

REASON:

RECOMMENDATION: Recommendation of approval of City Council meeting minutes.

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. November 10, 2020 Closed Session Meeting Minutes
2. November 10, 2020 Special Regular City Council Meeting Minutes
3. November 17, 2020 Special Regular City Council Meeting Minutes

4. October 20, 2020 Special Regular City Council Meeting Minutes
5. May 19, 2020 Special City Council Meeting Minutes

The Special Called Closed Session Meeting of the Petersburg City Council was held on Tuesday, November 10, 2020, on live stream. Mayor Parham called the Special Called Closed Session Meeting to order at 10:03a.m.

1. **ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr
Council Member Treska Wilson-Smith
Council Member Annette Smith-Lee
Council Member Darrin Hill
Council Member W. Howard Myers
Vice Mayor John A. Hart, Sr.
Mayor Samuel Parham

Absent: None

Present from City Administration:

City Attorney Anthony Williams
City Manager Aretha R. Ferrell-Benavides
Clerk of Council Nykeshia D. Jackson

2. **CLOSED SESSION:**

Mayor Parham stated, "I would entertain a motion to add discussion of a contract to the closed session this morning."

Council Member Cuthbert made a motion to add to the closed session agenda the discussion of a contract. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Smith-Lee, Myers, Hill, Hart and Parham

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7)(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 of actual or probable litigation specifically including but not limited to a discussion regarding Petersburg Circuit Court Case No.: CL15000785-00; resolution of title issues associated with the Battersea Farm; and legal matters requiring the advice of the City Attorney; and pursuant to §2.2-3711(A)(5) of the Code of Virginia for the purpose of discussions regarding the subject matter of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's' interest in locating or expanding its facilities in the community; and pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussions pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg specifically including but not limited to the subject of performance, assignment, and appointment specific public employees of the City of Petersburg. Specifically included but not limited to discussion of the assignment, appointment, and performance of specific public employees.; and under pursuant to 2.2-3711(A)(29) of the Code of Virginia for the purpose of discussion regarding the subject of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in

*Audio available upon request.

an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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

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

City Council entered closed session at 10:07a.m.

CERTIFICATION:

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

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

The motion was approved on roll call vote.

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

20-R-60 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 opened session at 12:56 p.m.

3. ADJOURNMENT:

City Council adjourned at 12:57 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.

The special regular meeting of the Petersburg City Council was held on Tuesday, November 10, 2020, live streamed. Mayor Parham called the meeting to order at 12:58p.m.

1. **ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member Annette Smith-Lee
Council Member Darrin Hill
Vice Mayor John A. Hart, Sr.
Mayor Samuel Parham

Absent: None

Present from City Administration:

City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Clerk of Council Nykeshia D. Jackson

2. **PRAYER:**

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

Council Member Hill led the council meeting in prayer.

3. **CLOSED SESSION:**

*No closed session items.

4. **MOMENT OF SILENCE:**

Mayor Parham led council and citizens in the moment of silence.

5. **PLEDGE OF ALLEGIANCE:**

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

6. **DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was determined with the presence of all City Council Members.

7. **PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:**

Mayor Parham stated, "Good afternoon again everyone. For our Positive Petersburg moment today, I want to congratulate the Petersburg Library Foundation on a successful groundbreaking for the new Petersburg Public Library – Conference and Event Center. The Petersburg Library Foundation hosted a safe and enjoyable groundbreaking ceremony featuring founder of the Virginia Literacy Foundation and former First Lady of Virginia, Jeannie Baliles, as the keynote speaker. The new Petersburg Public Library Conference and Event Center is designed to accommodate various layout styles and will include a stage, dressing rooms, and

*Audio available upon request.

a conference room. Once complete, the Event Center will offer a space for various events and activities including general meetings, children's performances, corporate events, and banquets. Thanks again to everyone on council who helped to celebrate this wonderful event."

8. REPORTS/RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Folakemi Osoba, Public Information Officer, stated, "So, I do not have any reports from that last meeting. Only because we did not have any direct questions to City departments and City administration. But I did want to take this moment to remind people of the report and concern feature that we have active on our website. You can just go to petersburgva.gov and there are categories for whatever it is that you would like to report a concern about. Right there on the homepage there is a button that says report a concern. We also have a mobile application that is available that works the exact same way. You can just search 'go request' on the app store if you have an iPhone or the Google Play Store if you have an android. Also, if you wanted to submit any type of concern you can always call my office. And that number is 804-733-2307. That is all that I have Mayor."

9. COMMUNICATIONS/SPECIAL REPORTS:

a. City Manager's Report – Aretha R. Ferrell-Benavides, City Manager

Key points:

- In the process of revamping the City Manager Report and how it looks.
- City of Petersburg is closed for Veteran's Day, but transit will still operate.
- 346 illegal guns have been removed this year
- On October 26th, Chief Travis Christian was officially sworn in as the new police chief of Petersburg.
- Customer Service Center began accepting calls on Monday, November 9th. There are currently 4 employees in that department, and they are being managed by Ms. Kemi.
- DRAFT five year Strategic Plan has been placed on the City's website and the City is currently accepting feedback at strategicplan@petersburg-va.org
- Paving that is going on throughout the City and on Graham Road.
- Fall 2020 Leaf Collection has started and will begin on Monday, November 16, 2020. There will be leaf vacuuming in each ward. The update will be available online for when each neighborhood will be done. The bagged leaves the waste company will pick up.
- Email was sent to council members on an update on City projects.
- The City is currently working on the Locks Water Main Replacement.
- Construction on the St. Andrew's Street Bridge Replacement is scheduled to begin in December 2020. Completion of the bridge is scheduled for November 2021.
- The City is installing a fueling station at 1340 East Washington Street.
- City staff is continuing to move into the old Dominion building.
- There were some leaks at the City Hall Annex, and they are currently working on fixing them.
- The City is including the funding in the budget amendment for the project assessment for The Exchange Building.
- With the Trailways Bus Station, they are waiting for an update from a meeting with staff and Mr. Al Sabani on where they stand.
- The City is in the process of stabilizing the Jarratt House.
- The City has secured a vendor to help with verifying whether the Ramada Inn building is in stable condition. They will be back in two weeks with a review.
- More information is coming in February 2021 regarding the Regional 911 Call Center.
- The City is having community meetings regarding the Comprehensive Plan.

*Audio available upon request.

- Moving CAFR under item D for presentation. And there has been a delay due to COVID and it has also impacted the auditors.
- Neighborhood Services is working with the City Attorney to review and develop a DRAFT Standard Operating Services and will be presented to council at the second meeting in January.
- Action needs to be taken from City Council regarding having clear ownership of the McKenney Library.
- The City will create an account that will have the remaining funds to help with the fixing and projects of Petersburg Public Schools.

Council Member Myers stated, "Mr. Mayor, with respect to the McKenney Library, I believe that Petersburg is not a recipient and it did revert back to the family. The library director has been in conversation in the past with the family and their interest is to allow us to use the facility as an African American Black History Museum. And I believe that the foundation that the director of library services has set up will be used for fundraising for this facility. I do not believe that the City of Petersburg needs to do anything but to allow him to move forward and allow the family to be open to the foundation."

Council Member Hill stated, "I agree because it is a foundation and people would be more prone to give to a foundation and help with this project as opposed to giving directly to the City. They are great with raising money and it would take money to do this project. Our library director has the path to do that. A lot of people and I am hearing jargon that there are a lot of people that are excited about this project. I agree with Council Member Myers. If they submit the library foundation and take ownership of the project and take it from there and we assist."

Council Member Wilson-Smith stated, "I was trying to remember at the last meeting what Mr. Williams said in reference to this. And I thought what he had said was that the family agreed to turn it over to the foundation and not to the City. Is that correct?"

Mr. Williams stated, "At the last meeting, I think Mr. Crocker was trying to give an update. The last time that council voted the direction was for Mr. Crocker to seek out an alternative with regard to the City getting the quick claims and getting a quiet title. He had until January to do that. If he did not do that then council was to demand to get whatever quick claims, he had to initiate a quiet title suit. Mr. Crocker presented an update at the last meeting that he had did consultation with the foundation and that some of the members had expressed interest in doing the reverse. The family members would state their interest to the foundation and the City would instead quick claim its interest to the foundation so that they can receive information. So, the alternative that he is presenting is kind of a flip of what he had originally presented. And I think that is what the City Manager needed some guidance as to which way you would like to proceed."

Council Member Cuthbert stated, "I believe that we did this in closed session months ago. And gave the director of library services the direction. My recollection that we gave was to pursue the quick claims needs. And if he did not have them by the end of the year than we were going to get a clear title by instruction of the City Attorney to file a quiet title action. In our most recent meeting of council, I asked for some information from Mr. Crocker. I have not gotten the minutes of that meeting, so we are blind unfortunately. The problem that we have got is that we are not getting our minutes in a timely manner. And I think that we all refer to our minutes to see what we did decide and what was agreed upon and what was said. And without those minutes I cannot say what Mr. Crocker agreed to us. But documentation by the following Friday and the meeting was October 20th. I am not getting the documentation and I do not think that any of us are getting the documentation. I think that we need to put this matter on the agenda for November 17th. We need to revisit the minutes, or we need to see the minutes of our October 20th meeting. And obtain the documentation that Mr. Crocker agreed to supply before we take any kind of action. I think that we were all concerned about a budget. Not only a capital improvement budget but an operating budget. And I have yet to see either one of those budgets. We talk about the ability to raise funds but the funds that were raised for the library itself. I think that it is a \$13 million dollar

*Audio available upon request.

project. I hope that \$5 million dollars came from the City of Petersburg. I do not think that the City of Petersburg is in a position to contribute anything more than the building. So, there are a lot of loose ends that I think we need gathered together so that we can make a decision. One is to receive the documentation that Mr. Crocker agreed to provide to us by Friday following our October 20th meeting. This is documentation that I have not yet seen. I think there needs to be a clear understanding about raising that money without the participation from the City of Petersburg is feasible. So, for all of those reasons, I suggest that we defer this for additional discussion at our meeting on November 17th."

Council Member Smith-Lee stated, "Charlie, if you want something all you have to do is ask. The minutes are online, and we know where to find them. I agree with Howard and Darrin. I believe that if we let a foundation takeover and raise the money, I believe that the McKenney Library will be a success."

Council Member Cuthbert stated, "Mr. Mayor, let me respond to that if I may. The problem Annette is that the minutes are not being prepared. The October 20th minutes are not online so it is not a question of looking. Let me ask Ms. Jackson. Ms. Jackson are the October 20th minutes online?"

Ms. Jackson stated, "No. The October 20th minutes are not completed. When you request for it to be verbatim on certain sections, in which I have been told in the past to not do verbatim minutes anymore because they range from 35 to 50 pages long. So, I only do the action items and votes. Because of the request lately to do verbatim minutes it is taking longer. Also, with the audio being played back and when people talk with their mask on it is very hard to hear. And I cannot type what I think you said and assume that you said it and it is not correct. If I cannot hear and someone else hears it, it may sound different to them."

Council Member Myers stated, "Thank you Mrs. Smith-Lee and Darrin for bringing this up. This has been delayed long enough. Those minutes have no relevance with respect to the desire of what the family would like to do. The City of Petersburg does not own the building and it has been reverted back to the family. The family chooses to donate this to the foundation and Mr. Crocker has found a way to support this endeavor moving forward. This is a black history museum, and it is very important to the African Americans of the City of Petersburg in all of what we have been through. And so, with further delay would continue to delay the efforts of black people all across America. So, I say this to you, members of City Council that we move forward and allow our director of library services to move forward with respect to the family and their grateful gift to the foundation so that we can move forward in presenting our history to the world."

Council Member Hill asked, "Is that a motion?"

Mayor Parham asked, "Council Member Myers is that a motion being put on the floor?"

Council Member Myers stated, "Yes, that is a motion."

Council Member Myers made a motion to move forward and allow the director of library services to move forward with respect to the family and their grateful gift to the foundation. The motion was seconded by Council Member Hill. There was discussion on the motion.

Council Member Cuthbert stated, "Point of order. Our rules say that we cannot just sprain motions. And it is for a good reason."

Council Member Myers stated, "Mr. Mayor, I would like to set aside the Rules of Council."

Mayor Parham stated, "Alright, that is a motion to set aside the Rules of Council."

Council Member Myers made a motion to suspend the Rules of Council. The motion was seconded by

*Audio available upon request.

Council Member Hill.

Council Member Cuthbert stated, "Those rules are there for a reason. We don't have the information that we need. We have no clue on what the cost are, and I vote no."

Council Member Hill stated, "I vote aye. But one of the things that the City Manager asked, is she needed direction on which way to go. So, I understand the unreadiness on Council Member Cuthbert part but at the end of the day she is asking from council. So, we need to give her direction at this time. So, I vote yes."

The motion was approved on roll call. On roll call vote, voting yes: Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham; Voting No: Cuthbert

First motion made by Council Member Myers with giving direction to the City Manager goes back on the floor for vote.

Council Member Cuthbert stated, "I am voting no because I think that we are irresponsible to take action without knowing the feasibility if which we all would like to see. Not a responsible way to conduct business. So, I vote no."

Council Member Myers made a motion to move forward and allow the director of library services to move forward with respect to the family and their grateful gift to the foundation. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham; Voting No: Cuthbert

Mr. Williams stated, "Now that council has given the direction that they are going to proceed in we prepared an ordinance that authorizes the City of its conveyance in its interest in the property to the foundation. So, the next meeting Wayne should be bringing that up for a first reading and probably be adopted at the first meeting in December."

b. COVID-19 Update

Mrs. Benavides stated, "Next, I will ask Ms. Tyus to give the COVID Update."

Ms. Tyus provided key points and updates for COVID.

Key points:

- Petersburg rate of death continues to be consistent.
- Cases in the City of Petersburg continue to rise, and the death rate is stable.
- Flu shots will be available for free with no reservations at transit this Saturday, from 11am to 2pm. This information will be posted on the website and given to all community partners.
- COVID-19 Community testing will be Thursday, November 12th from 4pm to 6pm in Hopewell. This information is on the City's website as well.
- The City put out an RFP that closes tomorrow to restaurants and catering organizations in the City of Petersburg to offer them an opportunity to do holiday feeding. The restaurants will prepare the meals and deliver them to a particular site. The goal is to help the local restaurants and feed the community during the holiday. The restaurants will prepare the foods that their restaurants prepare for their business. The meals will be served two days before Thanksgiving and two days after.
- The City funded 78 in the first round of COVID monies for the businesses in the amount of \$212,000. In the second round, for new grants they received 120 new applications and they funded 55 additional businesses. The difference for the first round is that several of the

*Audio available upon request.

businesses in the first round had went and put in another application for the second round. Many businesses did not have a business license in the City of Petersburg or a valid license. The total in new grants in the second round is \$368,000.

Council Member Wilson-Smith stated, "About the COVID cases in Petersburg which appears that it is rising every day. What prevention measures do we have?"

Ms. Tyus stated, "Everything that we do is geared towards prevention. I think the numbers will be much larger if we are not being responsible the way that we are. We are social distancing and requiring mask in all City facilities. We are protecting our staff the best that we can with the exception of billing and collections we are not opening up to the public. We continue to bring you information on where testing is and going on in the community. There are four testing sites going on every week in the City of Petersburg. So, and then responsibility has to happen in households as they are working hard to contain the spread. We are also in support of listing and hearing some of the Crater District ads that are now running on the radio. Because we now realize that everybody doesn't have access to the internet and other forms. We realize that radio is a significant part. So, all of the things that we are doing collectively is probably what is helping that number 90 something. And it is going to continue as the country is escalating. Look at our escalation. It is not as dramatic in some places. It is always going to go up and I bet that I have said that at every meeting that are cases are going to go up. The language that the health department uses is that we have now as a region have moved from moderate community spread to severe community spread. And if anybody has any thoughts as to how we can engage any differently we are open to them."

Council Member Wilson-Smith stated, "Does the health department give statistics with this community spread? Is it spreading more among 40 and 50-year old's? Is it spreading more among the teenagers? What are we looking at?"

Ms. Tyus stated, "There is a dashboard that the health department puts up that gives probably more demographics than what we have. So, there is a dashboard that you can look at. I do not have it on me for you to look at."

Council Member Wilson-Smith stated, "Can you possibly send it to me?"

Ms. Tyus stated, "Yes ma'am."

Council Member Wilson-Smith stated, "As you know I have been asking a lot of questions on the demographics as it come. I am a big buck when it comes to documentaries. In the pandemic in 1919, there is something that I noticed. They had a lot of boarding houses and as people would leave the boarding houses other people would come in and the disease was being spread by way of within boarding house which is why I consistently ask about the hotels. Even if the maids go in to clean up a room where someone has COVID and have not been tested and do not know that they have it. That maid picks up those COVID sheets, spread and pillow and so that maid has been in contact and that same COVID mattress is there. So, they put on clean sheets and stuff for somebody else to come in. So, I just think that it is crucial. I do not know who to ask on how to make it make sense to what I am saying. I just think that it is crucial that we somehow get our hotels, motels, and Holiday Inns to see that they are following the COVID guidelines when it comes to cleaning and protecting people. A lot of our people that become evicted come directly to the hotels. So, there you mentioned feeding children in the hotels. A lot of kids are there, and a lot of families are there. And perhaps, as a suggestion it is something that maybe you can look at, which is what are hotels actually doing."

Mrs. Benavides stated, "So, this is something that I can speak to. I put my son in a hotel to stay in. There is a standard that is going on with hotels where they actually having to seal the room with a sticker just like they do with rental cars to show that it is disinfected. There is a lot equipment that is on the market that is

*Audio available upon request.

being actually placed in a room. So, the health department has to take the lead as the number inspector for our health and safety issues. We have to push them to make sure that they are adhering to it. We have realized that a lot of the rooms in our locality are more long term stay rooms. And the traditional hotels that you come into for one or two days. I do think that we need to have that conversation to make sure that they are taking the lead to do that. And then we have to look at what we can do to come down on it. I will give an example of the health department checking in on our business. For example, as we opened our downtown food market eating area, one of the things that the health department came in and said is that I don't see people social distancing. And if you do not fix it we are going to have to shut it down. So, I can tell you that they are truly behind the scenes checking on these things. But I do think that we will follow up with Ms. Tyus with the health department to find out what standards they are using for our long-term and short-term stay places which are hotel and motels in the City. And we will have that information for you."

Council Member Wilson-Smith stated, "Thank you. The next question that I have for Ms. Tyus was so that the feeding program is in the place of Mrs. Benavides had talked about gift cards. So, this is in place of the gift cards. Should a citizen become ill from food poisoning, allergic reaction or anything like that who is liable?"

Mrs. Benavides stated, "We will work with our attorney and let him figure that out. We need to go back and allow him to make sure of any liabilities as you pointed out. I know that Mr. Hart does his event annually and I am not sure what is done. I know that we have been actually feeding people all year long with the school systems. We will have to make sure that we have the proper checks and balances legally as we start to hand out those grants."

Ms. Tyus stated, "With every application they have to give us certification from the health department. The health department will go through the entire list to make sure that attached to every application is a valid business license and a current food handler's license. So, you cannot just send us an application if you have not been certified by the health department. The health department will also see in the guidelines what constitutes legitimate healthy nutritious meals. So, they are working hand in hand with us on that."

Council Member Wilson-Smith stated, "And you started out by saying that this helps the businesses as well as the citizens. How much does each business stand to profit from out of the \$10,000."

Ms. Tyus stated, "It just depends on how many meals they choose to do and \$10,000 is the high side and you can do fewer meals than that. We set a limit of \$15 per meal on each business and we set high side of \$10,000. So, if you have the capacity and you are a small business and you are providing less than that then we wouldn't over burden you to committing to something that you cannot do. That is why we did the RFP process. And then when they come back on Friday, we will know how many restaurants have the capacity."

Mrs. Benavides stated, "Let me say this really quick. The reason we did this is when we first came and said gift cards, we didn't want to do baskets and start that type of giveaways. I realized that we cannot control the gift cards and how funding would be spent. So, we wanted to figure ways specifically where some of our restaurants that have been struggling with catering in the areas would not only benefit and serve our residents but also support our local businesses. And so, that is why this project came forward. I shared this with some other cities in the First Cities meeting and they were like wow we might do that. Because everyone is looking at how do we still do something. And as we mentioned and I was going to say that in our update that we allocated funding from our CARES to cover this cost, both for thanksgiving and the holidays."

Council Member Wilson-Smith stated, "My other question was that on the application, might I suggest as a suggestion that you put a line on there asking them is anyone in the household allergic to food items. And it should cover us because we would know not to give that or present that. And for COVID money, I am so sorry, one last question. The Governor is issuing money for COVID utilities, but we have to apply for it. I think it is a total of \$120 million for residential and non-residential customers impacted by the ongoing health crisis."

*Audio available upon request.

So, will we be applying for that.”

Mrs. Benavides stated, “Ma’am, I will give you that information before we leave. Absolutely. I will give you a little bit of an update on where we are. I asked staff to prepare for me a list of individual accounts that became delinquent between March and December. Billing and collections and preparing that information and we are waiting on that now so that we can figure out what is that number that we are dealing with. Many of the jurisdictions have resumed disconnections. In Petersburg, I have made a decision and I think you all supported me on it, but we have not moved forward with disconnections at this time. We want to make sure that we are really over the hurdle. I appreciate your support in saying not to do this. But stopped that process and we are also trying to understand who would be eligible. So, that is the March through December 31st group. I will get the data for you and we will move forward with the request of funding. One of the things that I will say to you, and the reason that I want to share this with you is that one of the conversations that we have had is about CARES funding. And why that is important. There were some areas within the CAREs funding that actually we found more difficult than expected. One of the conversations that we have had, and this is the document that council has received and blessed us to move forward with. We have been moving forward with every aspect of it. Because we have to currently seal a December 31st deadline. Someone asked the question and I think we talked about the mortgage assistance and homeless. One of the challenges, and it is not just us, but all Cities have been struggling in some cases with doing this. There is lots of funding out there. So, when it came to housing assistance and homeless assistance and Ms. Tyus and I talked about it. And one of the things that we did not represent or recommend was because they are asking us to send folks because they are trying too.”

Ms. Tyus stated, “So, there is a number and St. Joseph’s Villa is the central place associated with homelessness and people needing assistance. They have more money than they can spend. So, we will post it on our website. But the number that they have given us is 703-962-1884. Anybody that needs rental assistance and are facing eviction because of that please have them call that number. As we were trying to figure out what to do with our money we reached out to them and said you cannot give us any more money because we are struggling with the money that we have. So, we will make sure that we post this on the website. Our social services team is going to have this information as well.”

Mrs. Benavides stated, “With that in mind we are moving forward and quickly. It has been an interesting challenge in making sure that we account for the public’s money correctly. Some things as we move forward, we will give a written update so you all will receive it via email. And we will place it online today. We are looking at devices to purify the air. These technologies are coming on board and we move forward. We supported the sheriff in the giveaways of PPE’s by assisting and purchasing the devices that are being given away via CARES funding. And so, all of these items are important to us. The schools will be receiving funds directly that the finance department will be transferring to them to support online learning. I just wanted you to know that you are going to see. Because we are in a line with God knows how many other Cities and jurisdictions throughout the country in making sure that we are preparing for the future in COVID. We are moving quickly. Gerrit and his team are doing the automation changes insuring that we have all of the things to create a workplace that is not only prepared for COVID but also prepared for providing customer service if necessary as we move forward. If we have any questions, I do have more data that I do have to provide to you but I am just trying to make sure that I got all my information in on where we are. I am absolutely confident that there will not be \$100 left at the end of December. Because there is a lot of stuff that we have to do in our organization to get our organization. I will give you an example as we talk about spread and go into our library. We now have hand free sinks. Now we realize that we have to move from hand free sinks to hand free other parts. And so, those are the types of things that we are moving to. And all of this stuff we are ordering, and we are ordering our thermometers. So, I am excited. They have been moving and moving fast but we have taken this one day at a time, but we are moving forward.”

c. Crime Statistics Update

*Audio available upon request.

Chief of Police, Travis Christian gave an update on the crime statistics.

Key points:

- The City was down 24% for violent crimes in the month of October 2020 as compared to October 2019.
- There were 25 violent crimes for the month of October 2019 and 19 for the month October 2020.
- There was a 6% reduction in property crimes for the month of October for an overall decrease of 10% for the month of October.
- They are looking at the weekly crimes to see what the root cause of crimes is. They are looking at the types of crimes in the City and what is affecting the City and causing the crimes.
- The week of November 2nd through 8th the City was down 80% from 2020 to 2019. They went from five violent crimes to one.
- There was an 89% reduction in property crimes. They went from 18 property crimes to 2 during the first week of number.
- There was a reduction of 91% of all major crimes during that time.
- There was a total so far of 144 in crimes in 2020 compared to 174 in 2019.
- With Operation No Guns they have received a total as of today a total of 346 illegal guns. Last year there was total of 320 guns. There has been an increase of intake of illegal guns.

Council Member Cuthbert stated, "I think that we are all believers in what the facts are. And I am a great supporter of the Petersburg Police. I do not need my questions to indicate anything else. But how many murders have we had in Petersburg to date?"

Chief Christian stated, "We are currently at 18."

Council Member Cuthbert stated, "It is certainly not police fault. But we have got that level of crime. I just want us to know what the facts are and if we have a problem then we need to solve it or work towards solving. How is our 18 compared to 2019 this time last year?"

Chief Christian stated, "The total last year we had 20 homicides in the City. As it stands, we have 18 today."

Council Member Cuthbert stated, "We have six weeks left to go and we are two down from last year's number. What can we do about this? Do you have any thoughts?"

Chief Christian stated, "As I mentioned earlier, we are trying to dig into more of the root causes. Most of all issues that we have seen is that there is a steady flow of illegal firearms in the City. And we have to tap into our resources to determine how these guns are getting into our City. The other thing is conflict. We are seeing that results of conflict are using firearms."

Council Member Cuthbert stated, "I have heard that there is a correlation between a level of violent crimes on one half and illiteracy, the lack of ability to read, and lack of ability to read fluently on the other. Have you ever seen any studies to that effect?"

Chief Christian stated, "I have not seen any studies that would relate to that. I know that the conversation can correlate the two together. But I have not personally seen any studies on that."

Council Member Cuthbert stated, "Do you believe that there is a correlation between reading on one hand and the ability to read fluently and the level violent crimes?"

*Audio available upon request.

Chief Christian stated, "I wouldn't say that I would connect the two at this point."

Council Member Cuthbert stated, "Okay. Thank you."

Vice Mayor Hart stated, "Good afternoon Chief. One of the things that I have been noticing lately is the off the road vehicles. They have been running racket right now. I am afraid that one of these evenings one of these young people will get run over by someone. Those things do not have lights."

Chief Christian stated, "We have also seen an increase as well. It puts us in a difficult situation to actually give tickets with those types of vehicles. It puts us in a reckless type of situation. What have been asking is that anyone that comes in contact with them do not hesitate to call us. We will try to find a strategic way to address those off-road vehicles like we did last year. Some of it takes some time. But we do see it."

Council Member Hill stated, "Yes, Chief congratulations again. We appreciate your promotion to chief. I think part of what you said was that you are going to have state and national to come in and kind of support us in some things and areas. Is that the plan? I think that we have done a great job with getting illegal guns of the street, but I know of course that there can always be more done. So, is that the plan for us to have the state come down?"

Chief Christian stated, "Without giving away those items as our actual tactics on how we will address these issues, we will continue to work in collaboration with the state and federal law enforcement partners. We will continue those efforts and actually increase those efforts."

Council Member Hill stated, "I know you already said what the citizens can do as far as talking more and letting you know what's going on. And it is always better to have more eyes on the streets because there are eyes and ears. But what can this council do to help the department?"

Chief Christian stated, "As I have stated we received from council advice on hiring more. The problem with that is not the matter of hiring more officers. The law enforcement profession today, it is hard to find people that want to be in law enforcement. So, what we are trying to do is come up with ways to improve it. With COVID in place it is hard to go in some of the locations that we typically go into to go with our recruit efforts. So, we are looking at that. Yesterday, we actually talked about some creative ways about recruiting officers and possibly hosting a virtual job fair. We are exploring so that we can get staff on board."

Council Member Hill stated, "Thank you. I believe that everyone supports our law enforcement. But I believe in action to our support. I mean we can say that you are great all day long but if we are not putting action behind it by whatever it is that you need then it goes nowhere. Just keep us abreast and keep us informed. And whatever you ask we will try our best through our management team to make that happen. At the end of the day someone with a motive it is hard to stop them. But I will ask the people to be more gaging and talking and letting you all what is going on. And thank you for your service."

Chief Christian stated, "And just to add to that I have seen an increase in phone calls and being aware of what is going on in their surroundings. And help being proactive and letting us know that this may take place or there is an argument going on in this corner. So, those types of information we encourage so call us. Even if it is something small. Call us so that we can actually go out there."

Council Member Hill stated, "One last thing and Madam City Manager you may want to jump in, someone told me that they called back to back to 911 and the services was busy and they couldn't get through. Do we have an issue with that or is something going on? That you know of?"

Chief Christian stated, "I am not aware of that, but I can check on that. Do you have a specific date or

*Audio available upon request.

time that I can look on for it?"

Council Member Hill stated, "No, I don't. I just happen to be out at the polls, and somebody was telling me that happened in the past."

Mrs. Benavides stated, "As we talk about the 911 issues, part of it is how do we start to expand. We have 34,000 residents but we have two per residents. We can be supporting 50,000 individuals. We have 32 people on our shift. And we have a number of vacancies with that type of job. We have got to come up with a strategy. That strategy is probably going to be a regional approach. We are going to have to move forward with that quickly. If the population is going to continue to increase, then this is going to be a challenge. But anytime anyone has a problem like that just make sure and hopefully if we can get the date it will help us to see if there was a glitch in the system. Technology is at a strain like nothing before. So many people are at home and online."

Council Member Smith-Lee stated, "Congratulations Chief. Thank you so much for your work in the community. I have heard nothing but great things about you getting involved and starting to talk to people. I think that is the kind of relationship that we need here in the City of Petersburg. I appreciate you doing that. Also, one of the things that I think that we can probably do is to partner with Virginia State University. They have an awesome criminal justice program there and John Tyler Community College. As a recruiting event or something like that there are several students that will be graduating in the next month from Virginia State University. So, I think that we might want to check and see what those kids want to do. Because I have a niece and she is only a sophomore there and she is truly into criminal justice program."

Chief Christian stated, "Yes ma'am. We have had some success with working with Virginia State University and we have some that came from Virginia State University."

Council Member Smith-Lee stated, "Also, Fort Lee too. There are a lot of military police that are retiring or just deciding not to pursue their career in the military. So, I think that we should reach out and find those individuals or soldiers who are military police that was to transition into a civilian role."

Chief Christian stated, "One of the things that we are looking into and studying is looking at a possible cadet program. We want to look at a cadet program that would address individuals between 18-20. And find those that have an interest at a young age. Those are some of the things that we are trying to do right now."

Council Member Wilson-Smith stated, "Last year when we studied this issue. I had asked for some statistics from the department and shared it with council. And what we saw was a number of shootings and killings per ward. And it was shared, and it came out to be that the three biggest places were Pin Oaks, Pecan Acres and Petersburg East. Well Pin Oaks and Pecan Acres don't have the residence anymore or if they do, they have very few. Petersburg East has a lot or the biggest amount of crime coming from Petersburg. Now, I know because I seen crime in East Walnut Hill that I have never seen before. So, Petersburg East is like a hub here. And I guess this would go to Mr. Williams. What can the City do if we know and can proof by way of records that the apartment complex is just a lot of crime that is there. Even to go to the office. The office is locked, and you cannot even get into the manager or there is a buffer to anyone that goes inside. So, that is obviously a huge problem there. So, what can the City do?"

Mr. Williams stated, "There are things that the law enforcement can probably do in directing the patrols. But when people think of crime issues, they think it's only a police matter and it's really not. In my former jurisdiction that we actually worked with a cert team. A cert team was actually all of the enforcement arms to the City working collaboratively to address issues. For example, in a location where you have an abundance of criminal activity and also have quality living issues there is a need to pursue a nuisance against the property. There are a number of things that you can do. But it has to be more than just a police effort."

*Audio available upon request.

Council Member Smith-Lee stated, "So, I am sure that the police department is aware of Petersburg East and these issues. What can you do? Can you come up with a plan? Can we help with that? What can actually be done between the department and the City?"

Chief Christian stated, "Well I can tell you that we have had some discussion with the management department of Petersburg East. And we discussed ways that we can hold them more accountability. Not only management but the actual ownership of the property. We have had some discussion with them about that and holding residents more accountable for their actions. The people that have issues don't live there. With community management, we are asking them to hold those people accountable for being responsible for their guest that are causing problems."

Mr. Williams stated, "And that way is one of the issues just touched on that my former locality used to address. Residents have trans occupancy that could apply and have migratory population within their building. So, that the police are aware of it but in order to address the issue it might involve other departments within the locality that could help. Hopefully, recognizing now that this is a big issue perhaps the PD can work further with the departments to collaboratively identify a strategy to address this."

Council Member Wilson-Smith stated, "Would it be alright Mrs. Benavides to ask for some type of update in December as to how it is and what strategies might be put in place for Petersburg East. Or what we can do to?"

Mrs. Benavides stated, "Absolutely. I think that it is important that when we start to do the updates from Council Member Cuthbert, I would also like to tie this in. I would like to clean up the structure on how we get things, but we will have this as an ongoing portion of the update. Therefore, you will have this. The first of each month aspect to have this and hear from me on the other project updates."

Mayor Parham stated, "Alright. Thanks again Chief."

d. Financial Update/CAFR Update

David Myers provided an update on the audit for 2020.

Key points:

- The external audit firm of Robinson, Farmer and Cox and Associates is engaged with the City to conduct the FY20 audit.
- This is the same audit firm from the last 12 audits.
- David Foley, CPA, is the partner in charge.
- The audit began on July 21st.
- The City desires to have the audit completed and submitted by December 15th.
- Thanked all the Department within the City and Council for assistance with the audit.

Council Member Cuthbert stated, "We have known for years that the deadline was going to be December 1st and then we got a two-week extension. Why is it that we are not meeting the deadline? I have a hard time understanding that. We had plenty of lead time. This is a serious deadline, and we look sloppy in the eyes of the public when we don't meet deadlines. I just ask to be forgiven. I would like to be on a more business-like footing and meet deadlines. What can we do to meet the deadline of December 15th of this year? And what can we do for the future to meet deadlines that I expect to be December 1st in the future."

Mrs. Benavides stated, "Let's start with why we cannot meet deadlines? Can you speak to that Ms. Patrice and David?"

*Audio available upon request.

Mr. Myers stated, "I will certainly yield to Ms. Elliott if she wants to go first or I can certainly jump in."

Ms. Elliott stated, "I can speak a little bit about that David. Basically, with the modified deadline of December 15th, we will have completed three CAFR's in less than nine months. Essentially that is pretty much unheard. We have been playing a bit of catch up if you will. I know that the 16 and 17 CAFR which were five years ago were issued at the same time as well. What we have been doing is putting the controls in the rigor and place that would allow us to get back to a schedule of normalcy. And so, basically the team that is here now especially in finance, a lot of the teams started last year as I started last year. And what we have been doing is putting those pieces back together and those partnerships back together especially our preaudit consultants to position us so that we can get ahead of the curve and get back on a normal schedule. Which we are right now. We are actually in lock step with other municipalities with issuing their CAFR at the same time as we are despite the fact that we have had these misgivings that have occurred with the City of Petersburg transition and knowledge that we have to rebuild again in order to get back on pace with issuing the CAFR. David if there is anything additional that you would like to offer."

Mr. Myers stated, "I will simply offer and again the finance office may already be addressing some of these things and they probably are. Some things can occur during the year as all of you well know. Monthly cash reconciliations can be done during the year. They do not all have to be done at the end of the year. Primarily with payments there is a debt payment in fall and a debt payment in the spring. Those can be reconciled when those payments are made. So, then the final reconciliation can be done during the summer. So, smaller things like as the 941 is prepared, the payroll reconciliations can be done every quarter as the 941's are issued. Accounts payable can be done literally every month to make sure the ledger is balanced to the checks that were written. Those things may already be in place. But having the consistent team in place that can pick those things up and do them as the year goes on as opposed to catching up to things as they go on during the year will make the City close at about the earliest time. Really as you all know there is a 60 day of cool period at the end of year that is required. So, that means that a cool period goes all of July and all of August. And then there is a balancing reconciliation period that even for extremely efficient localities goes until about mid-September. So, that period is about ten weeks we will call it. The past pre-audit work and this pre-audit work is about 13 or 14 weeks. So doing some of these things during the year can get the City on that roughly 12 week schedule to get the books closed by September 12th and then get in that efficient line of localities with whoever your external auditor is so that they can get the City's done on time or even earlier. So, the City position themselves to do that. You ask me a specific question of what can be done. And those are the kinds of things that can be done. And they very well may be. I haven't looked at 21 yet."

Ms. Elliot stated, "Those things are being done. One of the things that we have done this year that we had consummated at the closing of the last CAFR is that we did sign an MOU with the treasurer's office which better positioned us to provide not only reaudited assistance but also finance assistance in ensuring that the cash reconciliations are done in a timely basis. That was one of the things that was picked up was that the cash reconciliations and making sure that the cash activity had been posted. We actually have meetings with them as well as the treasurer's office. We have a shared location where we have prepared a monthly check list. And so, between finance, billing and collections as well as the treasurer's office there are items that each entity has to make sure has been completed before the period is closed. We are moving to a fashion where we are closing the period by month as opposed to just focusing on the year end closure. Typically, as David may have eluded to, you normally have your auditor's to come in around April or before the close of the fiscal year so that you can be at a better footing once you do close the year. Well, in April we are in the midst of closing for 2019. And in February, we were in the midst of producing the CAFR for 2019. And just two months prior we were in the midst for producing the CAFR for FY18. So, we have had several years of overlap where we have had to do three fiscal years at one time. So, it just takes time to have some of the nutrition off so that we can have focus on the year that just closed and be about the business of the current fiscal year in those periods in a timely fashion. So, when it is time for closure, we are not juggling three years at one time."

*Audio available upon request.

Council Member Cuthbert stated, "Madam City Manager can we make to standard operating procedure to take these steps of periodic reconciliation for each year. And if you find that you are running in a problem that is beyond your control you attempt to do one of these periodic reconciliations. Would you bring that to council's attention?"

Mrs. Benavides stated, "I think it is a two-part process. And I know that we stopped getting the treasurer's updates and we probably need to allow this. The budget still falls under the treasurer. Although everyone technically supports the treasurer, I think it might be important for him to give us a monthly update and the reconciliation process. He has staff there that is working on it. But I do know that they are working slightly behind schedule. We expected to close about three to four weeks prior. A portion of it still had reconciliation that needed to be done. I think that if we can agree and if council could request once a month an update from the treasurer's office on the fund balance and which month, we are on with reconciliation."

Council Member Cuthbert stated, "That would be very helpful. But I believe that some of these periodic reconciliations don't have anything to do with the treasurer. Is that correct?"

Mrs. Benavides stated, "I am going to let Ms. Patrice answer that."

Ms. Elliott stated, "Everything deals with the treasurer's office because it deals with cash. So, as David mentioned reconciling the payroll is cash out of the door. Thankfully, we did not have any out of balance situations that was not systematic caused as opposed to cause by a person. But the things that we were waiting on even to do the soft close this year was ensuring that we closed today for posting cash. So, the buck and everything stops at the bank statement and what is going in and out of it. Every transaction that is posted essentially is what is hitting cash. So, coordination is key. So, that is why we have created a share location where my Assistant Director, Stacy Jordan, not only has setup a meeting monthly so that we can close the periods monthly going forward. So, that when we get to the end of the year there is only one period that we have to contend with and that is June. Anything else that is cared for is a reconciling item and those should be far and in between."

Council Member Cuthbert asked, "Well, can we take it from this approach. Madam City Manager, would you make it standard operation and procedure to take these steps of periodic reconciliation that Mr. David mentioned to us throughout the year and if there is a glitch in meeting or achieving those periodic reconciliation that it is brought to council's attention as it happen."

Mrs. Benavides stated, "Yes. I think we should do it on a monthly basis. The key is to stay up to date monthly. And so, in the monthly financial update we are going to talk and tell you where it is. We can see things. We will provide you with an update so that we can make sure that we are on schedule. So, that we can see if there is a need for intervention."

Council Member Cuthbert stated, "You have brought this City so far Madam City Manager. I salute and all of council salute. We are making tremendous progress. We just need to keep the ball rolling and achieve and attain deadlines."

Mrs. Benavides stated, "I have not given up on us meeting the deadline. And I think our biggest disadvantage right now would be is that we have the same auditor that Hopewell and many cities in the jurisdiction use. The last time the issue was their scheduling to be onsite. I hope that with a little pressure they can push forward. We have an excellent preaudit team and finance team. I hope and plan that this will be much smoother than in the past."

Mayor Parham stated, "Thank you all for the presentation."

*Audio available upon request.

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

- a. City Council Minutes of September 1, 2020 – Special Regular City Council Meeting and October 6, 2020, Special Regular City Council Meeting Minutes and October 20, 2020 – Special Closed Session City Council Meeting Minutes.
- b. Consideration and appropriation of the FY2020 carryover balance in the amount of \$46,470.45 for preliminary engineering work for the South Crater Road Traffic Signal Improvements to FY2021– 1st Reading
- c. A request for the City Council to hold a public hearing November 17, 2020 regarding a proposal to purchase and develop 115 Harrison Street and , consideration of an ordinance authorizing the City Manager to execute a purchase agreement toward the sale of the City-owned property.
- d. Consideration and appropriation of the FY2020 Southside Depot carryover balance in the amount of \$187,867.90 for the Southside Depot project to FY2021 – 1st Reading
- e. Consideration and appropriation of the FY2020 carryover balance in the amount of \$38,350.06 for preliminary engineering phase of the Sycamore Street Bridge Culvert Rehabilitation to FY2021 – 1st Reading
- f. Consideration of an appropriation for \$9,815 for the construction of a pedestrian walkway – 1st Reading

Council Member Hill made a motion to approve the consent agenda. The motion was seconded by Council Member Myers.

Mayor Parham stated, “I have just been informed about the public hearing on November 17th.”

Ms. Jackson stated, “It would have to December 8th or can we still do it next week? It is normally advertised twice as opposed to this would only be advertised once.”

Mr. Williams stated, “Yes, that is not enough time to be advertised.”

Mayor Parham stated, “So, we will amend Section C and request for the City Council to hold a public hearing for December 8, 2020 regarding a proposal to purchase and develop 115 Harrison Street and , consideration of an ordinance authorizing the City Manager to execute a purchase agreement toward the sale of the City-owned property. That is a motion with an amendment change by Council Member Hill and seconded by Council Member Myers. Ms. Jackson, please call the roll.”

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

11. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing and to consider a petition to rezone 550 and 601 Rives Road and A to M-1.

BACKGROUND: The City of Petersburg received a petition from Roslyn Farm Corp, to rezone 601 Rives Rd, T.P. # 102-04-0001, approximately 22.1033 acres and 550 Rives Rd, T.P. #102-050001, 23.659 acres from the B-2, General Commercial District to M-1, Light Industrial District to permit Industrial Development and Distribution land uses. The current Comprehensive Plan 2014 Future Land Use Plan designates that the area is suitable for commercial/industrial uses.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing to consider a petition to rezone the property at 550 and 601 Rives Road from A to M-1.

*Audio available upon request.

Reginald Tabor, Interim Director of Planning and Community Development, gave a briefing on the rezoning request. He stated that there is a correction of rezoning from B-2 to M-1.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the Planning Commission recommendation of the rezoning request from B-2 to M-1. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

20-ORD-52 AN ORDINANCE APPROVING THE REZONING OF THE PROPERTIES AT 550 AND 601 RIVES ROAD FROM B-2 TO M-1.

- b. A public hearing and to consider a petition to rezone 235, 243, 247 Hinton Street from R-3 to PUD.

BACKGROUND: The City of Petersburg received a petition from Mr. Dale and Mrs. Linda Pittman to rezone the properties at 235 Hinton, T.P. #010-220027; 243 Hinton Street, T.P.# 010-220028 and 247 Hinton Street, T.P. #010-220029, from R-3, Two-Family Residence District to PUD, Planned Unit Development District. The rezoning is requested to permit a mixed-use development that would include multifamily residential and light intensity commercial uses for the purpose of hosting weddings, and other civil and social gatherings. The rooms would function as an Inn.

During the October 28, 2020 meeting, the Planning Commission unanimously recommended approval of the petition to rezone the property.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers a petition to rezone the properties at 325, 243, 247 Hinton Street from R-3 to PUD.

Reginald Tabor, Interim Director of Planning and Community Development, gave a briefing on the rezoning request.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Cuthbert made a motion to adopt the ordinance that has been presented to council approving the rezoning of the properties at 235, 243 and 247 Hinton Street from R-3 to PUD. The motion was seconded by Vice Mayor Hart.

Council Member Cuthbert stated, "May I make one comment. I would find it helpful and I would suspect that all members of council would find it helpful if in the agendas we get a recommendation from staff. Not only to schedule a public hearing but as to the decision that you make. For example, the recommendation from staff is merely that City Council schedules a public hearing and considers rezoning the property as. So, we routinely receive similar recommendations that really do not address the substance and it just says schedule a public hearing. We have a staff that are good people and well trained and I think we all would value a recommendation that addresses the proposal. Madam City Manager is that something that you can accomplish?"

*Audio available upon request.

Mrs. Benavides stated, "That is a great recommendation. And that is a change, and we will make sure that we will add to it the recommendation. And not only will we add the recommendation but the reason why to so that you will have a logic to that section."

Council Member Cuthbert stated, "I think that it will be tremendous and helpful. And not only that. Going back a step the recommendation that we approve or disapprove. Right now, all we got is a recommendation that we schedule a public hearing. We may not go along with staff opinion, but I would love to know what is staff opinion."

Mrs. Benavides stated, "And because it is pre public hearing and I think we owe the public a chance. I think based on the current merits moving forward and we can figure out how to state it so that we do not step over the legal toes of Mr. Williams."

Council Member Cuthbert stated, "Thank you."

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

Council Member Myers stated, "I would also like to thank Ms. Adele and Ms. Pitt for what they do in Ward 5 and all that they have done on High Street all the way down to Hinton Street. This will be a really good project for Ward 5."

20-ORD-53 AN ORDINANCE APPROVING THE REZONING OF THE PROPERTIES AT 235, 243, AND 247 HINTON STREET FROM R-3 TO PUD.

- c. A public hearing to consider an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation in an amount not to exceed 30 percent of the total fees.

BACKGROUND: The City of Petersburg receives Site Plan applications and Land Disturbance Permits for development projects in the City of Petersburg.

The City has received offers to augment City staffing to expedite the review and approval processes. Expedited review and approval processes can benefit the City by reducing staff time required for the processes, and the expedited processes can serve as incentives for additional development.

The augmented staffing would be provided by the property developer at their expense. The augmented staffing would be provided in lieu of additional staffing that would be reflected in a reduction in fees and would reflect the reduction in City Staff resources necessary for the review and approval processes. The reduction in fees would not exceed 30 percent of the total permit fees.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

Reginald Tabor, Interim Director of Planning and Community Development, gave a briefing on the consideration of an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation in an amount not to exceed 30 percent of the total fees. He stated that staff recommends approval.

*Audio available upon request.

Mayor Parham opened the floor for public comments.

Linwood Christian, 410 Mistletoe Street, stated, "Good afternoon Mayor and Members of Council. I just have one question. In looking at this and they are talking about a site review. I heard Mr. Tabor if I am not mistaken say that whoever wants to develop on the site at their expense would take the extra staff. My concern is still will there be some kind of oversight from the City? So, that whoever wants to develop the property and they pay their people will not sell us some wolf tickets and we go along with it. And this project may be more than what we realized we bargained for. That is all I wanted to know. Will there be some kind of oversight from the City? I do not care who is paying for it but in the long run when we, the City, and I am not just talking about you all on Council, the citizens as well, will be the ones that will have the embarrassment if something like that should happen. But still will there be some oversight from the City? Thank you."

Mr. Tabor stated, "Absolutely. The City would have to approve any work that is done by the contractor and ultimately approve any site plans and permits for which we will receive applications. So, we will continue to use the existing processes. This will potentially expedite that process so that when we get the site plans or the permit applications they will be in order. And we will not have to continue to go back and forth with our corrections or amendments to delay the process. We will still, as the City, review and approve and sign off on the site plan applications and land disturbance permits."

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated, "Question on this with reduction of site plan review and staffing augmentation. Does this include third party review of plans and so forth? Because if they are paying for someone to do their review, how do we know if we do not have staff looking over it if it needs all the codes and ordinances that we need."

Mr. Tabor stated, "Yes. And the City will receive whatever is all the work that is done by the third-party reviewer. And they have to approve it ultimately."

Mr. Fleming stated, "Okay. Thank you very much."

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

Council Member Cuthbert stated, "Mr. Mayor, I have a number of concerns about this. Some of my concerns were echoed by Mr. Linwood Christian and Mr. Jeff Fleming. Let me just read the questions out and I'll ask the City Manager to address them or staff to address. One, whose idea was this? I wonder about that. Two, what is the range of fees at issue. I have no clue. Three, what is the problem that is intended to be addressed. Four, how does reducing fees speed up the process? I do not see the connection. And five, discretionary reduction in fees sounds to me like an invitation to grab. If we have a fee schedule we know when someone pays the fee. They have a receipt. But if we leave it to staff to say, 'well we can reduce the fee a little bit for you.' I can see where that can be a problem. And as that famous poem by Robert Cross say, 'Good fences make good neighbors.' So, I am concerned about this proposal for all of those reasons. And at this moment I cannot support. But let me ask the City Manager if she can address those questions."

Mrs. Benavides stated, "So, when you look at this process one of the things that when you are doing major capital reduction of projects is that we have a limited staff for the scope so we generally outsource big things. The goal of this does not necessarily be a given in fact a tool that we can use in our economic and development incentives if a company is willing to pay. Now we would have to approve the third party. And so, we would be able to because we want to get a lot of projects done. We have land that can be developed. If they make that part of their priority to send in an agenda that we approve to do this, we would reduce the fees for those area. So, this is not just you have a project that you are working, or you are building your house and you want your fee. This is major economic development projects. So, that we have other potential bargaining

*Audio available upon request.

tools that we can use to keep things moving quickly but also as an incentive for our construction folks to move quickly.”

Council Member Cuthbert asked, “Can we go back to the questions? Whose idea was this?”

Mrs. Benavides stated, “This can from our discussion from some of our current economic development projects that we are working on from a development standpoint. So, I will use for example Collier Yard. If we had someone who was coming in, so you know the RAN has infrastructure issues. If we have a developer who wants to come in and invest \$20 million dollars in it, but it is going to take a lot of construction for infrastructure. And because they need to get it done and turned around quickly if they are willing to bring on a third party credible approved vendor to do the inspection and some of the permit process that we would normally do. And this would be a way that we can at least reduce some of the fees. I will ask Mr. Williams to tie into that because part of this discussion I have had with him too.”

Mr. Williams stated, “Well the question is, what is he proposing permissible. I would say yes. However, my recommendation has been incorporated to zoning ordinance and have it run through the Planning Commission in order to vet the issues in which you are talking about. Just like you are going to see the Technology Zone that the issue is going to come in front of you and there is an application of the ordinance. So, concern is that you have a process.”

Council Member Cuthbert made a motion to defer item 11C to the Planning Commission for its study and bring recommendation back to council. The motion was seconded by Council Member Wilson-Smith. There was discussion among City Council Members. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Smith-Lee, Hill, Hart and Parham; Absent: Myers

12. 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.

Mayor Parham stated, “At this time, Councilwoman Smith-Lee would like a moment of personal privilege. I know that you have to leave. I will let you get your comments in before you leave.”

Council Member Smith-Lee stated, “Thank you. I just want to say thank you to Ward 6 for your support in reelecting as your representative for the Petersburg City Council. I would like to also thank my awesome campaign team and their support in helping me be reelected. Go Team Ward 6! Also, I would like to also kind of get the morale up in the City of Petersburg. So, one of the things that I would like to ask the City Manager and the Deputy City Managers is that I would like to have for the wards to have a Christmas House Decorating Contest. Whereas anyone that wants to participate throughout the wards and then we have judges to go to the different houses in the wards. And then whoever has the best house will get a prize. But each ward will be represented by one person to win in their ward.”

Mrs. Benavides stated, “So, I hear in this is that they would have an internal ward competition and then the wards would have a competition among themselves of the people who are the first prize winners. So, all the houses, because I think for us is that holiday season is a time where there are a lot of folks and Ms.

*Audio available upon request.

Darnetta came in because she knew it was going to fall into her lap. But I like the idea. But let us build on it and we will bring you back a plan on what we think that we can do at the next council meeting. Not the next one the first one in December. I do love the idea and we are not going to be able to do a holiday parade. But a lot of City's do have a decoration parade where you drive around the streets to see the tour of lights. I would love to light of Petersburg for the holiday. Because people need reasons to cheer."

Council Member Smith-Lee stated, "Maybe the judges can be like each one of the ward members can choose or ask anyone in their ward if they would like to be a judge as well as anyone else."

Mrs. Benavides stated, "Absolutely! If you would be willing to work with Ms. Tyus and any other members of council. I believe that this would be a fun activity to make this happen. We have to give our folks something for the holidays and it's a great idea. Thank you."

Council Member Smith-Lee stated, "And, also we can have a competition with the businesses in the City also. I just think that this will be something good for the morale for the City of Petersburg."

Mrs. Benavides stated, "Yes a time for healing. Yes."

Council Member Smith-Lee stated, "Also, I would like to let you know that on November 21st I am going to have a cleanup of the ramps and exits."

Ms. Tyus stated, "So, I have to do a time adjustment. We reached out to highway. So, it is illegal to go onto their grounds. They are granting Petersburg a one year of waiving all fees to allow us access with their protection with providing vest and things like that. What they are saying is that they cannot complete the permit process before the 21st. So, you are going to have to adjust your date. But the other thing is that they are doing their last cleanup on the 23rd. They just text it to me an hour ago. So, let's talk about it."

Council Member Smith-Lee stated, "So, we are going to have to revamp the timeframe. So, we may have to do it in December. I will go back to the team that I am working with and let them know. We can improvise and do something else. That concludes my report."

Mayor Parham stated, "Thank you and I know you have to leave out also Councilman Cuthbert. I will give you your moment of personal time."

Council Member Cuthbert stated, "Thank you Mr. Mayor. I have to leave out at 3:30pm. Let me follow my colleague Mrs. Smith-Lee. I am grateful too for the voter's in my ward for reelecting. I have wonderful people in my ward, and we have wonderful people throughout the City. It is an honor to serve them. I found out that going door to door something that I should have realized sometime ago. That is that when the public doesn't like something that City staff does City Council gets blamed for it. And we get slammed. We are the buffer between the public and staff. It is a very difficult position to be in. Sometimes impossible and sometimes I am speechless. At any time, it would be helpful if staff was more aggressive in presenting the City's position online on difficult issues. For example, the 1 inch and 5/8 inch instead of Charlie the council member to explain it. I would much rather staff explain. Staff has the expertise and they have done a good job with putting the explanation in writing. Please see the City's webpage. Another thing that would help us to hire one to push the City's public relations efforts. Right now, I think that we do great things on City Council. And yet the public has no clue, and they think that we are totally worthless. Because our accomplishments are not being put out there. They say what have you guys done in the last four years and how much time do you have. But staff needs to be more assertive in putting the message out there as to what is being accomplished. We have done tremendous things. But if we do not tell anybody that then we might as well not have done them. So, those are two takeaways that I have with going door to door. As to the difficulty that the City Clerk encounters in preparing agenda minutes, I sympathize with that and understand that. I have seen some voice recognition on

*Audio available upon request.

that TV screen that as words were being spoken the words appeared on that screen. And I think it was done during the presentation from the man from ARWA perhaps. Maybe it was done by the City Manager. I have seen that happening and I am wondering if that would facilitate things and make it easier for the Clerk to stay up to date. So, for instance when we have a meeting on October 20th the minutes are in the packet for November 10th. I just ask the clerk to consider that. I do not know if it will work or not work. Madam Clerk is that worth exploring or have you already explored it and ruled it out.”

Ms. Jackson stated, “I have already explored it and ruled it out. It types everything you say but there are a lot of words where it states what you say it is totally different from what you actually say. It says that you are stating one thing, but it is totally different. It creates a bunch of pauses in your sentence and then it creates a new sentence. I would literally have to go through the whole entire segment and basically type it all over again.”

Council Member Cuthbert stated, “Well that is your call.”

Mrs. Benavides stated, “Council, what I can tell you is that we are purchasing a brand-new council management software system. That we are installing and not only are we using a different type of video presentation, but it will also give you a different recording. So, that the feed from here will go directly into that system. So, as though that this is problem that we are having specifically with us all being masked up right now, I do think that we are going to be working with the clerk to provide her with what she needs from a technology standpoint to do her job easier. I know that there is dragonfly and other software that clerks use that do the translation. What we are dealing with more than anything now is the muffle of being safe and getting the information in. So, we will be fixing this problem as we go.”

Council Member Cuthbert stated, “Thank you madam City Manager. What is the timetable for adopting and getting that?”

Mr. VanVoorhees stated, “Originally it was planned to go into the train station. So, some of that is dependent on where we continue to do council meetings in the near future and when the pandemic restrictions might be lifted. It is not a terrible piece of equipment. It is a fairly extravagant setup. It needs to go into a place that it will be permanently used. It can be moved but it is not cheap or easy.”

Mrs. Benavides stated, “So, what has happened council member is that we have ordered and we have it purchased and everything ready to go but it is a quick construction that we now see happening with the auditorium at the library. It makes perfectly good sense to do one installation. Because when you move things like that around it becomes a problem. So, they had started the setup at the train station. When they did the groundbreaking and said that they would be done in June, we realized from our point we should install it there. But we will look for some alternatives in the meantime to make sure that she has a clear depiction of what we are saying.”

Council Member Cuthbert stated, “Thank you. And last point is a question for Ms. Tyus. Ms. Tyus, once we have completed a feed the need form and signed it where do we send it?”

Mrs. Benavides stated, “Council Members she said you should send it to her directly from council members. But if citizens get one where does it go? We will create a special email address that will capture the forms. If anyone has a problem, call the customer service or call billing and collections and they will transfer you to customer service.”

Council Member Cuthbert stated, “Thank you both and thank you Mr. Mayor.”

Mayor Parham stated, “Now we will start with the public information period.”

*Audio available upon request.

Dr. Candace Roney, 2623 Park Avenue, stated, "To the Honorable Mayor, Council Members and guest, thank you for having me. My name is Dr. Candice Roney. I am the Executive Director for Merakey Recovery. We are located at 2623 Park Avenue. We are a behavior healthcare agency that provides a comprehensive array of addiction services. To include medication assistant treatment, intensive outpatient treatment, regular outpatient case management, care services and care coordination. We will be opening around December 14th. We on staff a medical doctor, psychiatrist, pharmacist, therapist, and peer specialist. We want to say that we are excited with opening up in Petersburg. We have done our research and know that there is a need for addiction services in Petersburg, VA. And we are here to provide quality and a continuance array of services to the community. If there are anyone who wish to contact me candace.roney@merakey.org Again we look forward to working and providing services in the community and we appreciate you all for having us."

Barb Rudolph, 1675 Mt. Vernon Street, stated, "I appreciate getting an update on the COVID funding. The City Manager showed the chart that was called status of allocation by category. I am looking forward at the next meeting for a report on that. The question I asked at the last meeting was specifically about the possibility of one-time bonuses for essential employees. I hope that is being considered. Also, that particular chart, I don't believe is on the City's website or I cannot find it. It would be helpful for citizens to have that to refer too. Because it has been out there for months now. The other question that I have. And I am asking that as a question for an actual and thorough up at the next meeting on the actual plan and the expenses against it. As well as other sources of CARES Act money that are coming into the City and being used. My other comment is about the library. I think there was a missing piece. Because you all had a capital budget meeting for FY2021-2025 back in June and it was really a good meeting. At the time you talked about the library auditorium conference center project. And it was determined at that meeting to be a very desirable project but a lower priority due to all of the many, many other capital needs in the City and in the schools. So, somehow it jumped out of being nice to do but not essential to being now that we have broken ground on it. I would love to know more on how that evolved. Thank you."

Ron Flock, 1608 Pender Avenue, stated, "We had a little conversation with our new police chief. And thank you Councilwoman Treska Wilson-Smith, you were the only person that asked what we as a City can do to help you. Instead of what are you going to do about it. I would really like to see the City investing in some of these programs to give our youths something to do that would give them confidence building skills, teamwork skills and conflict resolutions. They have nowhere to go and nothing to do. And I understand that it is COVID time to get them together. But this is the perfect opportunity to create goals and work towards that. And possibly turn out a generation that knows how to talk to each other. But that is all that I wanted to talk about today. Thank you."

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

Council Member Wilson-Smith stated, "I did want to ask, Ms. Kemi sends out a newsletter, very nice newsletter. She put in it the article that was in our VML magazine title, 'Back on Track, Building up Steam.' And it indicates it was written by economic development manager, Clay Hamner. Is that an error or why is he? Should that be corrected since that is a public document? Why would he do that?"

Mrs. Benavides stated, "I cannot answer your question. I am not sure if Clay put it in. He is helping in our community affairs and he is helping in both economic development and community affairs. And so, I am not sure if it was for creditability? But I will follow up on that and I will get you an answer on that ma'am."

Council member Wilson-Smith stated, "Thank you. And I have nothing else to say. But thank you for the flowers."

Mrs. Benavides stated, "Happy Birthday."

*Audio available upon request.

Council Member Hill stated, "Yes, good evening. First of all, I would like to thank GOD for sustaining us during this election. It was a hard fight all the way down to the wire. I would like to thank him for allowing me the strength and giving me the victory. Also, I would like to thank my family, my wife and children, my friends and all of those that participated in the election process with me. Those residents that voted for me and those residents that didn't vote for me I will try and earn your support in the next four years. I would like to thank those council members who called or texted me to encourage me along this journey. I look forward to continuing with you all. As to the numbers in the votes, the numbers are what they are. It is almost like a heavy weight fight. Sometimes you down and then you come back and then you get down again and you come back. So, I would like to thank the voting registration office, Dawn Williams and her staff. They did a remarkable job with the early voting and with the in-person voting, with provisional voting and with the voting on November 3rd. Her staff is remarkable with everything that they have done. I want to give kudos to all those that participated in the voting process. And I look forward to working with the City of Petersburg again. We talked about the leave and trash pickup. So, if you are interested in how that will work out. Because I put out leaves in the last three weeks and I raked leaves yesterday and they are in a pile. And I raked some a month ago. I hope that everyone will adhere to the scheduling. And if we have to do another round then we will have to look at that. We talked about the safety crime. One of the retired police officers came to me and we had breakfast together, and he asked can we do something for the retirees of the City of Petersburg as far as with the golf course. Can we do some type of reduction for the retirees for the golf course. Maybe we can come up with something. We do not have that many that retired that play golf. That will be a good incentive for the people over at the golf course especially the retirees like police, fire, and different areas in the City. Evidently there has been some talk about that. And one thing I did learn about, just like Councilman Cuthbert, when you are running a race you tend to find out a whole lot that is going on in the City. So, with that being said if we can have some type of citywide dialogue with the citizens somehow or someday. Often times it is always us speaking and then of course they only get three minutes. And three minutes is short period of time. But we need some type of drive-up and have a moderator and not necessarily give questions. I always ask my residents to give me your three top items. Because you know of course everybody wants to give you a list. I always ask for the three top items to work on and then I narrow it down from there. So, maybe when COVID lessens up and things of that nature and then we can have some dialogue with the citizens as a whole. I know that we do our individual ward meetings but I would like to do some meetings as a whole maybe at the sports complex where we drive-up and people register and they will be able to express their ideas and likes and maybe their dislikes. But just those three major things that they would like us to work on as a City. Like Councilman Cuthbert said, council gets blamed for a lot of things that staff do and don't do. And that is just part of the territory because we are all as one. So, I would never throw staff up under the bus and would hope that they do not throw us under the bus. A lot of times we are working on those items that they have concerns with. So, I just want to thank council and our City for standing with this council. Thank you."

Vice Mayor Hart stated, "I just want to say congratulations to all of the council members that won their seats back. I look forward to working with you for another four years and hopefully we will get a lot of stuff done."

Council Member Wilson-Smith asked, "How much longer is our lease on the Social Services building?"

Mayor Parham stated, "Two-year lease with the option of three."

Mr. Lyons stated, "Two years with the option. And I will get the details from Ms. Tyus and I will make it available to you."

Council Member Wilson-Smith stated, "You talked about them having telephones and they can answer the phone wherever they are now almost, and they all have laptops from the state. I just want us to consider if we need to continue. COVID has taught us a lot of things. COVID has taught us that we do not always have to

*Audio available upon request.

have a big building to operate from. The knowledge that we need is in our heads and we walk around with that. The abilities and technology that we have doesn't necessarily mean that we have to have a building all the time. This is something that we need to look at. So, toward the end of our two-year period, maybe six months prior if we can look at whether or not if we really do need this."

Mayor Parham stated, "Take a quick moment to congratulate Council Member Cuthbert, Council Member Hill and Councilwoman Smith-Lee for retaining your seats. Looking forward to working with you. We have a lot of work. There is so much in the pipeline that I am happy to have you all back and also to keep pushing the City of Petersburg forward. You ran against a lot of the social media opposition that occurred. And many of the sweepers and things of that nature run these opponents as a slate just like the ran them against Council Member Myers and myself. And they always try to say that they are the voice of Petersburg. Well the voice of Petersburg are the voters. They spoke well on election day in putting you all back in your seats. So, just to answer some of the questions and similar to President elect Joe Biden and the Vice President elect Kamala Harris said that it is time now for not only the nation but for Petersburg to heal and to move forward all of the negative dialect and all of that hate that you get from Facebook and the sweep groups and all of those things and all the special interest groups on Facebook. They are saying that all candidates all lose. Again, isn't it time to change that negative dialect and move towards a more positive outlook of the City of what they can contribute instead of tearing council members down. Because you see that it obviously does not work. And just to get into something that they said even for Mr. Flock, isn't now the time for you to start suing what you all can do to help our youth. From what Barb said, isn't it time for you to get involved in the library foundation and building up the library. Because that is not a City initiated project that is by the Library Foundation raising money. Wouldn't you like to contribute to that? I have been meeting every Sunday with a group of young men that is interested in what we can do to help save our youth and cut down on a lot of the senseless gun violence that is really about conflict resolution. Someone gets mad at someone and shoots someone. Isn't it time for the Facebook groups to come together to figure out what you can do for the betterment of Petersburg as a whole? Instead of attacking the people who are trying to do the best with what they have to improve the City of Petersburg. Because I grew up here and I have seen and grown up in this mess. And it has been a mess for a long time. And I cannot commend enough the City staff from top to bottom that have invested their families and livelihood and everything into the City of Petersburg. And each and every one of you all have made a tremendous contribute and I cannot thank everyone around this table enough for your sacrifice. We have been here today since 10 in the morning. And that is because the City of Petersburg is moving forward and we have a lot of things going and it takes meetings and we have even more meetings to get our arms around what it takes to move this City into the 21st Century. Because when we got here Petersburg was in the 80s and I am talking about the early 80s. Everyone was still talking about the Tobacco Plant and that left when I was a child. I don't even remember, and nothing has happened. Even when you look at a lot of former Mayors and things like that trying to talk negative about this council and this administration and they started that mess in the 80s. They said no to most of our industry because they always have some negative dialect for over 40 years. So, this has to be the council to turn away from that and to what we can do to uplift this City and resurrect it in these hard times. Because this council is faced with the financial crisis and now, we are stuck with another crisis. So, we are tested in this thing in the City of Petersburg and we will preserver and we will push through. We will come out strong on the other end. So, again thank each and every one of you all for your commitments and will keep making this thing happened and keep riding along and moving Petersburg on down this busy highway. Thank you.

14. ITEMS REMOVED FROM CONSENT AGENDA:

- * No items for this portion of the agenda.

15. UNFINISHED BUSINESS:

- * No items for this portion of the agenda.

*Audio available upon request.

16. NEW BUSINESS:

- a. Consideration of the City of Petersburg 2021 Legislative Agenda Package.

BACKGROUND: The City of Petersburg is impacted by legislative action taken by the U.S. Congress and the Virginia Legislature. This is a list of legislative priorities to be advocated through the City's U.S. and Commonwealth legislative delegations and the City's legislative partners.

RECOMMENDATION: Staff recommends that the City Council considers approval of the 2021 Legislative Agenda.

Mayor Parham stated, "Because we are missing three council members, I would like to table this to our next meeting."

Council Member Hill made a motion to move this to the next council meeting when all members are in attendance. The motion was seconded by Vice Mayor Hart. There was discussion among City Council Members. The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Hill, Hart and Parham; Absent: Cuthbert, Myers and Smith-Lee

- b. Consideration of an appropriation for VRA Series 2015A Utility Revenue Bond for FY2021 Utility Capital Projects in the amount of \$3,620,000.

BACKGROUND: The Utility Department has identified the most serious issues facing the Petersburg Utility System. These are projects that council has approved in previous years. A plan has been created to resolve them. The FY2021 Capital Budget addresses \$3,620,000 which is to be financed with the 2015A VRA Bonds previously allocated to the City of Petersburg. It should be noted that the current balance of the 2015A VRA Bonds as of September 30, 2020 is \$5,290,000.

RECOMMENDATION: To appropriate the VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000.

Council Member Hill made a motion to appropriate the VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000. The motion was seconded by Council Member Wilson-Smith.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Hill, Hart and Parham; Absent: Cuthbert, Myers, and Smith-Lee

20-ORD-54 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 IN CAPITAL BUDGET.

Mayor Parham stated, "The motion has passed. And at this time, we are going to take a quick five-minute recess."

City Council returned from recess at 3:57pm.

*Audio available upon request.

Mayor Parham stated, "Alright, we are back from our recess. Next, we will move on to Item 16G."

- c. Consideration of a motion to authorize the City Manager and City Attorney to execute a case disposition order in Petersburg Circuit Court Case No.: CL15-785. (Former item 16G)

BACKGROUND: Motion to authorize the City Manager and City Attorney to execute a case disposition order in Petersburg Circuit Court Case No.: CL15-785.

This case involves an action by the Commonwealth to require repairs and improvements to the Petersburg General District and Juvenile and Domestic Relations Courthouses.

Based on the request made on behalf of Council, this Order would implement the requested alternative disposition of these matters and authorize the City to set aside reserve funds over a period of time for the construction of a new Courthouse Facility.

RECOMMENDATION: Approve the motion authorizing the City Manager and City Attorney to execute the Order on behalf of the City.

Council Member Hill made a motion to Approve the motion authorizing the City Manager and City Attorney to execute the Order on behalf of the City. The motion was seconded by Vice Mayor Hart.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Hill, Hart and Parham; Absent: Cuthbert, Myers, and Smith-Lee

Mayor Parham stated, "So, at this time we are going to move the rest of these items to the November 17th meeting. So, those items that we did not get to, Ms. Jackson will you move them to the next meeting since we no longer have a quorum. So, we will adjourn this meeting.

17. CITY MANAGER'S AGENDA:

*No items for this portion of the agenda.

18. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

19. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

20. ADJOURNMENT:

City Council adjourned at 3:59 p.m.

*Audio available upon request.

Clerk of City Council

APPROVED:

Mayor

DRAFT

*Audio available upon request.

The special regular meeting of the Petersburg City Council was held on Tuesday, November 17, 2020, live streamed. Mayor Parham called the meeting to order at 12:00p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member Treska Wilson-Smith
Vice Mayor John A. Hart, Sr.

Present from City Administration:

City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Clerk of Council Nykesha D. Jackson

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. CLOSED SESSION:

- a. The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(5) of the Code of Virginia for the purpose of discussion regarding the subject matter of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and pursuant to §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussions pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg specifically including but not limited to the subject of performance, assignment, and appointment specific public employees of the City of Petersburg. Specifically included but not limited to discussion of the assignment, appointment, and performance of specific public employees; and under pursuant to §2.2-3711(A)(5) 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 and matters of actual or probable litigation specifically including but not limited to matters requiring legal advice by the City Attorney.

Council Member Cuthbert stated, "Mr. Mayor, I would like to add the consideration of copies of dispositions of City owned real estate to our closed session agenda."

Mayor Parham stated, "Mr. Williams the terminology for that item."

*Audio available upon request.

Mr. Williams stated, "Pursuant to §2.2-3711(A)(3) of the Code of Virginia for the purpose of consideration of acquisition or disposition of real property for the public purpose where discussion of such would adversely affect the bargaining position of the negotiation strategy of the public body."

Mayor Parham stated, "That is the fourth item for closed session."

Council Member Hill moved that the City Council go into closed session for the purposes noted by Mayor Parham, Council Member Cuthbert and the City Attorney. The motion was seconded by Council Member Cuthbert. There was no discussion on the motion, which was approved on roll call vote.

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

City Council entered closed session at 12:05pm.

CERTIFICATION:

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

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

The motion was approved on roll call vote.

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

20-R-61 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 opened session at 1:27 p.m.

4. MOMENT OF SILENCE:

Mayor Parham led council and citizens in the moment of silence.

5. PLEDGE OF ALLEGIANCE:

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

6. DETERMINATION OF THE PRESENCE OF A QUORUM:

*Audio available upon request.

A quorum was determined with the presence of all City Council Members, except Council Member Wilson-Smith and Vice Mayor Hart.

7. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

Mayor Parham stated, "Good Afternoon Everyone. For our Positive Petersburg moment today, I want to remind everyone about the Thanksgiving Holiday Meals Initiative that was presented last week. The City is partnering with local restaurants and caterers to provide 7,000 meals for our community next week during the Thanksgiving holiday. If anyone is interested in having meals delivered to your home, please visit www.petersburgva.gov. The application is available from the website homepage under Petersburg News."

8. REPORTS/RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Folakemi Osoba, Public Information Officer, gave responses from City Council meeting of November 10, 2020.

1. Is there a CARES spending update that is available?
Answer: Yes, this update can be viewed by visiting petersburgva.gov Under the government tab at the top of the website and then clicking City Council Meeting Presentations. There is an update PowerPoint that is listed there.

9. COMMUNICATIONS/SPECIAL REPORTS:

- a. City Manager's Report – Aretha R. Ferrell-Benavides, City Manager

Key points:

- City of Petersburg observes the state holiday schedule. The City of Petersburg will close at noon on Wednesday of next week and be closed Thursday and Friday of next week as well.
- There will be an online public sale of tax delinquent real estate from November 16th, 2020 at 12pm to November 30th, 2020 at 12pm. To know more information on it visit the website at bid.forsaleatauction.biz or call (540)899-1776, for more information and to bid on these properties.
- With flu season here, there will be free flu vaccines at the Petersburg Health Department. There was a free flu vaccine session on this past November 14th at PAT and there were 31 participants. They will possible do another one in December.
- The draft 5-year strategic plan was posted on the City's website on November 2nd and alerts were sent soliciting community feedback of the draft plan. They are looking for community feedback on the goals of the City. The plan can be viewed at www.petersburgva.gov The strategic feedback can be sent to strategicplan@petersburg-va.org
- The annual fall leaf vacuuming program began on Monday, November 16, 2020. The City will provide one round of vacuuming in each ward. Each citizen should rake the leaves to the curb. If they miss the date, they can bag up the leaves and leave for regular trash pick-up. They will pick up 60 bags per property. The City's Street Operations Division can be reached at 804-733-2415.
- Regarding 108 East Washington Street project (Trailways Bus Station), the owner is moving forward with his project. He is working with the Commonwealth Architects to move forward with the plans.
- Demolition at 38 & 42 South Union Street has been completed. The demolition will cost about \$98,627. Currently, \$18,224 has been paid out for the project. It is being paid by the Department of Rail and Public Transportation.

*Audio available upon request.

- Guernsey Tingle has submitted a proposal that has been approved. Construction is scheduled to begin early 2021 and be completed summer of 2022.
- Dominion Energy Engineer has developed the initial conceptual design and cost estimates to relocate existing power and to provide a new transformer.

Mrs. Benavides stated, "The next under my report would be Mrs. India Adams. Council last week we also distributed to each of you our draft Legislative Agenda. We can bring up Mrs. Adams to take us through that discussion. Our goal for this is to present a package to our state and federal legislature about the priorities and things that are important to the City. This is the opportunity for us to address some challenges that we may be having but also things that other organizations presented to us that we would like to advocate on behalf of."

-Consideration of the City of Petersburg 2021 Legislative Agenda Package

India Adams-Jacobs, Assistant to the City Manager, gave a presentation on the Legislative Agenda.

Key points:

- There is some potential talk about it being a short session with 45 days as this is a short budget year. There are some things that can make this even shorter to potentially 30 days.
- Because of the pandemic there has been some discussion on how the session will be held which will limit the ability to advocate in person. Right now, the house is still slated to convene via virtually and there has been no decision on the senate side at this point.
- Legislative Request #1-City Council/Economic Development - Request infrastructure funding for immediate business site development readiness at Petersburg Pharmaceutical Park Phase I (\$750,000).
- Legislative Request #2-City Council/Economic Development -Request infrastructure funding for business site development readiness at Petersburg Pharmaceutical Park Phase II (\$27 million)
- Legislative Request #3-City Council/Library – Budget appropriation in the amount of \$300,000 for the Petersburg Public Library capital expansion to increase service capacity and provide space for community event space.
- Legislative Request #4 – City Council – Funding for dredging the Appomattox River to make it navigable for watercraft from the Chesapeake Bay.
- Legislative Request #5 – Planning & Community Development – Grant funding for the development of historic structures. Funding totaling \$300,000 would allow the City to complete the rehabilitation of the Jarratt House.
- Legislative Request #6 – Planning & Community Development – Funding for Technical Assistance to localities to develop Comprehensive Plans. Funding totaling \$300,000 for technical assistance grants to 10 localities with demonstrated need.
- Legislative Request #7 – Neighborhood & Community Services – Request a vacant property registry fee escalator – the standard is set at \$100 per year. Some localities utilize an escalator i.e. \$100 the first year, \$200 the second year, \$300 third year, \$400 thereafter in perpetuity until the house is sold.
- Legislative Request #8 – City Council/Council Member Cuthbert – Increase the power of localities to grant ABC board licenses; no ABC license shall be issued in the absence of compelling circumstances, and the ABC shall not issue an ABC license over the locality's authority.
- Legislative Request #9 – City Council/ Council Member Cuthbert – Make the City of Petersburg eligible for Tobacco Commission funding.
- Legislative Request #10 – City Council – Allow local government to place limits on the concentration of group homes licenses by the Department of Behavioral Health and Development Services.

*Audio available upon request.

- Legislative Request #11 – City Council/Public Safety – Authorization from the General Assembly to install additional traffic cameras to identify drivers who exceed the speed limit and or disregard traffic signals to reduce auto accidents and enhance public safety. Current law limits the number to three based on 3/10,000 population. No cost, as revenue from citation generated fund installation and maintenances.
- Legislative Request #12 – Public Safety/Petersburg Community Corrections – Pretrial expansion funding to provide pretrial to localities without services. Update the funding formula for probation and pretrial services agencies through the Department of Criminal Justice Services (DCJS) as recommended by the Crime Commission in 2017 and ensure equitable distribution of the funding for pretrial and probation programs, which provide alternatives to incarceration statewide.
- Legislative Request #13 – City Council/Petersburg Community Corrections – Bail Reform – to reduce the reliance on cash bail, to reduce the unnecessary incarceration of individuals pending trial, to improve the overall performance of the criminal justice system and ensure a fair and equitable experience within the criminal justice system.
- Legislative Request #14 – City Council – Funding for regional wastewater treatment and handling infrastructure improvements totaling \$105,000,000 to meet U.S. and Virginia nutrient waste requirements and improve water quality in the Chesapeake Bay.
- Legislative Request #15 – City Council – School Facility Modernization – there exists a severe need in Petersburg for updating our public-school buildings. Old HVAC systems, leaking roofs, dimly lit classrooms, small hallways, lack of auditoriums, lunchroom spaces, etc. and technology challenges merit funding for these buildings being modernized to meet the current and future needs.
- Legislative Request #16 – City Manager’s Office – Request Citywide expansion of rental inspection districts.
- The VML Legislative Agenda relates to the funding of education. They also want to address the needs with short and long term as it relates to COVID
- Also, Virginia First Cities included goals as it relates to economic gardening, resiliency and sustainability.

Council Member Hill stated, “I do not think anyone has any reservation about anything in particular. Do we want to go through the state on time or do we want to go through these individually like we said we would do? I am fine with that. I am looking at do anyone have any reservations or any proposal Mayor and Members of Council.”

Council Member Cuthbert stated, “Thank you Mr. Mayor. I wonder whether we need to pick and choose and maybe select just a few initiatives in order to maximize the chances of success. Or whether that logic does not apply. That is a question that I do not know the answer but may be the City Manager can give use some guidance on that.”

Mrs. Benavides stated, “Well, for the three years that I have been here, and you can see that our agenda has definitely grown in quality and the work into. But one of the things that you see highlighted very clearly here is that other City’s are buying in. One great example is our legislation from last year, that now they are asking that they have the same access to blighted property legislation. I believe that sometimes that you keep asking and keep asking. We had something that was a running priority and put an increased effort towards that. I believe that what we presented and have in front of us is something that we need but other City’s are interested in. So, not only have we presented this agenda to you guys, but we are sharing our agenda with other organizations so that maybe in our case they will be supportive just like the blighted property legislation. I don’t necessarily, in looking at it there may be some that need to flush out and understand a little bit closer like the sovereign immunity conversation. But I Mr. Hill’s idea is a great idea. If we can identify things that we are not in favor and that we need further discussion on, it would probably be an easier process.”

*Audio available upon request.

Council Member Cuthbert stated, "Well, Mr. Mayor to follow up on that, there are two specifics that give me heartburn. One is on page 22 of our agenda. And that is the very issue that the City Manager touched on regarding sovereign immunity. This is the anti-black lives matter initiative. That is designed to bar any changes in the law that could make it easier to hold police and others who claim sovereign immunity from being held accountable. And so, this sentence on page 22 on liability. Liability holds people accountable. So, expanding liability and emoting immunities at the state level has had a chilling effect. That is that they are saying that they oppose and efforts to erode immunities. That is to make it easier to hold people accountable. This Virginia Municipal League opposes any efforts to hold people accountable. I don't think that we want to go there. The other deals with annexation. When we go to page 23 and the first item. I cannot imagine why Virginia First Cities would include in its position. You go to the third sentence, 'However, Virginia First Cities will strongly oppose any changes to the current moratorium process to include the appeal of the county immunity and City annexation. So, Virginia First Cities would strongly oppose the repeal of the county immunity. Those are the two items that caught my attention. Madam City Manager, can you comment on that?"

Mrs. Benavides stated, "I believe that we can look at it. We initially had this issue brought up and I think what Virginia First Cities tried to do with the sovereign immunity was make it more broad without making it specific. And so, I think in some cases and I think in this one the way that it is stated here it also impacts each of us. As far as our job and whether we are legally liable for the decisions that are made. But I also think sometimes that no action is the easiest action when it comes to that. They did not specifically say the initial legislation was public safety specific and there are some communities that are pushing for greater or reduction in sovereign immunity in public safety. So, that I believe was their compromised wording. Sometimes there is a simple answer as let's take no action because some of this needs to be a explored a little further and I don't think that we are at a position that we spend enough time understanding. So, for that one that would be my recommendation. On the second one, absolutely annexation benefits the City. And one of the disadvantages that we have between that is that it has no closing. So, me when I discuss this with my peers that is something that as a City, we would want the ability to do because it gives us more opportunities for growth. So, as a City I cannot imagine that being our stance. I would actually agree with Mr. Cuthbert on this one to say that we support some changes to the process of annexation. Because we do want the ability to take in more lands into our community."

Mrs. Adams-Jacobs stated, "If I can piggyback on the sovereign immunity conversation. Madam City Manager is correct. Both VML and VFC are having continued conversation on that every week as we meet as liaisons to discuss that. They are also encouraging to wait. They are encouraging us to follow up after the session begins and to have those conversations with our public safety team as well as council to create specific public policy statements to provide to them on our individual locality. I am understanding that it is a complex issue, but we really won't know more until a specific bill goes forward as the session begins."

Council Member Cuthbert stated, "So, what do we do today, in terms of a decision or recommendation by City Council?"

Mrs. Adams-Jacobs stated, "I think to the City Manager's point the intent of this was to keep it as broad as possible. But I think that given that we are different communities from some of these other communities that we may not take a strong stance either way. So, I am fine if we are looking to approve the slate with those changes as it relates to supporting annexation and then either not taking a stance of sovereign immunity until we come up with a specific policy stance later on after the session begins. So, we can do that and I can relay that information to both VFC and VML that the City as well as to our delegates that the City does not take a stance on the sovereign immunity item at this time."

Mrs. Benavides stated, "That is the first decision that we would ask council to make. Is to strike this and request it off of our agenda as an action item."

*Audio available upon request.

Mayor Parham stated, "Alright, that is the first one."

Council Member Cuthbert made a motion to strike the sovereign immunity item from Petersburg's Legislative Agenda. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

There was discussion among council and staff.

Council Member Hill made a motion to adopt the remaining portion of the Legislative Agenda that was presented to council with one exception of the provision dealing with annexation and with respect to that provision council support the efforts to expand opportunities for Cities to annex county land.. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

Council Member Cuthbert made a motion to strike the sovereign immunity item from Petersburg's Legislative Agenda. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

Council Member Hill made a motion to adopt by resolution the Legislative Agenda with amendments. The motion was seconded by Council Member Cuthbert. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-R-62 A RESOLUTION OF THE CITY OF PETERSBURG CITY COUNCIL ADOPTING THE 2021 LEGISLATIVE AGENDA.

b. COVID-19 Update

Darnetta Tyus, Deputy City Manager, gave an update on COVID 19.

Key points:

- City of Petersburg went up one count for deaths from COVID-19 since the last City Council meeting.
- The case load continues to escalate but not as fast as it had been escalating.
- The City is continuing to have more testing going on and because of this the cases will continue to go up.
- The City of Petersburg has had 950 cases and have cleared 806.
- The prior week there were 35 cases, and this week is now 18 cases.
- The City initially looked to support up to 100 businesses through one-time unrestricted grants.
- The first round there were 78 businesses awarded with the total amount of \$212,750.
- The second round (old applicants) of 78 businesses were awarded \$425,500.
- The round two new grant recipients with 45 new businesses awarded in the total amount of \$330,000.
- They are doing a Feed the Need Initiative in the City of Petersburg.
- They have eight restaurants that will be participating in the Feed the Need Program. They will be providing 7,400 meals in the community with this program.
- They are now geared to served over 7,500 meals on the two days before Thanksgiving and two days after Thanksgiving. There are many initiatives going on in the City that customarily provide meals on Thanksgiving. This initiative is to make sure that the residents have healthy meals for the entire week of Thanksgiving.

*Audio available upon request.

- Also, P-Hops needs to be recognized for the partnership with this initiative.
- The restaurants have been notified of their approval for Feed the Need Initiative.

Mayor Parham stated, "Thank you for the presentation Ms. Tyus."

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

Mayor Parham stated, "At this time we have a motion from Mr. Tabor to have an agenda item added to the consent agenda. It is the request to schedule a public hearing to consider amendments to the City of Petersburg Technology Zone."

Council Member Hill made a motion to add a request to schedule a public hearing to consider amendments to the City of Petersburg Technology Zone. The motion was seconded by Council Member Smith-Lee. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, and Parham; Absent: Wilson-Smith and Hart

- a. Consideration and appropriate remaining balance of the Urban Highway Set-Aside Funds from Virginia Department of Transportation (VDOT) appropriated in previous fiscal years – 1st Reading
- b. Consideration for the appropriate of the Virginia Tourism Corporation's (VTC) Marketing Leverage Program Grant award in the amount of \$10,000 – 1st Reading
- c. Consideration of approval for Petersburg Law Library Appropriation in the amount of \$22,000 – 1st Reading
- d. A request to schedule a public hearing to consider amendments to the City of Petersburg Technology Zone.

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

11. OFFICIAL PUBLIC HEARINGS:

*No items for this portion of the agenda.

12. 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.

Linwood Christian signed up to speak but there was technology difficulty getting him on the live stream call.

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

*Audio available upon request.

Council Member Cuthbert stated, "I want to thank Ms. Tyus and her team for thoroughly masking the emphasis for spreadsheet report. I don't know whether everyone is as impressed as I am with the community concerns in which we can report. But it was beautifully organized, and it makes it easy to follow up on request for specific improvements to be made in our neighborhoods. And Ms. Tyus and her team are remarkably responsive. Just as an example I sent out an email on yesterday to Ms. Tyus and her team. And this morning I got a phone call from Ms. Tyus saying when can you meet my team on the site. I said how about now, and she said great. I was there at 8:15am or maybe it was 8:30am. We discussed the problem and came up with a plan and I was back in the office within half an hour. I was amazed at how efficient her team works. And I certainly want to salute that effort and the improvements that Ms. Tyus and her team are making for our residents. Thank you, Mr. Mayor."

Council Member Myers stated, "Yes. But first Mr. Mayor I would like to ask the City Attorney if I am able to do this. I have a motion Mr. City Attorney for council to consider one of the developers that we have approved and sold property too. But unfortunately, the setbacks are too far back where they are 30 feet. The lines in the street sit much closer. And they want to know if it can be a variance with respect to that from City Council to allow zoning to consider that 30-foot variance."

Mr. Williams stated, "This is not an actual item in front of us this is just someone that has reached out to you."

Council Member Myers stated, "They need it because they are ready to move forward with their development. But zoning said that they need for council to approve consideration for the 30-foot setback to move forward."

Mr. Williams stated, "And that is a formal process that they submit a variance to the BZA and then they can appeal it. It can end up in front of the governing body, but they have to go through that processing."

Council Member Myers stated, "Gotcha. That is why I wanted to ask you first before I even considered it. Thank you, sir."

Council Member Smith-Lee stated, "I only have one thing. I just want to say thank you to Mr. Richard Harris and his team for all the hard work that they do. On Rives Road off of Boydton Plank, someone has been using that area for a dumping site. But I informed Mr. Harris and his team went out there and cleaned it up. So, I just wanted to let everyone know that the City is working. They are doing an excellent job trying to make sure that our needs are met. And that's all I have."

Council Member Hill stated, "Good afternoon everyone. I don't have much. I want to thank Ms. Tyus and her report on getting those funds and things out to the businesses and thing of that nature. The Legislative Agenda, in which we have a lot indicates that the City is moving. We have a lot moving parts, so it takes a lot of staff to do those things. So, I like thank Mrs. India for her presentation in dealing with Council administration to put that in a packet form. Everybody can see in the direction in which we are trying to go with our Legislative Agenda. I also want everyone to adhere to the governor and his mandates for our state. Our state is kind of rolling back with the COVID-19. So, let's be mindful and I do know that it is going to impact some businesses to open up and close at a certain time. And also serving alcohol at a certain time as well. So, I just want us to adhere to those things and be careful in large crowds. A lot of times when we drive through the City and see certain businesses have a few more than their share of large crowds. We would hate to have to call the police department to come and break up those crowds. We live in an erroneous time and we need to be responsible when it comes to the safety of our community. So, that is why we get these reports all the time. A lot of people are impacted by this COVID-19. So, let's just try to stay safe. That is all I have."

*Audio available upon request.

Mayor Parham stated, "I would like to thank the Historic Petersburg Foundation. They did a great presentation on the renovation of the Jarratt House this past Sunday. They had a fantastic turnout. This was something that started back in 1986. So, it has sat for 30 plus years. And it is just amazing that we seal the structures. Next, we plan on this Saturday we have a new business that is opening up downtown that is called Twin Treasures. We will be doing a ribbon cutting on Saturday morning at 11am. Please everyone let's welcome this new business to our wonderful City of Petersburg. Next, during the public information period we were not able to get Mr. Linwood Christian on the zoom, but I do have him here on my cellphone. So, Mr. Christian are you there? You have the floor."

Linwood Christian, 410 Mistletoe Street, stated, "I just want to say a few things. I want to congratulate our new chief, Travis Christian. Because I do believe that he is going to continue to take this police department much higher than it already is. Especially as a member of the community and the community efforts. This started with Chief Dixon to our Chief and now to Chief Christian. If nothing else that is a positive Petersburg moment. Something that was said at the last City Council meeting really did not sit to well with me. This City is predominantly black. There is something that highlights the history in this City. The comment was made by Council Member Cuthbert asking Chief Christian about the lack of whether they know how to read or not. And whether this was connected to the shootings. And then about all lives matter. Yes, all lives do matter. Also, not everyone has internet connection and a lot of people do not have computers. Last but not least I would like to thank Council Member Myers. I do not know if he mentioned it or not but there was some work being done on Mistletoe Street. And when we woke up, we could not turn left or right. We did not know what was going on. When I talked to Mr. Myers and I do not know who he talked to, but we were then able to fully access our street. When things are happening in the community and people are hired to come work in the community you need to let the community know. We need to know so that people know how to do the things that they need to do. I am going to say this that I understand there was some time ago that someone wanted to purchase the community center. While we are worrying about money for a mural in the park, we need to be putting that money into upgrading our parks so that our young people can have things to do. We need to do something with that community center. Because that is just as much as an eyesore. Thank you."

14. ITEMS REMOVED FROM CONSENT AGENDA:

- * No items for this portion of the agenda.

15. UNFINISHED BUSINESS:

- a. Consideration of a Resolution Authorizing City Manager to Execute Project Administration Agreements through the Virginia Department of Transportation (VDOT) for Fleet Street (now University Blvd.) Over the Appomattox River Canal Bridge Replacement for a temporary construction easement.

BACKGROUND: The Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to replace the Fleet Street Bridge over the Appomattox River Canal in the City. The Appomattox River Canal bridge replacement project will be from 0.09 miles north of Grove Ave. to 0.02 miles south of Chesterfield Ave. The improvement will involve the replacement of the existing deficient bridge structure.

RECOMMENDATION: Authorize the City Manager to execute project administration agreements for a temporary construction easement and any related documents through the VDOT for the Appomattox River Canal Bridge Replacement project.

Tangela Innis, Director of Public Utility and Capital Projects, gave a brief overview on the request for approval of a resolution Authorizing City Manager to Execute Project Administration Agreements through the

*Audio available upon request.

Virginia Department of Transportation (VDOT) for Fleet Street (now University Blvd.) Over the Appomattox River Canal Bridge Replacement for a temporary construction easement.

Council Member Hill made a motion to approve the authorization of the recommendation. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-R-63 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PROJECT ADMINISTRATION AGREEMENT FOR A TEMPORARY CONSTRUCTION EASEMENT AND ANY RELATED DOCUMENTS FOR THE APPOMATTOX RIVER CANAL BRIDGE REPLACEMENT PROJECT.

- b. Consideration of an Ordinance authorizing the City Manager to execute the Third Amendment Lease and Renewal of a Lease an agreement with Spiro A. Georgogianis and Vasilius A. Georgogianis for the leased property located at 229 N. Market Street Petersburg, VA

BACKGROUND: The City approved the initial lease with between the City and Spiros A. Georgogianis and Vasilius A. Georgogianis on June 11, 2011, with an amendment to the lease on August 29, 2011 for the purposes to lease the property located at 229 N. Market Street. The initial term of the agreement was August 01, 2011 through July 30, 2016 a five-year term in the amount of \$159,274.08. This space is currently being utilized as the City's Voter Registration Office.

Since that time on October 05, 2015 the City renewed the lease for an additional five-year term ending on October 31, 2020 in the amount of \$163, 909.20 for the continued use by our Registrar's Office.

The proposed third amendment and lease renewal will be for an additional one-year term totaling \$32,781.84 annually. The proposed utilization of space will continue to house the City's Voter Registration Office.

RECOMMENDATION: City Council review and approve the attached ordinance.

Tangela Innis, Director of Public Utility and Capital Projects, gave an overview of the consideration of an ordinance.

Council Member Hill made a motion to approve the ordinance. The motion was seconded by Council Member Smith-Lee.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-55 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT AND RENEWAL OF LEASE FOR LEASED PROPERTY LOCATED AT 229 N.

*Audio available upon request.

MARKET STREET.

- c. Consideration of an appropriation for VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000.

BACKGROUND: The Utility Department has identified the most serious issues facing the Petersburg Utility System. These are projects that council has approved in previous years. A plan has been created to resolve them. The FY 2021 Capital Budget addresses \$3,620,000 which is to be financed with 2015A VRA Bonds previously allocated to the City of Petersburg. It should be noted that the current balance of the 2015A VRA Bonds as of September 30, 2020 is \$5,290,000.

RECOMMENDATION: To appropriate the VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000.

Council Member Cuthbert made a motion to appropriate the VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-56 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 IN CAPITAL BUDGET.

- d. Consideration of Department of Mines, Minerals, and Energy Grant Acceptance and Appropriation in the amount of \$254,000.

BACKGROUND: The Department of Mines, Minerals, and Energy Grant is an annual grant awarded to Government agencies to convert fuel source to propane in vehicles. Petersburg has applied for funding and the Department of Mines, Minerals, and Energy has accepted the application and awarded funding in the amount of \$254,500. There is no local match to these funds.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in the FY2020-21 in the amount of \$254,500.

Council Member Hill made a motion to accept and appropriate the grant funds to be spent in the FY2020-21 in the amount of \$254,500. The motion was seconded by Council Member Cuthbert.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-57 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE

*Audio available upon request.

FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$254,500.

- e. Consideration of Edward Byrne JAG Grant Acceptance and appropriation for \$26,589.

BACKGROUND: The Edward Byrne JAG Grant is an annual grant awarded to Local Police agencies for various enforcement projects. Petersburg has applied for funding and the Department of Justice has accepted the application and awarded funding in the amount of \$26,589. There is no local match to these funds.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in the FY2020-21.

Council Member Hill made a motion to accept and appropriate the grants funds to be spent in FY2020-21. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Linwood Christian, 410 Mistletoe Street, stated, "Just one question. What did you say that this grant will allow the police department to do?"

Captain Geist stated, "Yes, we can spend it on equipment and to facilitate any further needs of the department that is not budgeted."

Mr. Christian stated, "I just want to say this. I am glad especially now that our police department has finally overcome one battle and got accredited. This grant, and please don't laugh when I ask this question, because I do know the answer. This grant will not help you to detect who are doing the shootings. Someone had put it out there that the police department needs equipment to find out who is doing all the shootings. This will not do it correct?"

Captain Geist stated, "No. that is a different component to what we are looking at. This will not go to that grant fund."

Mr. Christian stated, "I know. That was really a rhetorical question. I am glad and I hope that City Council will go ahead and approve this."

Seeing no further hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-58 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND.

- f. Consideration of a resolution to approve Quiet Title and Honor Option Contract Concerning The Battersea Farm.

BACKGROUND: On April 6, 2010, City Council authorized the City Manager to enter into a purchase agreement for four parcels of real property owned by the City known as "Battersea Farm." Upon discovery of a cloud on the title of a portion of one of the parcels, the Purchase Agreement was drawn to

*Audio available upon request.

reflect an option to the Battersea to purchase that portion for \$1 upon their request when the City is able to clear the cloud on the title.

Recently, as a result of their desire to obtain an easement upon the property in furtherance of a nature trail, representatives of FOLAR began discussions with the claimant of title causing a cloud on the City's title to the subject property.

FOLAR was able to reach an agreement with the claimant to convey their claimed interest in the subject property to the City in exchange for the proceeds contributed by the City's title insurance company along with additional proceeds to be contributed by the Battersea Foundation - thus clearing the title to the property.

Upon the clearing the title to the property, the Battersea Foundation is requesting that the City honor their option to purchase.

This Resolution affirms the City's authorization to contribute the title proceeds to clear the title, direction to honor the option requirements, and authorizes the City Manager and City Attorney to proceed with the necessary closings.

RECOMMENDATION: Approve resolution.

Anthony Williams, City Attorney, gave an overview of the consideration of a resolution for the quiet title concerning The Battersea Farm.

Council Member Hill made a motion to adopt the resolution approving Quiet Title and Honor Option Contract Concerning the Battersea Farm. The motion was seconded by Council Member Smith-Lee.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-R-64 A RESOLUTION TO QUIET TITLE AND HONOR OPTION CONTRACT CONCERNING THE "BATTERSEA FARM."

16. NEW BUSINESS:

- a. Consideration of an ordinance to authorize the Conveyance of an Interest in Real Property located at 137 S. Sycamore Street.

BACKGROUND: The City is the owner of certain property located at 137 South Sycamore Street known as the "McKenney Library". The deed of conveyance of said property contains certain conditions including but not limited to a reverter or right of reversion upon the occurrence of certain events. A private nonprofit entity, known as the McKenney Foundation, has been formed with an interest in taking the lead on renovations to the "McKenney Library".

RECOMMENDATION: Recommend City Council approve the ordinance.

Council Member Myers made a motion that the City of Petersburg take reasonable efforts to clear any potential clouds which may exist concerning the title of the property located at 137 South Sycamore Street,

*Audio available upon request.

referred to as the McKenney Library to facilitate the renovation of said property in furtherance of an African American museum and archive for the storage of valuable records including letters, newspapers and photographs. The motion was seconded by Council Member Hill.

Council Member Cuthbert asked, "Council Member Myers can you read that motion again."

Ms. Jackson stated, "It is the third whereas on the ordinance."

Mr. Williams stated, "I just want to clarify that Council Member Myers motion is to adopt the ordinance presented with 16A. Correct?"

Council Member Myers stated, "Yes."

Council Member Cuthbert stated, "I support the idea of a black history museum in the McKenney Library. I am all about preserving the history of our City. Whether it is Caucasian history or African American or otherwise. I am a firm believer as I think I have made here in issues that have come before this council. That our local history is important to me and I think to all of council. It offers us lessons as to how to live our lives and also it offers us lessons on how to live in peace with others and to respect them. With that said I have two concerns. One is that we not set a precedent for giving away City assets without clear evidence that the promised project will come to reality. For example, even with the Petersburg Public Library in which we all admire, the City contributed \$5 million dollars. So, it was evident the need to draw on City assets and as to whether this is a City asset or not. We passed the resolution 6-0 on July 21, 2020. And the initial whereas said, 'whereas the City is the owner of certain property located at 137 South Sycamore Street, known hereafter and referred to as the McKenney Library.' So, one concern is that you not set a precedent for giving assets without clear evidence that the promised project will come a reality. And the second concern that I have is that we not set the City up in future demands for cash donations. Now let me highlight what we do not know. We do not have a budget as to the cost of capital improvements needed to make the building ready as a museum. We do not know the cost of the museum's initial displays and interpretation. We do not know the cost of the museums ongoing operations. And we do not know where this money is going to come from. I think that we need to know those things in order to be responsible stewards of not only the City's assets but the concept of having a valuable African American museum here in Petersburg. One that will not limp along in pain from lack of funding. We need to know what the cost is and where those expenses are coming from. What is the source of the cash? It is going to be millions and millions of dollars. But I cannot be more specific than that because we have not been giving information. These numbers are knowable, but they are not known. And so, I make a substitute motion."

Council Member Cuthbert made a substitute motion to (1) table Agenda Item 16A (consideration of an ordinance regarding 137 South Sycamore Street, the McKenney Library) until Council's first regular meeting in March of 2021 and (2) instruct the City Manager to obtain the following information in the meantime and report it to Council at that time: (a) a budget as to the cost of capital improvements needed to make the building ready for use as a museum, (b) a budget as to the cost of the museum's initial displays and interpretation, (c) a budget as to the cost of the museum's ongoing operations, (d) an estimate of the size of the endowment fund required to generate enough annual income to pay the museum's ongoing operations, (e) where this money is going to come from, and (f) a recommendation as to whether to require a development agreement and, if so, a hard deadline for completing the project and the language of a proposed reversion clause. The motion was seconded by Council Member Smith-Lee.

The motion was not approved on roll call vote. On roll call vote, voting yes: Cuthbert and Smith-Lee; Voting No: Myers, Hill and Parham; Absent: Wilson-Smith and Hart

The original motion goes back on the floor.

*Audio available upon request.

Council Member Myers made a motion that the City of Petersburg take reasonable efforts to clear any potential clouds which may exist concerning the title of the property located at 137 South Sycamore Street, referred to as the McKenney Library to facilitate the renovation of said property in furtherance of an African American History museum and archive for the storage of valuable records including letters, newspapers and photographs and to adopt the ordinance in the packet. The motion was seconded by Council Member Hill. There was discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Myers, Smith-Lee, Hill and Parham; Voting No: Cuthbert; Absent: Wilson-Smith and Hart

Council Member Cuthbert stated, "My support for the concept of establishing an African American Museum at the McKenney Library that will be financially sustainable but no because we do not have sufficient information to make an intelligent decision."

20-ORD-59 AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF AN INTEREST IN REAL PROPERTY LOCATED AT 137 SOUTH SYCAMORE STREET (MCKENNEY LIBRARY).

- b. Consideration and appropriation of the FY2020 carryover balance in the amount of \$46,470.45 for preliminary engineering work for the South Crater Road Traffic Signal Improvements to FY2021.

BACKGROUND: This project was approved in 2013 and Kimberly Horn began working on the project. As a result of funding issues, work on the project ceased and the project was dormant. The project has been revived and Kimberly-Horn is ready to proceed. This project is being administered by VDOT using Congestion Mitigation & Air Quality (CMAQ) funds and 100% reimbursable.

RECOMMENDATION: Recommend City Council approve the attached FY2020 carryover balance appropriation ordinance in the amount of \$46,470.75 to FY 2021.

Council Member Hill made a motion to approve the attached FY2020 carryover balance appropriation ordinance in the amount of \$46,470.75 to FY 2021. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-60 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE GENERAL FUND.

- c. Consideration and appropriation of the FY2020 Southside Depot carryover balance in the amount of \$187,867.90 for the Southside Depot project to FY2021.

BACKGROUND: The City of Petersburg was awarded funding for the purpose of renovating the center section of the historic Southside Depot. The City, in partnership with the National Park Service, intended to use this section to create a visitor contact station. Additionally, the City applied for a Transportation Alternative grant to fund the completion of the Southside Depot Restoration Project. Due to financial constraints the project has not been completed.

*Audio available upon request.

RECOMMENDATION: Recommend City Council approve the attached carryover appropriation ordinance in the amount of \$187,867.90 to FY2021.

Council Member Myers made a motion to approve the attached carryover appropriation ordinance in the amount of \$187,867.90 to FY2021. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-61 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 FOR THE SOUTHSIDE DEPOT PROJECT.

- d. Consideration of an appropriation of the FY2020 carryover balance in the amount of \$38,350.06 for the preliminary engineering phase of the Sycamore Street Bridge Culvert Rehabilitation to FY2021.

BACKGROUND: The City of Petersburg submitted a State of Good Repair application to VDOT to repair the concrete box culvert and headwalls. The culvert box is in need of concrete repairs to address broken sections of concrete and concrete sections that have split into layers. The downstream headwalls of the culvert are also in need of replacement. Improvements are required at both ends of the culvert and along the downstream embankments. This carryover only addresses the PE phase of the project. The Right-of-Way and Construction phases remain.

RECOMMENDATION: Recommend City Council approve the attached carryover appropriation ordinance in the amount of \$38,350.06 with carryover capability to fiscal year 2022 with no match requirements or in-kind services required. This is a reimbursable project that is funded by State of Good Repair funds.

Council Member Hill made a motion to approve the attached carryover appropriation ordinance in the amount of \$38,350.06 with carryover capability to fiscal year 2022 with no match requirements or in-kind services required. This is a reimbursable project that is funded by State of Good Repair funds. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-62 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 IN CAPITAL BUDGET FOR THE SYCAMORE STREET BRIDGE CULVERT REHABILITATION PROJECT.

- e. Consideration of an appropriation for \$9,815 for the construction of a pedestrian walkway.

BACKGROUND: Petersburg Area Transit was awarded an FTA grant in 2015 to construct a

*Audio available upon request.

pedestrian walk way. The funds have remained unspent. Transit is requesting to appropriate these funds to complete the project stated in the grant. The grant requires a 20% match which is available in Transit's current 2021 budget. The total project budget is \$12, 269.

RECOMMENDATION: Recommend City Council conduct first reading of appropriation ordinance.

Council Member Myers made a motion to approve the appropriation for \$9,815 for the construction of a pedestrian walkway. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

Council Member Cuthbert stated, "Where is the pedestrian walkway?"

Stephanie Harris, Deputy Director of Petersburg Area Transit, stated "So, Mr. Lyons is correct. The pedestrian walkway is next to the building by the Greyhound Station. It is not a traditional walkway, it's actually a piece of cement that is in between two sidewalks where patrons have been walking across in the grass. And the grass has subsequently died. This is just to kind of finish off that part of the sidewalk."

Council Member Cuthbert stated, "Thank you, Mr. Mayor."

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill and Parham; Absent: Wilson-Smith and Hart

20-ORD-63 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021 IN THE MASS TRANSIT FUND.

17. CITY MANAGER'S AGENDA:

*No items for this portion of the agenda.

18. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

19. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

20. ADJOURNMENT:

City Council adjourned at 3:14 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.

The special regular meeting of the Petersburg City Council was held on Tuesday, October 20, 2020, live streamed. Mayor Parham called the meeting to order at 12:38p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member Annette Smith-Lee
Council Member Darrin Hill
Vice Mayor John A. Hart, Sr.
Mayor Samuel Parham

Absent: None

Present from City Administration:

City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Clerk of Council Nykeshia D. Jackson

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. CLOSED SESSION:

*No closed session items.

4. MOMENT OF SILENCE:

Mayor Parham led council and citizens in the moment of silence.

5. PLEDGE OF ALLEGIANCE:

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

6. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of all City Council Members.

Mayor Parham stated, "For our Positive Petersburg moment today, I want to recognize our new business that opened up on Friday. I would like to extend an additional welcome to the new businesses who have decided to call Petersburg Home. Last Friday we braved a rainy afternoon and held ribbon cuttings for 3 new businesses in the Old Towne area. We are grateful that even in the midst of a pandemic, Petersburg keeps on growing. And I urge everyone to come out and support those businesses and we look forward to many more ribbon cuttings here in the City of Petersburg."

7. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

*Audio available upon request.

a. Petersburg Bureau of Police Accreditation Presentation

Travis Christian, Police Chief, stated that it is a special day for them and that they are having the opportunity to be presented with their accreditation award. Chief Christian stated that they have members from the state to do the presentation and that they will be starting with Chief Booth.

Chief Scott Booth of Danville Police Department, who is also the Commissioner with the Virginia Law Enforcement Professional Standards Commission, gave a briefing of the police accreditation.

Mr. Booth stated that he is bringing greetings and congratulations from the executive board in recognizing the Petersburg Police Department on their commitment to law enforcement excellence on their successful completion of the recertification process of the Virginia Law Enforcement Certification Program.

Derrick Mays, Virginia Department of Criminal Justice Services, stated that the Petersburg Police Department has worked very hard to obtain. He stated that there have been several attempts in the past but that in the last three years they have done what was needed to be done to obtain accreditation. He stated that it needs to note that the men and women of the police department could not have done it without council and the community support. He stated that out of all the cities that are taking part in rioting he did not hear about any rioting in Petersburg because everyone worked together to get the job done. He stated that it also needs to be noted that out of the standards Petersburg had zero return of files or folders. He stated that he was present for the assessment and that they did a fantastic job.

b. Proclamation for Breast Cancer Month

Mayor Parham read the Breast Cancer Proclamation out loud.

8. REPORTS/RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Folakemi Osoba, Public Information Officer, read questions and responses from the previous council meeting.

1. Can the crosswalk on Sycamore Street be repainted?

Answer: **Yes. Petersburg Public Works and Utilities is already in the planning for these crosswalks to be repainted.**

2. What is being done about the recent shootings that have been happening?

Answer: **The following are just a few steps that have been taken in response to recent shootings. External partners are assisting Petersburg Police and arrest have been made. Chief Travis Christian has addressed the community and encouraged their assistance in this effort. And additional confidential strategies have also been deployed.**

9. COMMUNICATIONS/SPECIAL REPORTS:

a. City Manager's Report – Aretha R. Ferrell-Benavides, City Manager

Key points:

- Projects of repaving of various streets within the City are continuing to take place.
- They have moved some of the City offices in the new building on Washington Street and there is a sign posted in front of it to let everyone know that it is a City facility.

*Audio available upon request.

b. COVID-19 Update

Darnetta Tyus, Deputy City Manager, gave an update on COVID-19.

Ms. Tyus stated, "If you can make Wayne Crocker live for a moment so that he can give us an update on the McKenney Library site."

Wayne Crocker, Director of the Petersburg Public Library, gave information on the McKenney Library site.

Key points:

- At the last meeting, there was conversation on where they stood with the library site.
- They were in the process of forming a foundation that would raise money to support the repurpose of the building.
- The foundation has been formed and has received its Articles of Corporation and is in the process of trying to get a 501(c)(3). It is a diverse group of people and most of them are living in Petersburg. There are some that live outside of Petersburg but are from Petersburg.
- They have received support from the Cameron Foundation for a feasibility study as well.
- One of the board members is a member of the McKenney Family. The family is still much involved in the project.

There was discussion among City Council and staff.

India Adams-Jacobs, Assistant to the City Manager, gave an update on the intergovernmental report.

Key points:

- As of the beginning of October she has worked with all council members and constitutional officers and schools to discuss their legislative priorities and strategies.
- She has begun to meet with the State Senator and Delegate Airds liaison.
- Staff will be submitting all responses and request by end of week. And she will be bringing forward at the November 10th the agenda for the upcoming session to look. And hopefully at the November 17th meeting it will be approved.
- This year is a short session with 45 days in the legislative session. They have limited amount of bills that the sponsors will be able to carry on their behalf. There are unlimited budget amendments.
- January 8, 2021 is when all the drafts will be amended.
- The advocacy partners are Virginia Municipal League, VaCO, Virginia First Cities and regional partners.
- Because of pandemic they will be doing virtual calls for meetings.

There was discussion among City Council and staff.

Patrice Elliot, Director of Finance, and Mrs. Adams-Jacobs gave the updated on the CAFR.

Key points:

- They are awaiting on an official planning letter from the auditors to speak on what actually needs to be completed between now and the end.
- As a result of the pandemic the deadline original for November 30th has been pushed back to December 15th.
- They are still on track to issue the CAFR this year.

*Audio available upon request.

- Last week they were able to make available to the preaudit and audit staff balance as a result of soft closing the year. They are moving forward with the audit plan.

There was discussion among staff.

Ms. Elliot stated that other than the CAFR the City is moving along with the banking relationship

c. ARWA Presentation

Robert Wilson, Executive Director for the Appomattox River Water Authority and South-Central Wastewater Authority, gave a presentation on updates from ARWA.

Key points:

- There are five incorporating subdivisions. They are the City of Petersburg, Colonial Heights, Chesterfield, Dinwiddie and Prince George.
- He subdivision has a percent ownership in the plan. The City of Petersburg has the most ownership in the plan. The City has 52%.
- Comparative Revenue Capacity – The City ranks in the top 3% which is considered high stress.
- Revenue Effort – The City ranks in the top 6% which is considered high stress for this factor.
- Fiscal Stress- The City has an index greater than 100 (103.71) that is considered high stress.
- The State has a grant assistance program, Water Quality Improvement Fund (WQIF), that provides qualifying grants for certain wastewater processes that reduce nutrients, nitrogen and phosphorous, in the effluent.
- They worked through the details to determine what would be grant eligible in the proposed \$124 million project. We determined the portions of the project that qualified for grant funding did not reduce the matching share, also known as the “local share”, to a level that was adorable for the five incorporating subdivisions to fund. The City would be responsible for 52.5% of the project cost.
- After the completion of the VE, they submitted the PER, VE, and grant application to the DEQ for review.
- For the current fiscal year FY21, there is no additional financial impact. The current budget includes operating expenses for the plan and capital expenses for the nutrient project. The City of Petersburg’s estimated annual debt service is already built into the rates.
- They estimated a local share of \$35 million for a 25-year borrowing at 4%. This is what the City is currently paying for their portion of the rates. The cash they have accumulated to date is paying for the engineering, approximately \$3 million.
- The design will take approximately 15 to 18 months followed by approximately three years of construction. They anticipate construction to be completed September 2025.

There was discussion among City Council and Mr. Wilson.

COVID-19 Update

Ms. Tyus gave an update on COVID-19.

Key points:

- The City of Petersburg has had 851 cases and 720 of those cases are negative at this point.
- The percentage of positives are going down.
- Death toll is at a stable level even though any level is not good.

*Audio available upon request.

Ms. Tyus stated that they launched the second round of the small business program. She stated that the applications are online and any business in the City of Petersburg that is registered with the department of the revenue will receive notification of this. She stated that the application is on the website and they are live. She stated that those businesses from the first round are grandfathered in the second round.

There was discussion among City Council and staff.

d. Petersburg Legends Historical Park and Nature Sanctuary Mural Project – Call for Artists

Ms. Tyus gave information on the mural project.

Key points:

- All of council has a draft packet in front of them regarding the mural project that needs approval.
- With council's approval they will put out a call for artist for the Petersburg Legends Historical Park and Nature Sanctuary Mural Project.
- The picture on the front is what the mural will look like.
- The dimensions and proposed budget are in the packet as well.
- The artist will be responsible for their material

There was discussion among council and staff.

Council Member Hill made a motion to move forward with the Petersburg Legends Historical Park and Nature Sanctuary Mural Project and soliciting the RFP for artist to participate. The motion was seconded by Council Member Cuthbert. There was discussion on the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, Hart and Parham; Voting No: Wilson-Smith

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

- a. Consideration of an appropriation for VRA Series 2015A Utility Revenue Bond for FY 2021 Utility Capital Projects in the amount of \$3,620,000 – 1st Reading
- b. Consideration of Department of Mines, Minerals, and Energy Grant Acceptance and Appropriation in the amount of \$254,500 – 1st Reading
- c. Consideration of Edward Byrne JAG Grant Acceptance and Appropriation for \$26,589– 1st Reading
- d. A request to schedule a public hearing and to consider a petition to rezone 550 and 601 Rives Road from A to M-1.
- e. A request to schedule a public hearing and to consider a petition to rezone 235, 243, 247 Hinton Street from R-3 to PUD.
- f. A request to schedule a public hearing to consider an ordinance authorizing the City Manager to approve the reduction of site plan review and land distribution permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

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

11. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing and consideration of an ordinance to amend Section 42-3 of the City Code to increase the courthouse security fee from \$10 to \$20.

*Audio available upon request.

BACKGROUND: Effective July 1, 2020, Section 53.1-120 of the Code of Virginia was amended to allow an increase in the maximum Courthouse Security fee from \$10 to \$20. These funds are held by the City for appropriation to the Sheriff's Office for funding of courthouse security personnel, equipment, and other personal property used in connection with courthouse security.

RECOMMENDATION: To adopt the ordinance.

Anthony Williams, City Attorney, gave an update on the request and consideration of an ordinance to amend Section 42-3 of the City Code to increase the courthouse security fee from \$10 to \$20.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve the ordinance amend Section 42-3 of the City Code to increase the courthouse security fee from \$10 to \$20. The motion was seconded by Vice Mayor Hart. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill and Hart; Absent: Smith-Lee; Abstain: Parham

20-ORD-46 AN ORDINANCE TO AMEND AND RE-ADOPT SECTION 42-3 OF THE PETERSBURG CITY CODE PERTAINING TO ASSESSMENTS FOR COURTHOUSE SECURITY.

12. 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.

Barb Rudolph, 1675 Mt. Vernon Street, stated, "Good afternoon Mayor and council. First of all can I remind you to please give out the call in number for any of the citizens who want to make a public comment but are not on zoom. I know that you normally give that number out. Thank you. I just wanted to comment again about the CARES Act CRF and projects that were identified in the second meeting in September. We heard from Ms. Tyus about the small business grant program. That sounds wonderful. Looking back at the information that provided in September. That was \$700,000, was set aside for that. I understand that from the earlier meeting that the money for the schools Wi-Fi, I think is in play. As I look at the total amount of money that the City received, we still have over \$4 million dollars of spending between now and December 30th that we are not getting any reports on what is going on. As I mentioned at the last meeting that it is disappointing. I hope that some members of council would also want to know more about this because it is a one-time opportunity to help not only the small businesses but the many individuals in the City who are struggling. With things like rent and mortgage and utilities. If you look at the surrounding communities, they are doing some very wonderful things for their individuals. I can mention to you that one that you can look up is Hopewell and one is Prince George. Also, in Prince George some of what they are doing is even people can apply for help with things like hair cuts or food delivery. When you look at things like that, they also benefit the businesses in the community. Because I am sure that the ones that they are using local merchants. So, it is kind of a symbiotic relationship there. Relative to Petersburg City employees, the plan that was presented was pretty

*Audio available upon request.

vague so it didn't specifically talk about bonuses or anything that would be provided to any of the employees. Again, looking around the state a number of localities are giving bonuses of one-time funding, appropriate use of this, to first responders. So, you will find that firefighter's and police officers and the like are getting things like \$2,000 bonuses. Off course that uses up a lot of money but since we don't see much of this going on, I would suggest that the City get busy with that. I believe that our first responders have gone above and beyond. You know that the folks in Petersburg are stressed and hardworking as those in other localities. Please consider this. Thank you."

Jonnesha Thompson, 1800 Boydton Plank Road, stated, "I am a new resident of Petersburg. And this is my first time listening to you all. And just based on your discussion and things that you touched base, I wanted to know if I am able to open up from the beginning to the end. I wanted to start with the three new businesses that opened last Friday. I noticed that you all did not touch base on individually naming them so we would know exactly who they are if they did not see the update that was Facebook for those that are not tech savvy. Also, towards the police being accredited, congratulations to them on their achievement. I also wanted to know what policies are they implementing to ensure the public's safety and the children of the Petersburg City. Also, great job on the COVID-19 report. It was very well said and very well put presentation. Also, for your understanding with that piece why is it such a big argument with the mural. Why is it such a big debate? It should be just cut and concrete simple. I am sure that the people of the City of Petersburg would appreciate it. How about extra tutoring for the children that need your help in the schools. What is being done for that? Or extra programs for the children during the COVID-19. What is being implemented for them? And is it possible for there to have more assistance for children with special needs or young adults with a special need or anything in the mental health department that you guys can address? Also, can there be an update on the City parks? Like up to code. Because there are a lot of parks that most definitely need help in that department."

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

Council Member Wilson-Smith stated, "I had asked for a police report in reference to the crime in our City ne presented at this meeting. So, perhaps at the next meeting we can have one."

Mrs. Benavides stated, "Yes ma'am. And I am marking it down to make sure that Chief Travis will do an update on what is happening in the City."

Council Member Wilson-Smith stated, "Can you also revisit the gun buy back program in Petersburg with the Chief, please? And I had asked for the City Attorney to give a report and I see that he sent it this morning. So, thank you very much and I will need more time to look at it."

Mr. Williams stated, "I will have presentation during my business report on that."

Council Member Wilson-Smith stated, "Thank you so much. That's all I have."

Mayor Parham stated, "Councilman Myers do you have anything?"

Council Member Myers stated, "No, sir not at this time. But I do want to say thank you to everybody, Pastor Baugh, Mary Howard and Vice Mayor Hart. They came out to the stop the violence walk last Saturday and we had a great time. Thank you."

Council Member Smith-Lee stated, "Yes, I just want to say on November 14th we are going to do a clean up on all the exits coming on and all the exits going off in the City of Petersburg. That is November 14th. That concludes my report."

*Audio available upon request.

Council Member Hill stated, "Good evening everyone again. I just want to highlight a couple of things. I know that the leaves are starting to fall now so I know that we will be coming out with the leave pickup very soon. I was in the yard all day picking up leaves, so I am pretty sure if mines falling it is falling everywhere else. We don't want to get behind the eight ball. We did a good job last year, so I am looking forward to that coming out pretty soon if it is not out already. A few of my constituents called me about questions on billing. And we still have to hurry up and get that call center back up. I don't know what that is going to look like we have to get that up ASAP because they call down there so many times and now, they are starting to call the council members. We have gone over this before, so we just need to take care of that. I would like to thank the staff who are extending in the gap once we do call them. I would prefer that they would be able to call down there to billing and collections and get someone and get a follow up after they get that individual. I got a phone call right before I came here that I will give to you Madam City Manager. A young lady called me about an issue with her billing. We really need to get a handle on that. Also, I want to thank Senator Morrissey for his comments in the paper on this past Sunday. I know that we are talking a lot about crime. I would like to ask the citizens that if they see something say something. Also, in talking with the chiefs and what have you it is amazing how a lot of people can be outside and see things of that nature and then sometimes cannot come forward and what have you. I am pretty sure that they try to talk behind the scenes. Bring people the justice who have done these awful crimes. And our police department I cannot say enough about them with doing much with little. We need to stand by them as much as we can. I thank the men and women that stand behind those badges. I want to also congratulate them on their accreditation. First time in history with the City of Petersburg being accredited. I want everyone to be safe with COVID because we are in the second wave with the dreadful pandemic. We need to be aware of large gatherings. I have been watching the local news as well as the national news. They have been talking about going into the holidays with Thanksgiving and Christmas. People come from all over to gather with family and friends. Let's please be safe. Like the caller called in about the new businesses I would like to welcome them to economic development vitality of the City. And that's all of my report. Thank you, members of council and residents."

Vice Mayor Hart stated, "Yes. Good afternoon everyone. Thank you for listening and being part of this meeting today. Couple of things we have already gone over. As I said earlier, I really think we as a council need to give direction as to what we want this City to be. Also, one of my suggested items to Mr. Crocker last week is that we could take some trips outside of the City as a unit to see other places and what they are doing and what we can duplicate here. As Mrs. Rudolph suggested, we do have some money that can be used for certain things. I know she mentioned bonuses, but I feel that this can benefit the City also. We can take a field of some sort to see what is out there that we can duplicate in Petersburg and even make it better."

Mayor Parham stated, "I just want to give Ms. Thompson that spoke today the name of the businesses that we had the ribbon cutting for on Friday. The first one was the Traveling Vine, which is a wine tasting bar down by Maria's. The next one was Sweet Bliss Café which is a coffee shop and bakery that is located beside Alexander's. And lastly Ta Bon Fry is right in the old Burnette's Bakery. They took that on to have their southern cuisine restaurant there. So, a great day with three new businesses with quite crafty business owners that have some really innovative shops that they created. So, we encourage everyone to come out and support them."

Vice Mayor Hart stated, "Yes. As a little piggyback on the walk on Saturday, one of the things that we got to hear was the young people and their frustration. So, I really think that we as council should look at the youth council or junior council. And get the young people involved in what is going on in Petersburg and what can happen in Petersburg if they are actually involved to keep them off the streets. So, that is all I have thank you."

Mayor Parham stated, "Thank you. I also would like to thank Council Member Hill for spearheading the mural project at Legends Park. I just want everyone to know that on tomorrow I invite everyone to come down to an unveiling of a mural that was not done by the City and is not on City property. But it is down on the corner

*Audio available upon request.

of Bank and Madison Street. We will have the unveiling of Trey Songz mural for his new album 'Back Home.' So, he is back home in Petersburg and his record label paid for the mural to be and it is really an amazing piece of art down on the corner of Bank and Madison Street. So, I encourage everyone to come out tomorrow. We are looking at the unveiling of Trey Songz mural between 3pm-6pm tomorrow. So, we ask everyone to come out. We plan on having food trucks and a little music and a quick ceremony at the unveiling. Which is a beautiful piece of art to represent one of Petersburg's own. And at this time Council Member Cuthbert is back and we are at the section of business and reports from council members. Council Member Cuthbert."

Council Member Cuthbert stated, "Thank you, Mr. Mayor. Three things. One I think we all had a good explanation today from Mr. Wilson as to why we have to stay on the good side of the Department of Environmental Quality (DEQ). If they have that kind of control over this kind of obligation and they are making recommendations and making grants. But they appear to be the agency that is in charge of making that determination. And I think that is something that we need to keep in mind. It's something that I was not aware until I heard Mr. Wilson's presentation to not let the tweaking of the nose to DEQ. Second thing, when we have the public hearing on the rezoning of 550 and 601 Rives Road that is item 10d on the consent agenda, I would very much like, and I think council would very much like to have the details on any related development in Prince George that this rezoning would pave the way for. I understand and maybe my understanding is wrong, that the rezoning on Rives Road in Petersburg is only a portion of the entire project. I would like to know and I think council needs to know the details on what is going to go on the other side of the City line in terms of development in terms of economic opportunity that Petersburg opens up for Prince George. The third and last, I want to add my thanks to the thanks of the rest of council for Chief Miller's great service to Petersburg. We will miss him, and I know that Chief Christian will do a superb job. He certainly has had a superb mentor. At the same time what Chief Miller brought to Petersburg was much higher standard of policing that I think we had been costumed to. And we are all very grateful to him for that. Just one example is getting the police to wear body cameras. And they are doing that, and they are using them. And it is helping to improve the quality of policing in Petersburg and potentially it is also opening the way of what the facts really are in the event something goes wrong. Thank you, Mr. Mayor, and thank you council and thank you chief Miller."

14. ITEMS REMOVED FROM CONSENT AGENDA:

- * No items for this portion of the agenda.

15. UNFINISHED BUSINESS:

- * No items for this portion of the agenda.

16. NEW BUSINESS:

- a. Consideration of FY2020 carryover (\$957,528.50) & FY2021 Appropriation (\$1,499,291) for the Park and Ride Station Project.

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

*Audio available upon request.

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

RECOMMENDATION: Staff recommends the City Council approves the total amount of \$2,456,819.50 which consist of the FY 2020 carryover amount of \$957,528.50 and the FY 2021 appropriation of \$1,499,291. It should be noted that the \$8,000,00 project is a Smart Scale project and costs are 100% reimbursable up to the \$8,000,000 amount by the Department of Rail and Public Transportation (DRPT).

Council Member Hill made a motion to approve the ordinance that approves the total amount of \$2,456,819.50 which consist of the FY 2020 carryover amount of \$957,528.50 and the FY 2021 appropriation of \$1,499,291. It should be noted that the \$8,000,00 project is a Smart Scale project and costs are 100% reimbursable up to the \$8,000,000 amount by the Department of Rail and Public Transportation (DRPT). The motion was seconded by Vice Mayor Hart.

Mayor Parham opened the floor for public comment.

Seeing no hands, Mayor Parham closed public comments.

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

20-ORD-47 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE CAPITAL PROJECTS FUND.

- b. Consideration of adoption of an ordinance for Virginia Department of Fire Programs – Aid to Locality in the amount of \$118,079.

BACKGROUND: The City of Petersburg receives the Fire Programs Fund - Aid to Localities grant annually to assist with training and firefighting equipment. These funds are currently programmed for purchasing new personal protective gear, tools, and other related equipment.

RECOMMENDATION: Recommend that Council accept and appropriate the Virginia Department of Fire Programs – Aid to Localities (ATL) amount of \$118,079.00 for fiscal year 2020.

Council Member Hill made a motion to approve and appropriate the Virginia Department of Fire Programs – Aid to Localities (ATL) amount of \$118,079.00 for fiscal year 2020. The motion was seconded by Council Member Smith-Lee.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

*Audio available upon request.

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

20-ORD-48 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$118,079.

- c. Consideration of Library of Virginia COVID CARES Act subgrant appropriation (\$36,312) for the Petersburg Public Library.

BACKGROUND: The Library of Virginia received funding from the CARES Act. The Library of Virginia has a goal to assist public libraries in responding to the coronavirus pandemic. The Petersburg Public Library applied for funds and was awarded \$36,312.

RECOMMENDATION: Staff recommends City Council approve the receipt and appropriation of the Library of Virginia COVID CARES Act subgrant to the Petersburg Public Library.

Council Member Hill made a motion to approve and appropriate the Library of Virginia COVID CARES Act subgrant to the Petersburg Public Library. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

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

20-ORD-49 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$36,312.

- d. Consideration of Virginia Tourism Corporation DMO WanderLOVE Grant appropriation (\$10,000) for Petersburg Tourism.

BACKGROUND: The Virginia Tourism Corporation (VTC) offered this grant program for communities to apply for relief and assistance in response to travel marketing during Covid-19. Use of this grant funding will focus on activities for Petersburg visitors to explore historic neighborhoods and learn about Petersburg's historic sites while following safety guidelines outlined by the CDC. Following grant guidelines provided by the VTC, self-guided walking and driving tours will explore historic personalities from the past during different periods of history. Some of the topics include African American heritage and Presidents of the United States who've visited Petersburg; with an additional focus on many lesser-known individuals who made important contributions to the community and the nation.

RECOMMENDATION: Recommend City Council authorize appropriation of the funds as allocated and certified.

Council Member Myers made a motion to approve and appropriate the funds as allocated and certified in the amount of \$10,000. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

*Audio available upon request.

Seeing no hands, Mayor Parham closed public comments.

There was discussion among City Council and staff. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

20-ORD-50 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$10,000.

- e. Consideration of Center for Tech and Civic Life grant appropriation (\$81,889.50) for the Registrar's Office.

BACKGROUND: The Registrar's Office received grant funding from the Center for Tech and Civic Life in the amount of \$81,889.50. These funds are to be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Petersburg.

RECOMMENDATION: Staff recommends City Council approve the appropriation of the Center for Tech and Civic Life grant funds.

Council Member Hill made a motion to approve and appropriate of the Center for Tech and Civic Life grant funds. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed public comments.

There was discussion among City Council. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

20-ORD-51 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$81,899.50.

- f. Consideration of re/appointment to the Virginia Gateway Region.

BACKGROUND: Virginia's Gateway Region is a private, nonprofit organization that is funded new business opportunities, work with existing businesses, advance resources that will enhance the economic viability of the region, and foster regional cooperation among the public and private entities that are involved in economic development activities.

Virginia's Gateway Region includes the Cities of Colonial Heights, Hopewell and Petersburg and the Counties of Chesterfield, Dinwiddie, Prince George, Surry and Sussex.

Each member jurisdiction appoints one (1) local elected official and one (1) local business representative to the Board of Directors.

RECOMMENDATION: Reappointment Mayor Samuel Parham and Craig Richards.

Council Member Cuthbert made a motion to reappoint Mayor Samuel Parham and Craig Richards to Virginia Gateway Region. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

*Audio available upon request.

20-R-59 A RESOLUTION REAPPOINTING MAYOR SAMUEL PARHAM AND CRAIG RICHARDS TO VIRGINIA GATEWAY REGION.**17. CITY MANAGER'S AGENDA:**

Mrs. Benavides stated, "Just a quick note to council. A couple of people asked where are we with CARES funding. We will present an update at the next meeting on where we are in expending the fund allocated. One of the questions that often come up in fact I got an email today from the City of Hopewell regarding hazard pay and other supplemental pay for employees who have worked during the virus time. There were questions on the legality on whether or not hazard pay can be given across the board. So, what we are proposing to do is once we get full legal clarity on how to do this properly we will bring it back and discuss it with council so that you will be aware of the proposed process. We do know that for example that our neighbors in Colonial Heights initially started the process of hazard pay. They actually were the ones that shared with us that they received later clarification from the Department of Treasurer that said that hazard pay across the board is not allowable. There are cities that made decisions to do across the board and they eat the cost. It is not reimbursable to this grant and that is a decision that I will bring to council before we go forward with any other decisions. We have not forgot those first responders and health care workers who are on the front line but to also know that in dealing and handling the CARES Act funding, although it sounds like it is easy to use we must use it for allowable expenses. We are constantly going back and forth, and we receive updates and guidelines on a weekly basis of what can and cannot be attributed to it. We are well on our way in expending the funds by December 30th and working with the schools and other parties in making sure that 59 things that are eligible are covered. We are also trying to make sure that we do not overreach in our expenditure project."

18. BUSINESS OR REPORTS FROM THE CLERK:

* No items for this portion of the agenda.

19. BUSINESS OR REPORTS FROM CITY ATTORNEY:

Mr. Williams gave a presentation on boards and commissions.

Key points:

- There is no law that he can recommend or say that would help with boards and commission process. But helped former locality with the selection process.
- Need to identify the concerns that the City has with boards and commission process.
- Need to look at why City has boards and commissions in the first place and how they help the City.
- Boards and Commission provide advice to council, conduit for reviewing issues before presented to council, provide opportunities for citizen participation in government, provide limited free manpower services, provide training ground and opportunities to identify future City leaders.
- Some boards appoint people because of their position in the government.
- Some boards are inactive.
- The Clerk of Council manages appointment process in maintaining a list of boards and commissions, maintaining a list of current appointees and their term expiration, identify vacancies, advertise the vacancies in the newspaper, receives the applications, distributes the applications to council and places the appointments on council agenda for consideration.
- Boards and commissions members represent City Council and City Council represents the citizens.

*Audio available upon request.

- Application needs to be revamped.
- There is no input from council prior to presentation of application for consideration.
- No formal interview process for candidates.
- No training process for members and no orientation for new members.
- There is no annual review process to evaluate service of board and commission members.
- With boards and commission process need to focus on recruitment, evaluation, appointment, training and retention.

There was discussion among City Council and staff.

Council Member Cuthbert made a motion that City Council direct the City Manager to consider all available information including the information gathered by the City Attorney and then recommend a comprehensive process for recruiting and appointing members of the boards and commissions and report those recommendations to council at the regular meeting in December. The motion was seconded by Vice Mayor Hart. There was discussion among City Council.

Council Member Wilson-Smith made a substitute motion to table discussion and look at the report at the first meeting in November. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

Mayor Parham stated, "We have an item here from our Sheriff Vanessa Crawford. She has a resolution here that she would like for us to consider."

Council Member Cuthbert stated, "Two comments. One, bringing this forward today and voting on it violates our Rules of Council Section 1. Only those proposed ordinances and resolutions that have been presented by the clerk on the docket of the meeting shall be considered for action at such meeting. That did not happen so I think that this should be tabled until I November meeting and I am delighted to address it at that time. But I would point this out that if anyone in this room cares or anyone hearing this care about the Black Lives Matter cause, you will vote this down. Okay. And in fact, you might well consider when it comes back to us in November in changing the verb in the now therefore be it resolved paragraph at the very end. So that paragraph one says that 'that the City of Petersburg supports the doctrine of qualified immunity and supports the division of judicial doctrine of qualified immunity and urges the City delegation to the general assembly to support such effort.' Because we need to water down the judicial created doctrine of qualified immunity that now protects grossly negligent police from any liability. I have been in the trenches on this and I know what I am talking about. And the Supreme Court of Virginia has made the definition of gross negligence so strict and so difficult to meet that police get away with, you fill in the blank. So, this is exactly what we do not want to do if we care at all about the Black Lives Matter movement. I am constantly amazed that the Black Lives Matter movement does not focus on what is really going to make a difference. And what is going to make a difference is watering down and getting rid of this judicially created doctrine of qualified immunity. The last thing that we want to do is to support the doctrine of judicial qualified immunity. This is created out of thin air by the judges of the Supreme Court of Virginia. It never been through the legislation. And it was wrong to create it in the first place, but we have got to live with it. And the last thing that we want to do is to tighten up the portal so that it is even more difficult to sue for bad police actions. So, this is a bad resolution and when it comes back before us in November, I hope that each of us will vote it down and better yet reverse what it asks for. And instead ask the General Assembly to narrow the definition and application of qualified immunity. Thank you, Mr. Mayor."

20. ADJOURNMENT:

City Council adjourned at 3:26 p.m.

*Audio available upon request.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The regular meeting of the Petersburg City Council was held on Tuesday, May 19, 2020, in live stream. Mayor Parham called the meeting to order at 12:10p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr
Council Member W. Howard Myers
Council Member Annette Smith-Lee
Council Member Darrin Hill
Vice Mayor John A. Hart, Sr
Mayor Samuel Parham

Absent: Council Member Treska Wilson-Smith

Present from City Administration:

City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Clerk of Council Nykesha D. Jackson

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. CLOSED SESSION:

- a. A motion to convene in closed session pursuant to §2.2-3711(A)(7) 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 special legal matters requiring the provision of legal advice by the city Attorney and matters of actual or probable litigation specifically including but not limited to matters requiring legal advice by the City Attorney.

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

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

City Council entered closed session at 12:13a.m.

CERTIFICATION:

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

*Audio available upon request.

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

The motion was approved on roll call vote.

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

20-R-25 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 opened session at 1:49 p.m.

Mayor Parham stated, "At this time I would entertain a motion to direct the City Attorney to present our next meeting of legal opinion with respect with the health commissioner's letter and ask the City Manager to provide a report on the financial impacts of the order of the Commonwealth."

Council Member Myers made a motion to direct the City Attorney to present our next meeting of legal opinion with respect with the health commissioner's letter and ask the City Manager to provide a report on the financial impacts of the order of the Commonwealth. The motion was seconded by Council Member Hill. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, Hart and Parham; Absent: Wilson-Smith

4. MOMENT OF SILENCE:

Mayor Parham led the meeting into the moment of silence.

5. PLEDGE OF ALLEGIANCE:

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

6. DETERMINATION OF THE PRESENCE OF A QUORUM:

A quorum was determined with the presence of all City Council Members.

Mayor Parham stated, "Good Afternoon Everyone. I want to start by thanking you all again for your patience and understanding with this adjusted setup for City Council Meetings. You are truly appreciated. For our Positive Petersburg moment: I want to give everyone a little information about COVID-19 testing that is available in Petersburg. Ms. Tyus will be giving more information on this later in the agenda, but I did want to take the time to mention that testing is available now by appointment only. Testing is available on Tuesdays, Wednesdays, and Thursdays from 9am-12pm. To register and be pre-screened for testing, you must call 804-862-8989. As we continue to battle this virus and work toward the protection of our community members, I want you all to remained informed about the resources that are available to help prevent the spread of COVID-19.

*Audio available upon request.

7. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

No items for this portion of the agenda.

8. REPORTS/RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Folakemi Osoba, Public Information Period, read comments and responses from previous public information.

a. City Council Meeting Questions & Answers – April 28th Meeting

1. Will the City look at updating the billing and collections software?
Currently, the City does not have immediate plans to update the billing and collections software.
2. Will the City still commit to its promises made when matching grants? Examples could be the Library addition, the gateway, or the exchange building grant.
These will be managed on a case-by-case basis considering the current fiscal restraints.
3. Will the City address its top-heavy budget?
Several reductions have been made in leadership and the current organizational structure has been vetted and approved.
4. Has the city looked at applying for FEMA Grants for the reconstruction or rehabilitation of the fire departments? Can we require department heads to search for grant funding before addressing the city?
Not at this time.
5. Will the blight survey continue?
Yes, more information will follow pertaining to this matter.
6. Will the City look at using other jail facilities to cut back on jail costs?
The current agreement does not allow for this option.

9. COMMUNICATIONS/SPECIAL REPORTS:**a. Presentations of the General Fund Revenue Manual**

BACKGROUND: The General Fund accounts for 70% of the Operating Budget for the City of Petersburg and understanding the revenues within is extremely crucial. The turnover of staff within the budget and finance areas of the City of Petersburg has been an ongoing issue, so developing the revenue manual will allow for the learning curve for new staff to be less steep than it has been in the past. The Revenue Manual will serve as a guide for staff, City Council, and citizens alike.

RECOMMENDATION: Receive the presentation of the Revenue Manual.

Robert Floyd, Director of Budget, and Procurement gave a briefing of the General Fund Revenue Manual.

Key points:

- The Budget & Procurement office will post this document to its departmental page on the City of Petersburg's website.

*Audio available upon request.

- Staff has already begun the process of creating revenue manual funds within the City of Petersburg's Operating Budget.

There was discussion among City Council and staff.

b. Presentation of the City of Petersburg's FY 2021 Capital Budget & 5-Year Capital Plan

BACKGROUND: The City of Petersburg has not had a comprehensive Capital Improvement Plan (CIP) prepared since FY 2017 which was done by the Robert Bobb Group. This is essential item that will assist the City of Petersburg with preparing for its future. Over the past several years the City has worked hard to improve its financial position. FY17 & FY18 audits have been completed thereby increasing the City's bond rating. Currently the FY19 audit is in progress.

RECOMMENDATION: Recommend that Council review the FY2021 Capital Budget & FY 2021-2025 CIP.

Randall Williams, Assistant Director of Capital Budgeting, gave a PowerPoint Presentation.

Key points:

- There are a limited number of Capital projects in the FY2021 & FY2022 due to the national COVID-19 pandemic & uncertainty of revenue streams.
- Many of the projects contained in the presentation are not new but over the years they have been pushed out for several years.
- The City's credit rating will continue to improve as a result of the FY19 & FY20 audits which will improve the City's ability to borrow in the future.
- The timing of projects can be moved (forward or back) based on new and more accurate information in the future.
- The Wilcox Lake-Hydroturf project will be performed in FY2022.

There was discussion among City Council and staff.

c. A Presentation regarding the Coronavirus Pandemic Response and allocations of Community Development Block Grant (CDBG-CV) Funds.

Darnetta Tyus, Deputy City Manager, gave an update on the CDBG-CV Funds.

Key points:

- Testing is being done in Petersburg and they are partnership with the Department of Health and workforce development.
- The Equity Health Pilot Program was most recently implemented in Richmond and will move to Petersburg for next phase.
- The purpose of this program is to coordinate the distribution of Personal Protective Equipment (PPE) to Petersburg's most vulnerable areas.

There was discussion among City Council and staff.

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

- Minutes of Petersburg City Council Meetings: February 18, 2020 and April 14, 2020, Special Closed Session Minutes
- Consideration of an appropriation Aid, Relief, and Economic Recovery Act (CARES) Federal

*Audio available upon request.

Transportation Administration funding for FY20 operating expenditures – 1st Reading

Council Member Myers made a motion to approve the consent agenda and to schedule the public hearing for June 2, 2020. The motion was seconded by Vice Mayor Hart. There was no discussion on the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

11. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing for an amendment to the Tourism and Economic Development sections of the City of Petersburg Comprehensive Plan.

BACKGROUND: The City of Petersburg has an adopted Comprehensive Plan in accordance with the Code of Virginia Section 15.2-2223. In accordance with the Code of Virginia, the adopted Comprehensive Plan is general in nature and shows long-range recommendations for the general development of the City.

The current adopted City of Petersburg Comprehensive Plan does not include language regarding hospitality businesses, which are assets necessary to address tourism, business and resident demand for guest rooms and banquet facilities. The proposed amendment identified the need for such businesses in the Comprehensive Plan.

During the May 13, 2020, meeting of the City of Petersburg Planning Commission, the Commission unanimously approved the amendments and the recommendation to forward the item to the City Council for consideration.

RECOMMENDATION: It is recommended that the City Council adopts the ordinance amending the Tourism and Economic Development sections of the City of Petersburg Comprehensive Plan.

Carthan Currin, Director of Economic Development, gave a briefing on the amendment to the Tourism and Economic Development sections of the City of Petersburg Comprehensive Plan.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion adopt and change the zoning from A-Agriculture to M-2 Heavy Industrial at 2100 Defense Road. The motion was seconded by Council Member Smith-Lee. The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham; Abstain: Cuthbert

20-ORD-18 AN ORDINANCE OF THE CITY OF PETERSBURG CITY COUNCIL AMENDING THE CITY OF PETERSBURG COMPREHENSIVE PLAN.

- b. A public hearing for the proposed allocation of Community Development Block Grant (CDBG) funds for the program year 2020-2021 and Fiscal Year 2021.

BACKGROUND: The City of Petersburg is a U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) entitlement jurisdiction. As an entitlement jurisdiction, the City receives annual funding from the CDBG program directly. To receive the funds, the City is required to submit a Consolidated Plan that specifies the proposed uses of the funds to be received in the Program Year 2020-2021. CDBG Funds may be used to address one or more of the three national objectives: 1. Benefit of low-

*Audio available upon request.

and moderate-income persons, 2. Aid in the prevention or removal of blight or 3. Urgent needs.

RECOMMENDATION: It is recommended that the City Council approves the proposed allocation of Community Development Block Grant funds for FY 2020-2021.

Reginald Tabor, Interim Director of Planning and Community Development, and Cathy Parker, CDBG Coordinator, gave a briefing on the proposed allocation of the Community Development Block Grant (CDBG).

Mayor Parham opened the floor for public comments.

Marcus Squires, 1701 Monticello Street, stated, "I was aware that we have a Community Development Block Grant Advisory Board. I see that there is only one member at this time. I have not seen any meetings that have been listed on the City's website. I am just wondering how these funds are being selected. Thank you."

Barb Rudolph, 1675 Mt. Vernon Street, stated that the information from the prior budget are not in the current budget that is presented today and that she is trying to piece it together. She stated that she is trying to figure where the City goes regarding the funding.

Scott Fisher, Downtown Churches United, stated that he would like to express his gratitude to City Council. He stated that the money is well used and that he has been helping Tami Yerby to provide groceries to the seniors this year."

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

There was discussion among City Council Members and staff.

Council Member Hill made a motion to approve the proposed allocation of Community Development Block Grant funds for FY 2020-2021. The motion was seconded by Vice Mayor Hart. The motion was approved on roll call vote. On roll call vote, voting yes: Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham; Abstain: Cuthbert

- c. Consideration of authorization to execute a Development Agreement regarding the development of the Harbor Area and amend the ordinance previously adopted.

BACKGROUND: The City received a proposal from Waukeshaw Development, Inc. whose Principal is Dave McCormack, to purchase parcels of property owned by the City of Petersburg, and bounded by River Street to the South, Joseph Jenkins Roberts St to the West, the Harbor to the North, and Interstate 95 to the East, including the following City-owned properties:

<i>Parcel ID</i>	<i>Property Address</i>	<i>Size</i>	<i>Zoning</i>	<i>Acquisition</i>
011-020006	275 River Street	2.64 ac	M-2	12/16/1988
011-020002	209 River Street Rear	1.01 ac	M-2	02/25/1987
011-020004	209 River Street	.06 ac	M-2	12/16/1988
011-030001	429 Fifth Street	.73 ac	R-4	06/14/1991
012-010001	433 River Street	.67 ac	M-2	

*Audio available upon request.

011-020801	501	Second Street	.30 ac	M-2	5/31/1995
011-040002	236	River Street	.17 ac	M-2	12/16/1988
011-040003	240	River St	.55 ac	M-2	04/15/2014

Portions of the parcels are within the floodway of the Appomattox River and the remainder of the parcels is within the floodplain. A 2015 appraisal of five of the properties estimates the value of five of the properties at \$20,000. The proposed purchase price is \$100,000.

There are major water and sewer lines beneath the surface of the property and associated vents above grade. Easements will be required to provide access to the infrastructure.

The proposed use for the property is an outdoor event space. The proposed use is in conformance with the Zoning, M-2.

The Development Agreement includes the final scope, budget, source and uses of funding, and construction schedule for the development.

Following a public hearing, the City Council previously adopted Ordinance 19-ORD-52 authorizing the City Manager to execute a Purchase Agreement. A reference to a lease was included in the Ordinance and should be removed, which is proposed in this ordinance.

Following a due diligence period, the Development Agreement was drafted and is presented for City Council consideration.

RECOMMENDATION: It is recommended that the City Council considers authorizing the City Manager to execute the development agreement for the development of the City-owned property referred to as the Harbor Area on the south side of the Appomattox River.

The City Council held a public hearing on October 15, 2019, and subsequently adopted an ordinance authorizing the City Manager to execute a purchase agreement and proceed with the sale of City-owned property in accordance with applicable legal requirements.

Carthan Currin, Director of Economic Development, gave a brief overview of the request for consideration of authorizing the City Manager to execute the development agreement for the development of the City-owned property referred to as the Harbor Area on the south side of the Appomattox River.

Mayor Parham opened the floor for public comments.

Marcus Squires, 1701 Monticello Street, stated, "Are there any architectural rendering of the proposed for development? I did not see any. Thank you for your time."

Dave McCormack, developer, stated, "We do not have any permanent structures going on the property. So, we are going to address each festival and band as it come. Where the bathroom goes and temporary stage, we will put in them where it accommodates the flow and size of the event."

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

Council Member Cuthbert stated, "Mr. Mayor I would like to go into closed session to discuss the

*Audio available upon request.

disposition of City owned property. I had a meeting yesterday and I would like to explain to council the subsidy of that meeting.”

Council Member Cuthbert moved that the City Council go into closed session for the purposes noted by him. The motion was seconded by Vice Mayor Hart. There was no discussion on the motion, which was approved on roll call vote.

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

Mr. Williams stated that council would entertain a motion under Section §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion of the disposition of City owned property where discussion in open meeting would affect the bargaining position of the City.

Council Member Myers made a motion to go into closed session for the reasons noted by the City Attorney. The motion was seconded by Vice Mayor Hart. There was no discussion on the motion, which was approved on roll call vote.

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

City Council entered closed session at 4:05 p.m.

CERTIFICATION:

Mr. Williams stated, “The Mayor would entertain a motion to conclude the closed session called this evening to certify in accordance with §2.2-371 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor.”

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

The motion was approved on roll call vote.

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

20-R-26 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 opened session at 4:18 p.m.

Council Member Cuthbert made a motion to authorize the City Manager to execute the development agreement for the development of the City-owned property referred to as the Harbor Area on the south side of the Appomattox River and to extend the due diligence period called for in the development agreement. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote,

*Audio available upon request.

voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

12. 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.

Gary Talley, 2323 Fort Rice Street, stated that the interpreter cannot hear and that he cannot see the entire video. He stated that they need to figure out a way to make this more acceptable. He stated that he would like to know how many consultants were hire and at what cost. He stated that if the City hired more qualified people that they would do there job instead of hiring people that will not do their job. He stated that he asked this question before and never got a response but why are their four attractions signs that are blank. He also asked when will the St. Andrews Street be completed. He stated that the bridge has been down for about 15 years.

Marcus Squires, 1701 Monticello Street, stated that there was property on Pocahontas Island that was demolished. He stated that because of the historicalness of the property why didn't the City step in and stop the demolition. He stated that the property was assessed at \$14,000. He stated that funding could have come in to stabilize the property and fulfill the complete renovation of the house. He stated that he hopes that the City can learn from their mistakes. He stated that the next structure that he is concerned about is the Martin Luther king, Jr safehouse. He stated that it is currently a blighted structure. He stated that the City really needs to look at the history.

Barb Rudolph, 1675 Mt. Vernon Street, stated that billing and collections problem is that there is still a persistent problem with the billing. She stated that it is a problem with delinquent taxes. She stated that she is proud of all projects but if they can take the brain power and put it towards billing and collections. She stated that it would be a great deal and help for the citizens of Petersburg.

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

Council Member Cuthbert stated, "Thank you very much Councilman Hill. I was glad to see a reference in the standard operating procedures being worked on by City staff and then being brought back to council for their consideration. By mistake periodically, it seems that we have easements of access to egress and ingress. And it has happened at least twice since I have been on council. We voted on ignoring our obligations to protect land that has been transferred to us by the national park service at our last meeting. And I voted with it. Madam City Manager when would you suspect that standard operating procedure being brought back to council?"

Mrs. Benavides stated, "Given that we have had a change in the leadership in the planning department, I would like to bring it back as soon as possible. I would like to identify those locations. And as we talk about North Avenue and we found out that it was the back portion of someone house. Mr. Lyons stated that June 16th we will bring it back. So, we will bringing that back in June and I hope that by then we would have identified them. Because part of that is not knowing and I do not like not knowing things."

*Audio available upon request.

Council Member Cuthbert stated, "I agree with that. We have to control what we are obligated to protect and how we are going to protect it. Great. Also, thank you for the general fund governing manual and the explanation in agenda item 9a. That in my mind is very smart management and I thank you for that and anyone else that contributed to that. I tried to go to billing and collections yesterday and it is not open to the public. We cannot just walk in. Do you know what your date is for opening that? I ask that because I went to billing and collections and I then went to the post office. The post office has some type of plastic protection between the public and the cashier. And it seems to me that if the post office can do that then we can do it also. Especially given our sensitivity about maintaining our revenue streams."

Mrs. Benavides stated, "So, I have a Monday call with the surrounding jurisdictions. All of the jurisdictions public facilities are closed to the public until further notice. We do have an outside window and with that exception we may be able to reopen. We are waiting on this phase approach on how City government is reopening. The reason that we talked about it is that we do not want to get one City saying that Petersburg opened up and why you are not. And that has been part of the determination. I am looking at June as far as the opening for the public. There is a lot of work that needs to be done. I am pretty sure that it will not take much for Monte and his staff to have it open by next week for the window outside at the main building. Our goal is to use the dropbox for payments. If they have questions, then you need to have a center."

Council Member Cuthbert stated, "Thank you very much Mr. Mayor."

Council Member Wilson-Smith stated, "At the last meeting I thought that we had decided to cover the subject of continuity of governance at this meeting. So, are we going to address that or is that off the table?"

Mayor Parham stated, "I think that it is going to be at the next meeting. It is not on this meeting. So, I think Mr. Williams stated that he is checking now, and he will get back with you."

Council Member Wilson-Smith stated, "Okay thank you. That is all that I have."

Council Member Smith-Lee stated, "I have nothing. I just appreciate council. We try very hard to do the right thing. Just asking everybody to stay safe. That's it."

Council Member Myers stated, "I just want to say to everybody to stay safe. If you do not have to be out stay in."

Council Member Hill stated, "I have a couple of items. I addressed this to Ms. Tyus regarding the grass cutting and the sidewalks. We need to address that now. I know that it is raining now. So, vegetation is growing all over the sidewalks in the City of Petersburg. Not just down in old town but up Washington Street. I know that we do have some contracts that I gave back in. But I know that we have public works that can get weed eaters and go through and take care of that. Also, on the matter dealing with, I asked several months ago with painting the stripes on the street so that it can go with the new facility on Sycamore Street. That we freshen up those parking lots so that people can see exactly their parking. I would like to see that addressed soon also. I think we are going back to the bulk trash. You can put your bulk trash on the curb. So, coordinate with you time of your trash pickup. I know that we went through a period when we couldn't pick up our trash and we had to take it to the dumpster ourselves. I really want to do a special thanks to the staff and to council. During the last five weeks I have been over at Fort Lee working for the government until the governor just opened up the businesses. And one thing that I did get from interacting with the soldiers over there, most of you all know that I do own a barber and beauty salon, is that they were talking about how they love the City of Peterburg and how nice it is and how nice the people are. Just things like that. So, that is my bright Petersburg moment. Just to interact with so many soldiers. And some of them cannot come off the post because of COVID-19. So, it just does my heart good for people outside of our City to see the bright spots of our City. Other than that Mr. Mayor, I do not have any more comments. Thank you."

*Audio available upon request.

Mayor Parham stated, "At this time I would like to thank the City Manager and Tangela Innis from public works. Councilwoman Smith-Lee who was out with me when we were out over in Ward 1 checking on our residents to make sure that they had water service. We met some really good people out there. And a lot of people that were renting homes were not there. I gave to council inside their package today a real epidemic coming up which is the housing crisis of evictions. And in Petersburg we are at the top of the list. We have 95 evictions that are scheduled starting tomorrow. And when you look at a City of our size and we have one of the highest case loads on this and no one has really created a path for people to stay in their homes. It is a huge problem. But there are definitely a high number of tenants who could be losing their homes. And at this point in time it is really unfair. I think whoever want to lead the charge on this, I think that this is a catastrophic event here for the residents here in our City. I read in the wavy news down in Norfolk that over 800 cases out in Virginia and 240 cases are in the Hampton Roads. A lot of those provisions that were in place are expiring. Thanks to our staff for going above and beyond. I have never seen a City Manager in the state of Virginia take the initiative like Mrs. Benavides did as far as going door to door. I was with her talking to the residents. People want to know that you care. And I think that was really shown in the last few weeks."

14. ITEMS REMOVED FROM CONSENT AGENDA:

*No items for this portion of the agenda.

15. UNFINISHED BUSINESS:

Council Member Myers stated, "We received \$10,000 from Eagles Landing and we received \$5,000 from Meridian Waste. And there is \$1,000 each from the Patton Brother's. And people are still sending money in. And I think the Senator sent in money, but I am not sure on how that goes. So, the program is moving forward Mr. Mayor."

Mr. Williams stated, "So, Mr. Mayor the item that Council Member Wilson-Smith identified was on the council agenda of May 5th to be set for a public hearing today. I talked to the clerk and was told that it was properly noticed but it did not appear on the agenda. So, in order to add that to the agenda it would require a unanimous vote from members of council. We have Councilman Hart on the phone if you are interested in entertaining a motion to add that to the agenda."

Mayor Parham stated, "We will entertain a motion to add the item on the agenda."

Mr. Williams stated, "It is the consideration to adopt the continuity of governance ordinance after the public hearing."

Council Member Myers made a motion to add the consideration of continuity of governance ordinance to the agenda. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

Mr. Williams stated, "The ordinance was originally adopted on March 31st, 2020. This ordinance is what has enabled council to have the meetings in response to the COVID-19 pandemic. It has standard certain time limitations for acting on matters such as the Planning Commission. It authorizes for boards and commission to have remote meetings. This particular ordinance that was adopted had an expiration date that will on May 31st of this year unless subsequently readopted by council. It was on the May 5th meeting to be scheduled for a public hearing today for council's consideration and adoption to continue operating under it."

There was discussion among City Council and staff.

Mayor Parham opened the floor for public comments.

*Audio available upon request.

Barb Rudolph, 1675 Mt. Vernon Street, stated that it is very hard to hear with doing live stream meetings. She stated that it is a very difficult experience, and it is problematic for people who work during the day. She stated that she is hoping that they extend it but to extend it for a shorter time period.

Marcus Squires, 1701 Monticello Street, stated that he understands if City Council would like to continue to hold meetings this way for taking precautions for the COVID-19 outbreak. I would hope that the City would get a better microphone so that people can better hear. He stated that you cannot really hear people that are announcing during the meeting. He stated that the City can maybe go on Amazon to order new microphones.

Michelle Murrills, 131 S. Markey Street, stated that she agrees with the last two speakers. She stated that she thinks that it is very hard to listen to what is going on. She stated that she thinks that the City needs to have in-person meetings with maybe a larger outside venue. She stated that she thinks that it should not go until September. She stated that she thinks that they should do it on a month by month basis.

Council Member Myers made a motion to readopt the ordinance. The motion was seconded by Council Member Smith-Lee. There was discussion among City Council. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-ORD-19 AN EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

16. STANDING COMMITTEE REPORTS:

*No items for this portion of the agenda.

17. NEW BUSINESS:

- a. Consideration of an appropriation of the Coronavirus Emergency Supplement Grant - \$98,689

BACKGROUND: The Coronavirus Emergency Supplement Grant is awarded to local units of government to be utilized to prevent, prepare for, and respond to the coronavirus. Petersburg has applied for funding and the Department of Justice has accepted the application and awarded funding in the amount of \$98,689. There is no local match to these funds.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in the FY 2019-20 and FY 2020-21.

Council Member Hill made a motion to accept and appropriate the grant funds to be spent in the FY 2019-20 and FY 2020-21. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

*Audio available upon request.

20-ORD-20 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 FOR THE GRANTS FUND.

- b. Consideration of an appropriation from the Virginia Department of Rail and Public Transportation.

BACKGROUND: Petersburg Area Transit was awarded the equivalent of one month of revenue to offset costs and lost revenue associated with the COVID-19 pandemic.

RECOMMENDATION: Recommend City Council Approve the attached appropriation ordinance for \$84,711 from the Department of Rail and Public Transportation.

Council Member Myers made a motion to approve the attached appropriation ordinance for \$84,711 from the Department of Rail and Public Transportation. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-ORD-21 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 IN THE MASS TRANSIT FUND.

- c. Consideration of an appropriation of Federal Grant VA-95-105-02.

Mayor Parham stated, "This item has been removed right Madam Clerk."

Ms. Jackson stated, "Yes. It has been removed. They stated that this has already been appropriated in the budget last year."

- d. Consideration of an appropriation of Federal Grant VA-90-x286.

BACKGROUND: Petersburg Area Transit has a number older grants which are set to expire. This grant appropriation is for the purchase of Furniture and Landscaping.

RECOMMENDATION: Recommend City Council approve the attached appropriation for \$2737.

Council Member Myers made a motion to the attached appropriation for \$2737. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

*Audio available upon request.

20-ORD-22 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 IN THE MASS TRANSIT FUND.

- e. Consideration of an appropriation of Federal Grant VA-90-x433

BACKGROUND: Petersburg Area Transit has a number older grants which are set to expire. This grant appropriation is for the purchase of Landscaping.

RECOMMENDATION: Recommend City Council approve the attached appropriation for \$10,672.

Council Member Myers made a motion to the attached appropriation for \$10,672. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-ORD-23 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 IN THE MASS TRANSIT FUND.

- f. Consideration of an appropriation grant VA-2018-0006.

BACKGROUND: Petersburg Area Transit has a number of grants which are set to expire prior to the end of the fiscal year. This appropriation will provide 80% funding for a Para-Transit vehicle. Sixty-eight percent (16%) of the cost will be provided in a subsequent appropriation from the Commonwealth of Virginia. The 4% local match will be a part of the original City Appropriation in the FY 20 budget.

RECOMMENDATION: Recommend City Council approve the attached appropriation ordinance for \$54,284.

Council Member Hill made a motion to the attached appropriation for \$54,284. The motion was seconded by Council Member Smith-Lee.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-ORD-24 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 IN THE MASS TRANSIT FUND.

- g. Consideration of an appropriation of Capital State Grant 73018-88.

*Audio available upon request.

BACKGROUND: Petersburg Area Transit has a number of grants which are set to expire prior to the end of the fiscal year. This appropriation will provide 16% funding for a Para-Transit vehicle. Eighty percent (80%) of the cost will be provided in a subsequent appropriation from the Federal Government. The 4% local match will be a part of the original City Appropriation in the FY 20 budget.

RECOMMENDATION: Recommend City Council Approve the attached appropriation for \$10,857.

Council Member Hill made a motion to the attached appropriation for \$10,672. The motion was seconded by Council Member Smith-Lee.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-ORD-25 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 IN THE MASS TRANSIT FUND.

h. Consideration of the FY2020-21 Budget Appropriation Ordinance.

BACKGROUND: The City Manager proposed an All Funds Budget to the City Council on March 31, 2020. After several weeks of analyzing the economic impacts of the Covid-19 Pandemic, the City Manager adjusted the originally proposed budget and subsequently distributed the changes to the City Council. There was a public hearing held on April 28, 2020. There were two readings of the appropriation ordinance that took place on May 5th and May 12th.

RECOMMENDATION: Recommend City Council adopt and appropriate the All Funds Budget for Fiscal Year 2020-21.

Robert Floyd, Director of Budget, and Procurement gave a brief overview.

Council Member Myers made a motion to the attached appropriation for all funds budget for FY2020-21. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

There was discussion among City Council Members and staff

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, and Parham; Voting No: Wilson-Smith; Absent: Hart

20-ORD-26 AN ORDINANCE MAKING APPROPRIATIONS IN THE ALL FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2020 AND ENDING JUNE 30, 2021.

i. Consideration of FY2020-2021 Proposed Schools Operating Budget Appropriation Ordinance.

*Audio available upon request.

BACKGROUND: The total Proposed Budget for Petersburg City Public Schools is \$56,810,492. This includes the following breakdown of revenue and expenses:

Revenues:

- State Standards of Quality, Lottery Proceeds, Incentive, and Categorical funding \$29,911,571
- State Sales and Use Tax 4,971,203
- Food Service 2,993,100
- Federal Revenue (JROTC) 47,000
- Special Revenue (State and Federal Grants) 8,508,918
- Transfer from City General Fund 10,000,000
- Local Funding 378,700

Expenses:

- Operating Fund \$45,308,474
- Food Service Fund 2,993,100
- Special Revenue Fund 8,508,918

RECOMMENDATION: Recommend City Council appropriate the Petersburg City Public Schools Budget for Fiscal Year 2020-21.

Mrs. Benavides stated, "Last year we did this separately. It is required by state law that the budget is approved by the 15th of May. We did have an extension. The good news for this is that the school's appropriation was included in the document that you just passed. So, you do not have to redo this unless you so choose."

- j. Consideration of re/appointments to the Planning Commission.

BACKGROUND: The Planning Commission consists of a 4 at-large members and 7 members appointed by City Council.

The duties if the Board include, but are not limited to, the following: Promote the orderly development of the City and its environs; serves primarily in an advisory capacity to the City Council in matters pertaining to land use, future development, and capital improvements.

RECOMMENDATION: Recommend Council make re/appointments to the Planning Commission.

Mayor Parham read the background information out loud.

Council Member Hill made a motion to appoint Fenton Bland (Ward 2) and reappoint Tammy Alexander (Ward 5) to the Planning Commission for a term expiring September 30, 2024. The motion was seconded by Council Member Cuthbert. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, and Parham; Absent: Hart

20-R-27 A RESOLUTION APPOINTING FENTON BLAND AND REAPPOINT TAMMY ALEXANDER (WARD 5) TO THE PLANNING COMMISSION FOR A TERM EXPIRING SEPTEMBER 30, 2024.

18. CITY MANAGER'S AGENDA:

*No items for this portion of the agenda.

*Audio available upon request.

19. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

20. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

21. ADJOURNMENT:

City Council adjourned at 5:41 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Kelly Evko, Clay Mansell

RE: **A public hearing December 8, 2020 regarding a Proposal to Purchase and Develop 115 Harrison Street and consideration of an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of the City-owned property.**

PURPOSE: A public hearing regarding a Proposal to Purchase City-Owned property at 115 Harrison St, and consideration of an Ordinance authorizing the City Manager to execute a Purchase Agreement toward the sell of City-owned property.

REASON:

A public hearing to consider an Ordinance that authorizes the City Manager to execute a Purchase Agreement and proceed with the sale of City-owned property in accordance with applicable legal requirements.

RECOMMENDATION: It is recommended that the City Council holds a public hearing on December 8, 2020 and adopt an Ordinance approving and authorizing the City Manager to execute a Purchase Agreement and proceed with the sale of City-owned property in accordance with applicable legal requirements.

BACKGROUND: The city has received a proposal from Robert D. Davis to purchase the following City-owned property:

Parcel ID	Premise	Street	Proposed Use
022-150801	115	Harrison St	Commercial

Robert D. Davis propose to develop 115 Harrison St as a Creamery. The site plans are attached

115 Harrison St. assessed value is \$20,700. The offer price is \$1,600. Proposed investment is \$27,000

COST TO CITY: Conveyance of Real Property

BUDGETED ITEM: N/A

REVENUE TO CITY: Revenue from sale of property and associated fees and taxes

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Economic Development, City Assessor

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 115 Harrison St Purchase Agreement (1)
2. 115 Harrison St. Assessment, Property Map, Site Plans, Executive Summary, Ordinance

REAL ESTATE PURCHASE AGREEMENT

Assessed Value: \$20,700

Consideration: \$1,600

Tax Map No.: 022-150801

This Commercial Real Estate Purchase Agreement (the "Agreement") is dated November 13, 2020, between the CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to a "Seller" and party of the first part, Robert D. Davis, 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: 115 Harrison Street, Tax Map Number: 022-150801 (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 thousand and six hundred dollars (\$1,600.00) (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 hundred and sixty dollars (\$160.00) (the "Deposit") within fifteen (15) business days of the Effective Date to the Escrow Agent which shall be held and disbursed pursuant to the terms of this Agreement.
4. **Closing:** Closing shall take place on or before ninety (90) business days after the completion of the Due Diligence Period described in Section 5. Purchaser may close on the Property prior to completion of the Due Diligence Period with reasonable advance notice to Seller. At Closing, Seller shall convey to Purchaser, by Deed Without Warranty, good and marketable title to the Property in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the Property and current taxes.

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

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

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

- a. At or before the extinguishing of the Due Diligence Period, the Purchaser shall draft a Development Agreement in conformance with the proposal presented to City Council on November 10, 2020. Such proposal shall be reviewed by the City to determine its feasibility and consistency with the original proposal made on November 10, 2020. Approval and execution of the Development Agreement shall not be unreasonably withheld by either party, and execution of the Development Agreement by all parties shall be a condition precedent to closing on the property. The Development Agreement shall be recorded by reference in the deed of conveyance to the Property which shall include a right of reverter in the event that the Developer fails to comply with the terms of the Development Agreement.

6. Termination Prior to Conclusion of Due Diligence Phase:

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

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

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

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

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

8. Purchaser's Representations and Warranties:

- a. There is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Purchaser, nor is Purchaser subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator, that would affect Purchaser's ability and capacity to enter into this Agreement and transaction contemplated hereby.
- b. Purchaser has full power, authorization, and approval to enter into this Agreement and to carry out its obligation hereunder. The party executing this Agreement on behalf of Purchaser is fully authorized to do so, and no other signatures are required.

9. **Condition of the Property:** Purchaser acknowledges that, except as otherwise set forth herein, the Property is being sold "AS IS, WHERE IS AND WITH ALL FAULTS", and Purchaser has inspected the Property and determined whether or not the Property is suitable for Purchaser's use. Seller makes no warranties or representations regarding the condition of the Property, including without limitation, the improvements constituting a portion of the Property or the systems therein.

10. **Insurance and Indemnification:** Purchaser shall indemnify Seller from any loss, damage or expense (including reasonable attorney's fees and costs) resulting from Purchaser's use of, entry upon, or inspection of the Property during the Due Diligence Period. This indemnity shall survive any termination of this Agreement. Notwithstanding any other provision of this Agreement, Purchaser's entry upon the subject property and exercise of due diligence is performed at Purchaser's sole risk. Purchaser assumes the risk and shall be solely responsible for any injuries to Purchaser, its employees, agents, assigns and third parties who may be injured or suffer damages arising from Purchaser's entry upon the property and the exercise of Purchaser's due diligence pursuant to this Agreement.

11. **Escrow Agent:** Escrow Agent shall hold and disburse the Deposit in accordance with the terms and provisions of this Agreement. In the event of doubt as to its duties or liabilities under the provisions of this Agreement, the Escrow Agent may, in its sole discretion, continue to hold the monies that are the subject of this escrow until the parties mutually agree to the disbursement thereof, or until a judgment of a court of competent jurisdiction shall determine the rights of the parties thereto. In the event of any suit where Escrow Agent interpleads the Deposit, the Escrow Agent shall be entitled to recover a reasonable attorney's fee and cost incurred, said fees and cost to be charged and assessed as court costs in favor of the prevailing party. All parties agree that the Escrow Agent shall not be liable to any party or person whomsoever for mis-delivery to Purchaser or Seller of the Deposits, unless such mis-delivery shall be due to

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

12. **Risk of Loss:** All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by Seller until Closing. In the event of a loss or damage to the Property or any portion thereof before Closing, Purchaser shall have the option of either (a) terminating this Agreement, in which event the Deposit shall be returned to Purchaser and this Agreement shall then be deemed null and void and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party, or (b) affirming this Agreement, in which event Seller shall assign to Purchaser all of Seller's rights under any applicable policy or policies of insurance and pay over to Purchaser any sums received as a result of such loss or damage. Seller agrees to exercise reasonable and ordinary care in the maintenance and upkeep of the Property between the Effective Date and Closing. Purchaser and its representatives shall have the right to make an inspection at any reasonable time during the Due Diligence Period or prior to Closing.
13. **Condemnation:** If, prior to Closing, all 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
Aretha Ferrell-Benavides
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

PURCHASER:

Robert D. Davis IV
Crystal Davis
20 North South St.
Petersburg VA 23803

COPY TO:

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

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

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

26. **Development Agreement:** A Development agreement detailing the development scope, budget, funding, schedule and any other agreed upon performance requirements of the Developer will be executed prior to the transfer of the deed for the property.
27. **Reversion Provision:** The deed of conveyance to this property shall contain a provision that this property will revert back to the City if performance requirements are not met by the Developer within the time period specified in the Development Agreement upon Notice of Breach to Developer and failure to timely cure.
28. **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: Robert D. Davis IV, Crystal Davis

By: _____

Title: _____

Date: November 16, 2020

SELLER:

The City of Petersburg, Virginia

By: _____, Aretha Ferrell-Benavides

Title: City Manager

Date: _____

ESCROW AGENT:

By: _____,

Title: _____

Date: _____

Approved as to form:

Date: _____

By: _____, Anthony Williams

Title: City Attorney

ORDINANCE

This is an Ordinance Authorizing the City Manager to execute a Purchase Agreement toward the Sale of City-owned property at 115 Harrison St, and

WHEREAS, the City of Petersburg has received a proposal from Robert D. Davis to purchase the City-owned property at 115 Harrison St. to develop a Creamery; and

WHEREAS, the potential benefits to the City include infill development, population growth, increased tax base, and future business; 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 Robert D. Davis toward the Sale and development of City-owned property at 115 Harrison St.

Proposal to Purchase City-Owned Property



Purchaser			
Project Name	115 Creamery		
Property Address	115 Harrison St		
Parcel Number	022-150801	Acreage	0.02 Bldg SF 1021
Year Constructed	1919		
Project Developer	Robert D. Davis/ Crystal Davis		
Contact Name	Robert D. Davis		
Address	20 N. South St.	Phone	757-358-1423
	Petersburg, VA		
Email	davis5723@yahoo.com		
Experience/Qualifications	previous business owner in Petersburg		
Development Description	Bring existing building up to code for retail/food space. Also upgrading the façade of the building. Upgrading Electrical and Plumbing		
Offered Purchase Price	\$1,600	Construction Costs	\$ -
		Total Investment	\$ 27,000.00
Description of Financing (%)	Personal finances		
Community Benefit	Upgrading on vacant and abandoned building. Tax Revenue		
Due Diligence Period (months)	6 months to a year		
Construction Start Date	Jan-21	Completion Date	Jun-21
Number of Projected Jobs	Temp/Const. Jobs 2	Permanent Jobs	2
Average Wage	15.00 hour		VA Minimum Wage
Contingencies			

City Assessment						
Outstanding Obligations						
Proposed Land Use	Retail/ Food Space			Yes	No	
Comp Plan Land Use	Commercial	Conformance	Yes			
Zoning	B-3	Conformance	Yes			
Enterprise Zone			Yes			
Rehab/Abatement			Yes			
New Construction				No		
Historic District	No					
Assessed Value	\$ 20,700.00	Appraised Value	\$ -	Date		
City Revenue from Sale	\$ (19,100.00)					
Projected Tax Revenue	Abatement	Year 1	Year 5	Year 20		
Real Estate Tax	\$ -	\$ 279.45	\$ 1,397.25	\$ 6,864.75		
Personal Property Tax	\$ -	\$ -	\$ -	\$ -		
Machinery and Tools Tax	\$ -	\$ -	\$ -	\$ -		
Sales and Use Tax	\$ -	\$ -	\$ -	\$ -		
Business License Fee	\$ -	\$ -	\$ -	\$ -		
Lodging Tax	\$ -	\$ -	\$ -	\$ -		
Meals Tax	\$ -	\$ -	\$ -	\$ -		
Other Taxes or Fees	\$ -	\$ -	\$ -	\$ -		
Total	\$ -	\$ 279.45	\$ 1,397.25	\$ 6,864.75		
Total Tax Revenue		\$ 279.45	\$ 1,397.25	\$ 6,864.75		
Waivers & Other Costs to the City		\$ -	\$ -	\$ -		
City ROI (Revenue - Cost)	\$ -	\$ 279.45	\$ 1,397.25	\$ 6,864.75		
Staff Recommendation						
Last Use Public						
Council Decision						
Disposition Ord #						
				Comm. Review Date		
				Council Review Date		
				Ord Date		

City of Petersburg Property Disposition Summary

Executive Summary

Robert Davis reached out to purchase City-owned property at 115 Harrison Street. He plans to open a creamery that serves homemade ice cream and crepes. To support his proposed offer of \$1600 for the property valued assessed at \$20,700, Mr. Davis intends to invest \$27,000 into the property, and has proven he has \$25,457.76 in funds immediately available. Mr. Davis has been diligent in working with Economic Development staff in providing proof of financing, a site development plan, and a business plan. The proposal complies with the Comprehensive Plan of the City of Petersburg. The City of Petersburg stands to benefit from increased tax revenue and jobs. The disposition of this property also saves the City costs associated with the maintenance of this building by City staff. Economic Development staff recommends to Council the disposition of this property to Mr. Davis.

BUYER	<i>Robert Davis</i>
ADDRESS	<i>115 Harrison St</i>
COMP PLAN LAND USE	<i>Commercial</i>
PARCEL #	<i>022-150801</i>
WARD	<i>4</i>
COUNCIL MEMBER	<i>Cuthbert</i>
ASSESS VALUE	<i>\$20,700</i>
PROPOSED PURCHASE PRICE	<i>\$1600</i>
INVESTMENT	<i>\$27,000</i>
PROPOSED USE	<i>Creamery</i>
PROOF OF FINANCING	<i>Finance Statement Attached</i>
SITE PLANS	<i>Site Plans Attached</i>
BUSINESS PLAN	<i>Business Plan Attached</i>
OED RECOMMENDATION	<i>Recommend Disposition</i>

**115 Harrison Street,
Petersburg VA**

Executive Summary

Vacant and abandoned properties have long plagued Petersburg, Virginia. As a home owner, resident and previous business owner (The Pizza Shop 9 E. Bank St) in the city, it is a goal of mine to help assist with this problem. Just one building that is revitalized or updated can change the whole look of the area. Commercial vacant property revitalization generates numerous benefits to communities. The reuse and renewal of commercial vacant properties can encourage the clean-up and reuse of contaminated properties in areas with existing infrastructure and municipal services, while helping to foster development patterns in the area. When I saw "115 Harrison Street" on your list of available property, I was very interested.

After review of "115 Harrison Street" I believe that the building is in dire need and requires rehabilitation before it can be reoccupied. Items that will be addressed when the property is sold to Robert D. Davis / Crystal Davis are as follows:

- New building facade (still keeping the historic integrity) \$6400
- Exterior Paint \$1200
- Updating Electrical and Plumbing (to meet code) \$5000
- Cleaning all debris and trash from building \$1000
- New Roof \$6700
- Tuck pointing bricks \$1000
- Flooring \$750
- Framing and drywall \$2400
- City Permits \$1000
- Signage \$300

Capital requirement

All capital will be sourced from personal funds and my business partners.
Estimated budget \$27,000

Labor Force

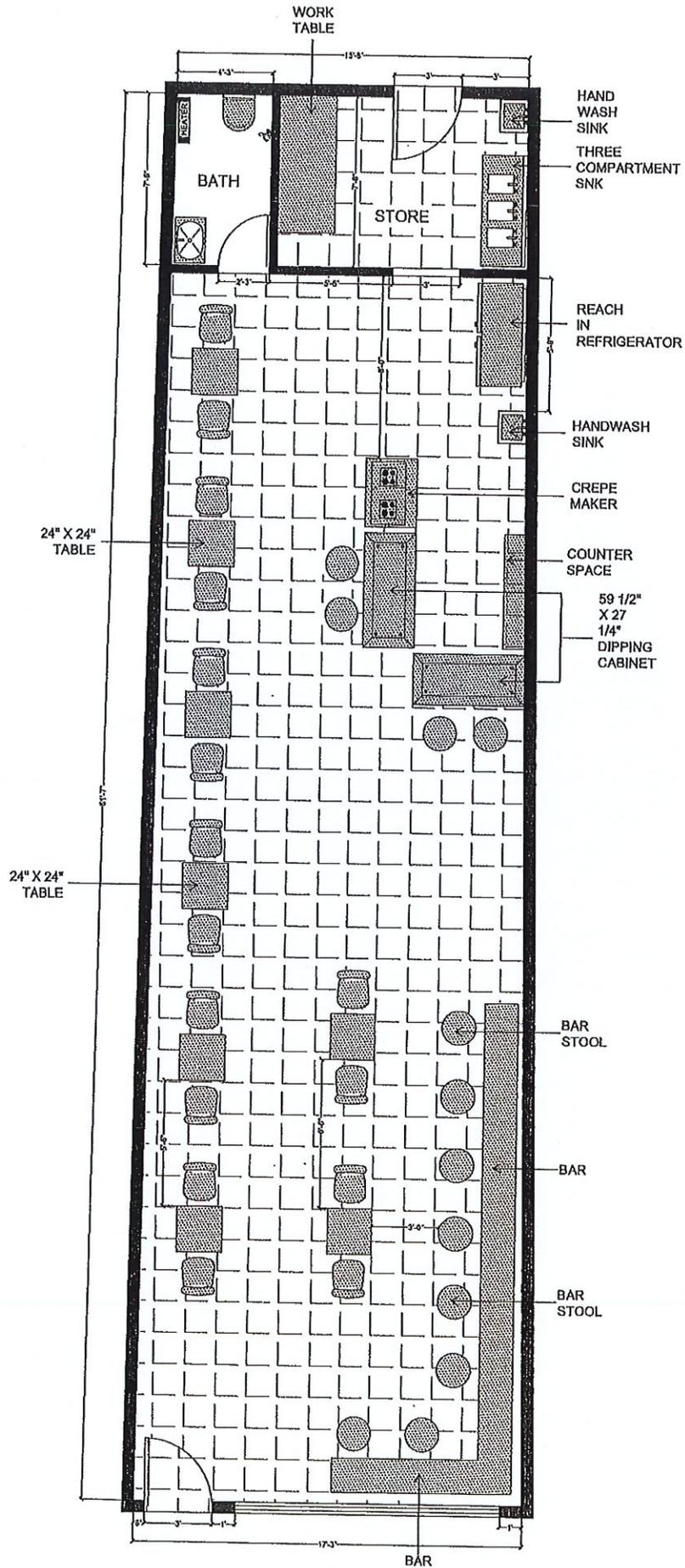
We will be hiring locally and utilizing our community. Trying to do our part in helping the work force.

The plan for the Building

The plan for the 115 Harrison Street is to turn this eye sore of a building into one of Petersburg gems. The goal of the building is to beautify the city why also creating another district where smiles and great fun food can be found. 115 Harrison Street will be turned into an homemade Ice cream and Crepe business.

Products & Services

The products or services that we will be selling are Ice cream and crepes. I believe that ice cream is a great treat that everyone enjoys and crepes are a delicacy that is good to eat at anytime. Now you maybe asking yourself that what is so different about this building and ice cream and crepe place? We will be the only place in town where you can get homemade ice cream and traditional crepes that are locally sourced with ingredients from local farmers.



ICE CREAM PARLOUR PLAN

Property Record Card - Petersburg, VA

General Property Data

Parcel ID **022-150801**
 Prior Parcel ID **--**
 Property Owner **CITY OF PETERSBURG**
 Mailing Address **135 N. Union St**
 City **Petersburg**
 Mailing State **VA** Zip **23803**
 Parcel Zoning **B-3**

Account Number **FOR SALE, Adj Halifax Triangle**
 Property Location **115 HARRISON ST**
 Property Use **CIP**
 Most Recent Sale Date **12/13/2010**
 Legal Reference **2010-3059**
 Grantor
 Sale Price **0**
 Land Area **acres**

Current Property Assessment

Card 1 Value Building Value **17,000** Xtra Features Value **0** Land Value **3,700** Total Value **20,700**

Building Description

Building Style **Multi Retail**
 # of Living Units **0**
 Year Built **1919**
 Building Grade **FAIR**
 Building Condition **N/A**
 Finished Area (SF)
 Number Rooms **0**
 # of 3/4 Baths

Foundation Type
 Frame Type
 Roof Structure
 Roof Cover **BUILTUP**
 Siding
 Interior Walls **N/A**
 # of Bedrooms **0**
 # of 1/2 Baths

Flooring Type **CARPET**
 Basement Floor **N/A**
 Heating Type **FURNACE**
 Heating Fuel **N/A**
 Air Conditioning
 # of Bsmt Garages **0**
 # of Full Baths
 # of Other Fixtures

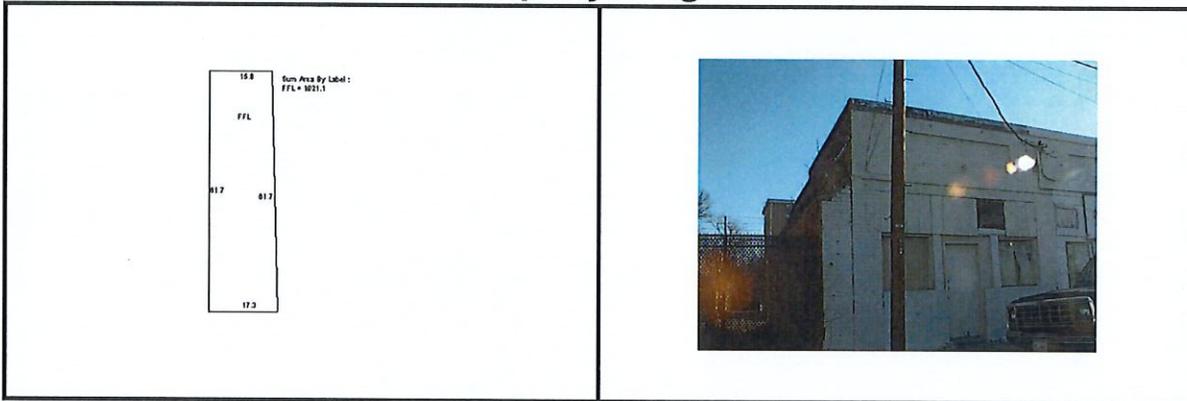
Legal Description

LTS 1 & PT 19 OAKS WAREHOUSE & PT ALLEY

Narrative Description of Property

This property contains acres of land mainly classified as CIP with a(n) Multi Retail style building, built about 1919, having exterior and BUILTUP roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), bath(s), half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Lionel Lyons, Reginald Tabor, Jeremy Tennant

RE: **A Public hearing regarding an amendment to the City of Petersburg Code, Article IV, I-95 Technology Zone, definitions, incentives and compliance sections**

PURPOSE: To amend the City Code and better define and clarify existing sections pertaining to the I-95 technology zone.

REASON: Amendments to the City Code require approval through an adopted ordinance approved by the City Council. The Technology Zone is defined in the City Code and therefore amendments to the Zone text in the Code require such approval.

RECOMMENDATION: Staff recommends approval of the ordinance amending the City Code regarding the I-95 Technology Zone.

BACKGROUND: The City Council adopted Ord. No. 03-52, July 15, 2003, finding that certain classes of high technology business activities have special economic significance to the city due to the nature of the technology and their potential for high growth in employment and capital investment. The City Council further found that the most appropriate method of encouraging location of new businesses and the expansion of certain existing classes of technology businesses is to create a technology zone with particular boundaries as designated herein and located on the east side of Interstate 95, and as authorized by the 1950 Code of Virginia, § 58.1-3850, as amended. The City Council determined that the establishment of this technology zone will improve economic conditions, hasten redevelopment, and benefit the welfare of its citizens.

To incentivize high technology business development, capital investment grants were established to be provided to qualified technology businesses. The grant is based on the new or qualifying existing equipment within the technology zone. Each annual installment of the capital investment grant is calculated based on the machinery and tools taxes paid by a qualified technology business on such new equipment in that calendar year. The grant, is equal to 100 percent of the machinery and tools taxes paid in years one through five attributable to such new or qualifying existing equipment.

A business firm seeking to obtain the benefits provided under the technology zone program must make an initial filing to the city manager on applications provided by the commissioner of the revenue for certification as a qualified technology business. The City Manager shall certify to the Commissioner of the Revenue those

businesses that qualify. By January 31 of each calendar year, the Commissioner of the Revenue shall send applications to each previously certified business.

Applications from qualified businesses for the capital investment grant shall contain information on machinery and tools taxes paid on new equipment. All applications shall be submitted on an annual basis to the Commissioner of the Revenue at the same time of the filing of the machinery and tools tax returns for that year in order to receive the grant. Applications will be processed within 60 days of the submission. Qualified technology businesses shall retain eligibility for technology zone incentives in subsequent calendar years.

There is a need to amend the Code Article regarding the Technology Zone definitions, incentives, procedures, compliance and confidentiality sections.

COST TO CITY: Tax revenue associated with the Technology Zone incentives.

BUDGETED ITEM: N/A

REVENUE TO CITY: Tax revenue from new investments and new technology businesses in the Technology Zone.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: City Manager, Commissioner of the Revenue, City Attorney, Economic Development, Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: Ordinance No. 03-52, July 15, 2003, and Ordinance No. 14-101, October 21, 2014

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. ARTICLE_IV.___I_95_TECHNOLOGY_ZONE_11202020
2. Technology Zone Incentive Program Policy_11052020
3. Technology Zone MT Form_11052020
4. Technology Zone Incentive Program Application
5. 1208_2020CouncilAgendaTechnologyZoneOrdinance_12012020

ARTICLE IV. - I-95 TECHNOLOGY ZONE

Sec. 38-90. - Purpose.

The city council finds that certain classes of high technology business activities have special economic significance to the city due to the nature of the technology and their potential for high growth in employment and capital investment. The city council further finds that the most appropriate method of encouraging location of new businesses and the expansion of certain existing classes of technology businesses is to create a technology zone with particular boundaries as designated herein and located on the east side of Interstate 95, and as authorized by the 1950 Code of Virginia, § 58.1-3850, as amended. The city council has determined that the establishment of this technology zone will improve economic conditions, hasten redevelopment, and benefit the welfare of its citizens.

(Ord. No. 03-52, 7-15-2003)

Sec. 38-91. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings, unless clearly indicated to the contrary:

- a. *Base assessed value.* The term "base assessed value" shall be defined as the assessed value of machinery and tools within a **technology enterprise** zone as shown upon the records of the Commissioner of the Revenue on January 1 of the year preceding the effective date of a company receiving the capital investment grant.
- b. *Current assessed value.* The term "current assessed value" shall be defined as the annual assessed value of new and used machinery and tools in a local technology zone as shown upon the records of the Commissioner of the Revenue.
- c. *Definite place of business.* The term "definite place of business" shall be defined as an office or a location at which occurs a regular and continuous course of dealing over a period of 30 consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person and real property leased to another. A definite place of business may include several facilities operated by the same person, as long as each facility will be located within the boundaries of a qualified technology zone.
- d. *Grant Administrator.* The "grant administrator" shall be the City Manager or designee who is assigned to administer the Technology Zone program for the City of Petersburg
- e. *Grant Period.* The "grant period" shall be the period during which a qualified technology business receives a Capital Investment Grant under this program which shall not exceed five (5) years from the date of the first award. An extension may be awarded for up to an additional five (5) years following the

conclusion of the grant period in accordance with 38-95(a). In no instance shall a grant be extended beyond a total of ten (10) years from the date of the original grant award.Idle M&T value. The term "idle value" shall be defined as the value of all unused/idle machinery and tools in a local technology zone as shown upon the records of the commissioner of the revenue

- f. New M&T Value.* The term "new value" shall be defined as the value of all new machinery and tools in a local technology zone as shown upon the records of the commissioner of the revenue.
- g. New equipment.* The term "new equipment" is defined as items of equipment subject to machinery and tools taxes that are brought on to the definite place of business and used by the business in furtherance of their business purpose within a five-year period, commencing on the first tax day following the date on which each item of property is first brought on to the site and used by the business in furtherance of their business purpose.
- h. Qualified technology.* The term "qualified technology" shall mean the research and development, manufacturing and/or production of any of the following:

 - 1. Pharmaceutical ingredients or advanced intermediaries; or
 - 2. Synthetic and organic chemical compounds for use in biotechnology or the production of pharmaceuticals.
- i. Qualified technology business.* The term "qualified technology business" shall be defined as a new or existing business that has a "definite place of business" as defined in paragraph (c) of this section, within a "qualified technology zone" as defined in paragraph (i) of this section, and which is primarily engaged in a qualified technology, as defined in paragraph (g) of this section.
- j. Qualified technology zone.* The term "qualified technology zone" shall mean the I-95 Technology Zone as described in section 38-98 of this article.
- k. Qualifying existing equipment.* The term "qualifying existing equipment" shall mean equipment that was previously located on the technology zone site in an idle or unused status. Upon commencement of use subjecting the equipment to machinery and tools tax, such equipment may be classified as qualifying existing equipment. (Ord. No. 03-52, 7-15-2003)
- l. Total M&T value.* The term "total M&T value" shall be defined as the total value of current assessed, new qualified and Idle Equipment within the qualified technology zone business.
- m. Used assessed value.* The term "used assessed value" shall be defined as the annual assessed value of machinery and tools in a local technology zone as shown upon the records of the commissioner of the revenue.

Sec. 38-92. - Authorization.

There is hereby established a Technology Zone Taxation Program in the City of Petersburg.

(Ord. No. 03-52, 7-15-2003)

Sec. 38-93. - Technology zone incentives.

Qualified technology businesses shall receive the following:

- (1) Capital investment grants: There is hereby established a grant provided to qualified technology businesses. The grant will be allocated by ~~industrial development authority~~ the grant administrator in accordance with the administrative policy approved by the City Manager and will be based on the new and/or qualifying existing equipment within the technology zone. Each annual installment of the capital investment grant will be calculated based on the machinery and tools taxes owing by a qualified technology business on such new equipment in that calendar year. The grant, as further defined and limited by this article, will be equal to 100 percent of the machinery and tools taxes calculated by the Commissioner of the Revenue in accordance with the Commissioner's depreciation schedule in years one through five attributable to such new or qualifying existing equipment. ~~and allocated to the local enterprise zone development fund.~~
- (2) The capital investment grant shall be ~~paid annually~~ disbursed annually as a tax credit toward machinery and tools tax in each year that the qualified technology business has such new equipment or qualifying existing equipment during the grant period. ~~In furtherance of the foregoing, the five-year grant period shall apply separately to each and every item of such new equipment, such that a qualified technology business may receive the grant on a rolling basis for each year in which it has such new equipment. Accordingly, a qualified technology business shall be permitted to receive a capital investment grant for multiple years.~~
- (3) The first year for which such incentives are calculated shall be the calendar year of the first machinery and tools tax filing for the calendar year in which a business firm is first certified as a qualified technology business.
- (4) Taxes paid on leased items shall be eligible for the capital investment grant incentives only when the grant recipient directly pays to the City of Petersburg applicable machinery and tools taxes for those items.

(Ord. No. 03-52, 7-15-2003; Ord. No. 14-101, 10-21-2014)

Sec 38-94. - Procedure.

- (a) A business firm seeking to obtain the benefits provided under the technology zone program must make an initial filing to the ~~city manager~~ grant administrator on applications provided by the Commissioner of the Revenue for certification as a qualified technology business. The ~~city manager~~ grant administrator shall certify to the Commissioner of the Revenue those businesses that qualify. By January 31 of each calendar year, the Commissioner of the Revenue shall send applications to each previously certified business.

- (b) Applications from qualified businesses for the capital investment grant shall contain information on machinery and tools taxes paid on new or qualifying existing equipment. All applications shall be submitted on an annual basis to the Commissioner of the Revenue at the same time of the filing of the machinery and tools tax returns for that year in order to receive the grant. Applications will be processed within 60 days of the submission. Qualified technology businesses shall retain eligibility for technology zone incentives in subsequent calendar years.
- (c) The Commissioner of the Revenue shall record in the appropriate books both the base assessed value and the current assessed value of machinery and tools in the local technology zone. The difference between the total base assessed value and the current assessed value be subject to a 100% credit for machinery and tools tax for each year during the grant period.
- ~~(d) Machinery and tools taxes attributable to the lower of the current assessed value or base assessed value of machinery and tools located in the local technology zone shall be allocated by the treasurer as they would be in the absence of this article.~~
- ~~(e) All of the increase in machinery and tools taxes paid attributable to the difference between (i) the current assessed value and (ii) the base assessed value shall be allocated by the treasurer and paid into a special fund entitled the "Local Enterprise Zone Development Fund." Such amounts paid into the fund shall be limited so as not to include any revenues resulting from machinery and tools taxes paid on other than new equipment as defined by this article. Such allocation shall be accomplished within 30 days after receipt of machinery and tools taxes from the qualified business.~~
- (d) Grants shall be allocated, by the Petersburg Industrial Development Authority grant administrator, to qualified businesses in accordance with this article ~~from grants made to the authority by the city from the Technology Zone Development Fund. Such grants shall be allocated to the qualified business within 30 days after receipt of the funds from the city.~~ (Ord. No. 03-52, 7-15-2003)

Sec. 38-95. - Compliance.

- (a) Once qualified as a qualified technology business, a business shall be entitled to file for a capital investment grant ~~in each subsequent year~~ and an extension not to exceed an additional five years at the conclusion of the grant period unless it no longer engages in a qualified technology at a definite place of business in the qualified technology zone. In no instance shall a grant be extended beyond a total of ten (10) years from the date of the original grant award.
- (b) If a business ceases to be a qualified technology business during a calendar tax year in which the grant program applies, any ~~payments made~~ credits to the qualified technology business shall be prorated for the months the business was a qualified technology business.

(Ord. No. 03-52, 7-15-2003)

Sec. 38-96. - Confidentiality.

To the extent permitted under the Virginia Freedom of Information Act, confidential business records shall be safeguarded from disclosure. The ~~technology grant zone~~ administrator may establish verification procedures with the Commissioner of the Revenue for the city, which will ~~ensure confirm~~ that all ~~required taxes have been paid~~ filings are accurate, ~~but that~~ while ensuring that all privacy concerns and rights are protected.

(Ord. No. 03-52, 7-15-2003)

Sec. 38-97. - Effective date.

This article shall be effective upon its adoption by City Council.

(Ord. No. 03-52, 7-15-2003; Ord. No. 14-101, 10-21-2014)

Sec. 38-98. - I-95 Technology Zone.

The I-95 Technology Zone shall consist of all that tract of land located in the City of Petersburg, Virginia, containing approximately 197 acres located on the east side of Interstate 95 and on the north side of Wagner Road, further identified as Tax Map Parcel 06301080 and Tax Map Parcel 06301001 reference to said Tax Map Parcel which is made by this section and incorporated herein and as further depicted in (Exhibit A). (Ord. No. 03-52, 7-15-2003)

Secs. 38-99—38-104. - Reserved.

Technology Zone Incentive Program Policy

The City of Petersburg Technology Zone offers businesses in the City a capital investment grant and or credit to a qualified technology businesses for a period up to five years, not to extend beyond a ten (10) year period, with a 100 percent of the machinery and tools taxes. Qualified technology businesses consist of pharmaceutical research and development, manufacturing and/or production entities. The purpose of the Technology Zone is to provide an incentive for a targeted sector of businesses to establish, relocate, or expand within the City to improve economic conditions, hasten development, and benefit the welfare of its citizens.

Businesses must be recognized as a qualified technology business pursuant to Chapter 38 of the Code of the City of Petersburg, Virginia, Article IV – Technology Zone, Section 38-91(i). Businesses interested in applying for the Technology Zone Incentive Program must be opening a business in the City, or be located within the City, or be willing to locate within the City; and be willing to enter into a contractual Performance Agreement (The “Performance Agreement” or “Agreement”) between the business entity and the City; and commit to employing a minimum number of full-time employees as stipulated by the Performance Agreement; or commit to making a minimum capital investment into a new or existing business. The I-95 Technology Zone consists of all that tract of land located in the City of Petersburg, Virginia, containing approximately 197 acres located on the east side of Interstate 95 and on the north side of Wagner Road, further identified as Tax Map Parcel 06301080 and Tax Map Parcel 06301001.

The process is as follows:

The applicant must make an initial filing to the grant administrator (applications provided by the Commissioner of the Revenue for certification as a Qualified Technology Business).

The grant administrator will certify to the Commissioner of the Revenue whether the businesses qualifies as a Technology Business. Applications will be processed within 60 days of the submission.

By January 31 of each calendar year, the Commissioner of the Revenue shall send applications to each previously Certified Technology Business. Qualified technology businesses shall retain eligibility for technology zone incentives in subsequent calendar years.

Applications from qualified businesses for the capital investment grant shall contain information on machinery and tools taxes paid on new or qualifying existing equipment. Machinery and Technology Equipment Value is calculated by adding the Based Assessed M&T Value plus the New M&T Value plus.

The Commissioner of the Revenue shall record in the appropriate books both the base assessed value and the current assessed value of machinery and tools in the local technology zone.

All applications shall be submitted on an annual basis to the Commissioner of the Revenue at the same time of the filing of the machinery and tools tax returns for that year to receive the grant.

The difference between the total base assessed value and the current assessed value be subject to a 100% credit for machinery and tools tax for each year during the grant period.

Grants shall be allocated, by the grant administrator, to qualified businesses in accordance with this article within 90 days of the receipt of the application.

**RETURN OF MACHINERY & TOOLS
TECHNOLOGY ZONE
CITY OF PETERSBURG, VIRGINIA
OFFICE OF THE COMMISSIONER OF THE REVENUE
144 N SYCAMORE ST PETERSBURG, VA 23803
TEL: 804-733-2315 FAX: 804-508-6948**

FED. ID#

2021

2021

1. **TRADE NAME:** _____
 2. **NAME OF TAXPAYER:** _____
 3. **NATURE OF BUSINESS:** _____
 4. **BUSINESS ADDRESS:** _____
 5. **MAILING ADDRESS:** _____

IMPORTANT INSTRUCTIONS

- File this return with the Commissioner of Revenue on or before March 31, 2021. Minimum of \$10.00 or 10% penalty after March 31, 2021.
- All tangible personal property (owned or leased) used in any business or profession must be reported. Cost values to be replaced are actual acquisition costs before allowance for depreciation.
- Any tax due must be paid on or before June 10, 2021.

SCHEDULE A	COST VALUES OF PROPERTY UTILIZED					
PROPERTY CLASSIFICATIONS	A PRIOR TO 2016	B DURING 2017	C DURING 2018	D DURING 2019	E DURING 2020	F TOTAL A-B-C-D-E
6. EXISTING MACHINERY AND TOOLS USED IN A MANUFACTURING, MINING, RADIO OR TELEVISION BROADCASTING OR DAIRY BUSINESS.					1,000,000	
7. PERCENT OF COST VALUES TO BE USED	20%	25%	30%	35%	40%	
8. TAXABLE PORTION OF COST VALUES (LINE 7 PERCENTAGES OF LINE 6 COST VALUES)					400,000	400,000
9. TAX RATE \$3.80 PER \$100 COST VALUE						\$15,200

* Technology Zone credit incentive equates to New M&T Value taxed at \$3.80 per \$100 cost value

Base Assessed M&T Value		New M&T Value		Total Current M&T Equipment Value		Idle M&T Value
Value of equipment that existed previously	+	Value of All New Purchased Equipment	=	The Total Value of Current Assessed, New and Idle Equipment		The Value of all unused Equipment
15,000,000		*2,000,000		17,000,000		16,000,000

ATTACH SCHEDULE IF MORE SPACE IS NEEDED

FOR OFFICE USE ONLY

TOTAL:			
AUDITED BY:			

IMPORTANT MESSAGE ON REVERSE SIDE

DECLARATION BY TAXPAYER: I DECLARE THAT THE FOREGOING STATEMENTS AND FIGURES ARE TRUE, FULL AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF TAXPAYER _____ DATE _____
 TITLE _____
 PHONE: _____ FAX: _____
 EMAIL: _____

Credit Incentive Amount	\$76,000
-------------------------	----------



I AM
PETERSBURG
VIRGINIA

City of Petersburg
135 N. Union Street
Petersburg, VA 23803
www.petersburg-va.org

Technology Zone Incentive Program

The City of Petersburg Technology Zone offers businesses in the City a capital investment grant to qualified technology businesses for a period up to five years, not to extend beyond a ten (10) year period, with a 100 percent of the machinery and tools taxes. Qualified technology businesses consist of pharmaceutical research and development, manufacturing and/or production entities. The purpose of the Technology Zone is to provide an incentive for a targeted sector of businesses to establish, relocate, or expand within the City to improve economic conditions, hasten development, and benefit the welfare of its citizens.

Eligibility Requirements

Applicants must:

- Be opening a business in the City, or be located within the City, or be willing to locate within the City; and
- Be willing to enter into a contractual Performance Agreement (The “Performance Agreement” or “Agreement”) between the business entity and the City; and
- Commit to employing a minimum number of full-time employees as stipulated by the Performance Agreement; or
- Commit to making a minimum capital investment into a new or existing business

Applicants agree by applying to for the Technology Zone that additional information may be requested by the Departments of Revenue and Economic Development, but not limited to, any relevant tax information business filing/formation information, or regulatory license information.

Qualified Businesses

Businesses must be recognized as a qualified technology business pursuant to Chapter 38 of the Code of the City of Petersburg, Virginia, Article IV – Technology Zone, Section 38-91(i).



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VIRGINIA

City of Petersburg
135 N. Union Street
Petersburg, VA 23803
www.petersburg-va.org

Applicant/Business Information

Business Name: _____

Business Address: _____

Business Phone #: _____

Email Address: _____

Company/Tax ID#: _____

Project Location (include map): _____

Please indicate the number of full-time employees currently employed by the business if existing: _____

If new, please indicate the anticipated number of full-time employees: _____

Questionnaire (Please answer the following questions in narrative form)

1. Describe your business; provide as much context as possible. Ex: (how many owners are there? How/when was the business conceived?):



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PETERSBURG
VIRGINIA

City of Petersburg
135 N. Union Street
Petersburg, VA 23803
www.petersburg-va.org

2. Briefly describe your interest in the City of Petersburg, and how your business contributes to the goals of the Technology Zone.

3. Provide information on your current business revenues, if applicable, or projected revenues.

Include the following documents with your submittal:

- Business Plan describing the business history, operation, financial health, growth plans, etc.,
- Certificate of Incorporation
- Information on Business Governance (ex: Board of Directors, Articles of Incorporation, etc.)

**AN ORDINANCE AMENDING THE CITY OF PETERSBURG CODE,
ARTICLE IV, I-95 TECHNOLOGY ZONE, DEFINITIONS, INCENTIVES,
PROCEDURES, COMPLIANCE AND CONFIDENTIALITY SECTIONS**

WHEREAS, the City Council adopted Ord. No. 03-52, July 15, 2003, finding that certain classes of high technology business activities have special economic significance to the city due to the nature of the technology and their potential for high growth in employment and capital investment; and

WHEREAS, the City Council further found that the most appropriate method of encouraging location of new businesses and the expansion of certain existing classes of technology businesses is to create a technology zone with particular boundaries as designated herein and located on the east side of Interstate 95, and as authorized by the 1950 Code of Virginia, § 58.1-3850, as amended; and

WHEREAS, the City Council determined that the establishment of this technology zone will improve economic conditions, hasten redevelopment, and benefit the welfare of its citizens; and

WHEREAS, to incentivize high technology business development, capital investment grants were established to be provided to qualified technology businesses, with grants being based on the new or qualifying existing equipment within the technology zone; and

WHEREAS, each annual installment of the capital investment grant is calculated based on the machinery and tools taxes paid by a qualified technology business on such new equipment in that calendar year, and the grant is equal to 100 percent of the machinery and tools taxes paid in years one through five attributable to such new or qualifying existing equipment; and

WHEREAS, there is a need to amend the Code Article regarding the Technology Zone definitions, incentives, procedures, compliance and confidentiality sections to better define and clarify existing sections pertaining to the I-95 technology zone.

WHEREAS, amendments to the City Code require approval through an adopted ordinance approved by the City Council, and the Technology Zone is defined in the City Code and requires such approval.

WHEREAS, amendments (**Exhibit A**) to the City Code require approval through an adopted ordinance approved by the City Council, and the Technology Zone is defined in the City Code and requires such approval.

NOW THEREFORE BE IT ORDAINED, that the City Council of the City of Petersburg hereby approve the amendments (**Exhibit A**) to the City Code regarding the Technology Zone definitions, incentives, procedures, compliance and confidentiality sections.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **A resolution to establish guidelines for the maintenance, review, certification and distribution of certified Ordinances and Resolutions adopted by City Council.**

PURPOSE: To establish Council guidelines for maintenance, review, certification, and distribution of certified ordinances and resolutions adopted by City Council.

REASON: To ensure records of Council are accurate, consistent, and properly maintained, and to ensure that requests for public records of Council are processed efficiently and effectively.

RECOMMENDATION: Adopt Resolution.

BACKGROUND: This memorializes recent discussions by Members of Council regarding maintenance, review, certification, and distribution of certified Ordinances and Resolutions adopted by City Council.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: City Charter Section 1-6
Petersburg City Code Sections 2-107 and 108

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. RESOLUTION - ORDINANCES AND RESOLUTIONS

RESOLUTION TO ESTABLISH GUIDELINES FOR THE MAINTENANCE, REVIEW, CERTIFICATION AND DISTRIBUTION OF CERTIFIED ORDINANCES AND RESOLUTIONS ADOPTED BY CITY COUNCIL

WHEREAS, it is the desire of City Council to ensure that all of its records, including but not limited to adopted Resolutions and Ordinances are accurate and consistent with the will of the governing body; and

WHEREAS, it is the wish that all records of City Council be properly maintained, filed, and indexed in accordance with the requirements of State Code; City Charter; City Code; and other applicable law; and

WHEREAS, it is equally a desire of City Council to ensure that requests for certified copies of these records be processed efficiently and effectively; and

WHEREAS, it is the belief of City Council that the adoption of the following guidelines will aid in accomplishing these goals.

NOW THEREFORE BE IT RESOLVED that City Council directs that the following guidelines be adopted and followed with regard to Ordinances and Resolutions adopted by City Council:

PETERSBURG CITY COUNCIL
GUIDELINES FOR ORDINANCES AND RESOLUTIONS

1. All Resolutions and Ordinances appearing on a Council Agenda shall first be reviewed and approved as to legal form by the City Attorney which shall be incorporated into the standard review process for all Agenda Items. Such items shall be presented to the City Attorney for review no later than two full business days prior to the deadline for publication of the Agenda.
2. The Clerk shall be the keeper of all records of City Council including but not limited to Council Ordinances and Resolutions.
3. The Clerk shall maintain copies of all Resolutions and Ordinances and other documents as well as a running index of Resolutions and Ordinances in accordance with Section 1-6 of the City Charter; Section 2-107; 108 of the City Code.
4. Once an Ordinance or Resolution appears on a Council Agenda as an active Agenda Item, it becomes a record of Council and may not be revised or amended except by formal action of City Council.
5. Once an Ordinance or Resolution has been adopted by Council, the Clerk shall issue certified copies upon request by any citizen by affixing the index number, printing a

copy, and executing the copy along with the Mayor certifying its accuracy and consistency with what was adopted by Council.

6. For requests for certified Ordinances or Resolutions for which floor amendments have been incorporated prior to adoption, the Clerk may consult with the City Attorney who upon receiving such a request, shall provide the Clerk with the recommended format based upon the form of the original Ordinance or Resolution, as well as the corresponding excerpt of minutes provided to the City Attorney by the Clerk.
7. Upon receiving such a recommendation from the City Attorney, the Clerk shall schedule said Resolution or Ordinance upon the next following City Council Agenda for review and certification by City Council that the Ordinance or Resolution as prepared along with the floor amendments is consistent with Council's will upon adoption.
8. After receiving such certification by City Council the Clerk shall print and distribute the certified Resolution or Ordinance consistent with Paragraph 5 above.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Robert Floyd, Randall Williams, Alesha Mann

RE: **Consideration of the 2021-2025 Strategic Plan.**

PURPOSE: Discussion and consideration by City Council on the Proposed 2021-2025 Strategic Plan.

REASON: The City Council established a vision, values and strategic goals during a retreat in 2019. City staff has further developed these strategic goals into subsequent objectives and action items in an effort to build toward the future. The 2021-2025 Strategic Plan is intended to provide direction in future policy implementation and decision making, provide City staff with the necessary guidance to achieve the City's goals, and create a shared vision and commitment of City Council, City staff and Petersburg residents.

RECOMMENDATION: Staff recommends that City Council formally adopt the 2021-2025 Strategic Plan.

BACKGROUND: City Council held a retreat in October 2019 which resulted in the adoption of Council's strategic goals for the next five years and created a vision for 2025. Senior Staff held a retreat in December 2019 to discuss the Council's strategic goals and vision, and then developed objectives and action items that would be necessary to achieve the goals. The City Manager and staff continued to meet to further refine the objectives and action items for the strategic goals. The 2021-2025 Strategic Plan has been presented to City Council and a workshop was held to further discuss the document. The next step would be for City Council to formally adopt the 2021-2025 Strategic Plan.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: All Departments

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Strategic Plan

City of Petersburg VIRGINIA



2021-2025 Strategic Plan



OUR LEADERSHIP



Mayor
Samuel Parham
Ward 3

Vice Mayor
John A. Hart, Sr.
Ward 7

Councilmember
Treska Wilson-Smith
Ward 1

Councilmember
Darrin Hill
Ward 2

Councilmember
Charlie Cuthbert
Ward 4

Councilmember
W. Howard Myers
Ward 5

Councilmember
Annette Smith-Lee
Ward 6

OUR EXECUTIVE TEAM



Aretha R. Ferrell-Benavides
City Manager



Lionel D. Lyons
Deputy City Manager
Development



Darnetta K. Tyus
Deputy City Manager
Community Affairs

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Department Legend

BP – Budget and Procurement	JCC – Juvenile Crime Control
CA – Community Affairs	L – Library
CC – City Council	NS – Neighborhood Services
CMO – City Manager's Office	P – Police
COR – Commissioner Of Revenue	PCC – Petersburg Community Corrections
CT – City Treasurer	PCD – Planning and Community Development
DT – DogWood Trace Golf Course	PCPS – Petersburg City Public Schools
ED – Economic Development	PU – Public Utilities
F - Fire	RCE – Recreation and Community Engagement
FC – Finance and Collections	SS – Social Services
GP - Golf and Parks	S – Sheriff
GS – General Services	T – Tourism
HR – Human Resources and Risk Management	TR – Transit
IT – Information Technology	

CITY MANAGER'S MESSAGE

Honorable Mayor and Members of City Council,

It is my honor to present to you, the residents, and the business of the City of Petersburg, the City's 2021-2025 Strategic Plan. This Plan is a roadmap that City staff will utilize to maintain and enhance services for the community. The strategic planning process has resulted in City staff recommending a set of objectives and action items that are necessary to achieve the strategic goals adopted by City Council.

The City of Petersburg has overcome a multitude of hardships throughout the years because of the perseverance displayed by the City Council, staff, and residents. Thus, the City is capable of meeting current and future obstacles that may arise. This Strategic Plan reflects the City's dedication to collaboratively working together for the advancement of the community. In an effort to achieve the strategic goals, the City is fully committed to executing the defined objectives and action items to better serve the residents of Petersburg.

The Strategic Plan will be fundamental in our ongoing growth and will be our foundation for developing the annual operating and capital budgets. Staff will provide City Council and residents with frequent updates regarding the status of the various action items. As with any plan, the Strategic Plan will be monitored and evaluated continuously with the understanding that objectives and action items may require amending as the City of Petersburg evolves and progresses forward.

It is prudent that we continue to look at our past, present, and future to make any and all necessary decisions to protect this great City. I am excited to face the adversities that are ahead and have the utmost confidence in City staff to execute the objectives and action items moving forward to achieve the strategic goals.

Aretha R. Ferrell-Benavides

Aretha R. Ferrell-Benavides
City Manager

OVERVIEW

The City of Petersburg's 2021-2025 Strategic Plan is a roadmap that will direct the City's fulfillment of its vision and goals. This strategic plan is the result of months of rigorous work by the Petersburg City Council along with City staff that illustrates where we are as City, where we would like to be moving forward, and how we plan to make this a reality.

The Strategic Plan is intended to:

- Provide direction in future policy implementation and decision-making
- Provide City staff with the necessary guidance to achieve the City's goals
- Create a shared vision and commitment of City Council, City staff, and Petersburg residents.

The City of Petersburg's 2021-2025 Strategic Plan identifies actions and activities that City departments will consummate throughout the next five years. This document highlights the strategic goals, objectives action items that will be met, departments responsible, and the target date of achievement. These goals, objectives, and action items are structured in a manner that, when completed, will aid in reaching the City's vision for 2025.

Formally incorporated as a City in 1748, Petersburg, Virginia is rich in history and character. Rising from the banks of the Appomattox River, Petersburg was once in the forefront of industry and commercial opportunity and the second largest City in Virginia. Petersburg boasts history, geography and beautifully intact historic districts. Visible reminders of Petersburg's prominent role in the emergence of the country are evident in the rich range of architecture and the unique character of the neighborhoods. The Petersburg Old Towne Historic District is on the National Register of Historic Places, offering architectural variety, restaurants, shops, and housing. Historical sites range from battlefields to old houses, including the Petersburg National Battlefield Park (which preserves the sites of the Civil Wars' Siege of Petersburg and the Battle of Crater), Pamplin Historical Park, Blandford Church and Cemetery, National Museum of the Civil War, Centre Hill Mansion, and the Exchange Museum.

STRATEGIC PLAN DEVELOPMENT

The City of Petersburg's Strategic Plan was developed from 2019 through 2020. The process was/is as follows:

1. City Council held a retreat on October 27-28, 2019 which resulted in the adoption of Council's strategic goals for the next five years and created a vision for 2025.
2. Senior Staff held a retreat on December 12, 2019 to discuss the Council's strategic goals and vision, and then developed objectives and action items that would be necessary to achieve the goals.
3. The City Manager and staff continued to meet to further refine the objectives and action items for the strategic goals.
4. Presentation of the completed Strategic Plan to Council with discussion and feedback.
5. Council adopts the Strategic Plan.
6. Track and monitor the Strategic Plan and make revisions as necessary.

VISION & VALUES

Vision:

Petersburg is a vibrant, welcoming, and engaged community for all

Values:

- * Citizen/Customer Focus
- * Competent and Responsive Staff
- * Open and Honest Communications
 - * Fiscally Sound and Sustainable Operations
- * Understanding of and Respect for the Council/Manager Form of Government

STRATEGIC GOALS

Goal #1:

Promote economic development to attract new businesses and strengthen the City's tax base

Goal #2:

Support community development activities to enhance neighborhoods and improve housing

Goal #3:

Provide good governance for efficient, effective, and equitable service delivery, productive citizen engagement, and community improvement

Goal #4:

Celebrate Petersburg's history and culture

Goal 1: Economic Development

Goal: Promote economic development to attract new businesses and strengthen the City's tax base

The City of Petersburg is a city with endless potential for economic development. Petersburg must create a welcoming culture that is enticing to potential developers. In addition to creating this culture, the City must ensure that all external partners are being utilized to maximize the impact of potential developments. In an effort to increase development in Petersburg, there needs to be an emphasis on having a readily available and skilled workforce. Focusing on these aspects will result in further development that will increase the revenue streams for the City. By creating additional revenue, the City will be able to reinvest more resources back into the community.



Objectives

- I. Foster Commercial, Retail, Industrial, and Logistical Development & Retention
- II. Strengthen Petersburg's Workforce
- III. Diversify and Broaden the City's Tax Base

Goal 1: Economic Development

Objective #1: Foster Commercial, Retail, Industrial, and Logistical Development and Retention

Action	Target Date	Department
<ul style="list-style-type: none"> Develop and implement the Economic Development Plan within the Comprehensive plan 	Summer 2021	ED, PCD
<ul style="list-style-type: none"> Develop and implement a Marketing Strategy 	Summer 2021	ED, T, CMO
<ul style="list-style-type: none"> Establish a Downtown Revitalization Plan 	Summer 2021	ED, PCD, T, CMO
<ul style="list-style-type: none"> Establish a Gateway Revitalization Plan 	Summer 2021	ED, PCD, T, CMO
<ul style="list-style-type: none"> Develop a written process for commercial & industrial development projects 	Spring 2021	ED, PCD, CMO, NS, BP
<ul style="list-style-type: none"> Create industry clusters including local and regional partners to assist in developing and launching recruitment strategies for each of Petersburg's target industries: biosciences, retail, hospitality, and manufacturing 	Ongoing	ED, PCD, CMO

Goal 1: Economic Development

Objective #2: Strengthen Petersburg's Workforce

Action	Target Date	Department
<ul style="list-style-type: none"> Partner with other organizations to assess employment needs, common challenges, growth potential, future, etc. and strategies to address them 	Fall 2021	ED, CA, PCPS
<ul style="list-style-type: none"> Establish a technical action team to design and implement a model to address critical community workforce development needs 	Spring 2022	ED, CA, PCPS
<ul style="list-style-type: none"> Establish local taskforce of education, business, and nonprofit leaders to create workforce readiness and job development opportunities for youth, young adults, unemployed and underemployed residents with limited skills and work history 	Spring 2022	ED, CA, PCPS
<ul style="list-style-type: none"> Identify and help promote opportunities for on-the-job training programs with businesses 	Summer 2022	ED, CA, PCPS
<ul style="list-style-type: none"> Evaluate transit bus routes to reflect community workforce needs 	Ongoing	TR
<ul style="list-style-type: none"> Create comprehensive workforce development strategy 	Summer 2023	ED, CA
<ul style="list-style-type: none"> Develop adult literacy programs 	Spring 2023	CA, ED, PCPS, CMO

Goal 1: Economic Development

Objective #3: Diversify and Broaden the City's Tax Base

Action	Target Date	Department
<ul style="list-style-type: none"> Conduct a SWOT analysis on the revenue streams that flow through the City of Petersburg 	Fall 2021	BP, COR
<ul style="list-style-type: none"> Develop a plan to transfer or sell City owned property to private investors 	Spring 2021	ED, PCD, CMO
<ul style="list-style-type: none"> Develop policies and procedures, and action plan for disposition of City owned properties 	Summer 2021	ED, PCD, CMO, NS, BP, HR
<ul style="list-style-type: none"> Create incentive packets and products to promote the City at economic development events targeting commercial, retail, and other developments 	Ongoing	ED, PCD, CMO, BP, COR, FC
<ul style="list-style-type: none"> Evaluate Opportunity Zones, Enterprise Zones, and Technology Zones 	Annually	ED, PCD, CMO
<ul style="list-style-type: none"> Develop plan for revenue sharing opportunities with neighboring localities 	Ongoing	ED, PCD, CMO, BP, COR, FC

Goal 2: Neighborhood Vitality

Goal: Support community development activities to enhance neighborhoods and improve housing

In order to be a desirable location for residents, the City must ensure that the communities are able to thrive. Issues of blight, failing infrastructure, and safety must be remedied to allow Petersburg to reach its full potential of being a City suited to live, work and play.



Objectives

I. Prevent Blight and Deterioration

II. Provide Quality Public Health and Safety Services

III. Invest in Infrastructure Improvements

IV. Advance Quality of Life by Enhancing Parks and Open Spaces

Goal 2: Neighborhood Vitality

Objective #1: Prevent Blight and Deterioration

Action	Target Date	Department
• Develop policies and procedures to address blight	Winter 2021	NS, PCD
• Launch a blight prevention initiative	Spring 2021	NS, PCD, CMO, PCC
• Collaborate with property owners to comply with the City's code ordinances	Ongoing	NS, PCD
• Identify unrepairable noncompliant housing that needs to be demolished	Spring 2021	NS, PCD
• Identify and address noncompliant blighted lots	Summer 2021	NS, PCD
• Develop and implement city-wide housing plan	Winter 2022	NS, PCD, ED
• Pursue legislation for enhancing enforcement of code ordinances	Annually	CMO, NS, PCD

Goal 2: Neighborhood Vitality

Objective #2: Provide Quality Public Health and Safety Services

Action	Target Date	Department
• Reach full staffing levels of public health and public safety departments	Winter 2022	SS, P, F, PU, HR, JCC, PCC
• Develop and uphold sound policies and procedures for public health and public safety	Ongoing	SS, P, F, PU, JCC, PCC, HR
• Ensure necessary resources and equipment are available	Annually	SS, P, F, PU, BP, JCC, PCC
• Provide opportunities for professional development	Annually	SS, P, F, PU, HR, JCC, PCC
• Establish coordination between public health and public safety agencies	Ongoing	SS, P, F, PU, JCC, PCC

Goal 2: Neighborhood Vitality

Objective #3: Invest in Infrastructure Improvements

Action	Target Date	Department
• Develop city-wide streetlight upgrade plan	Summer 2021	PU, GS, PCD, CMO
• Update Master Transportation Plan and Prioritization of Road Projects	Spring 2022	TR, GS, PU
• Continue city-wide Pothole Blitz	Ongoing	GS
• Complete the St. Andrews Street Bridge Project	Winter 2021	GS, PU
• Implement 5 year Capital Improvement Plan	Ongoing	ALL DEPARTMENTS
• Develop/update city-wide sidewalk plan	Spring 2023	PU, GS, PCD, CMO, HR

Goal 2: Neighborhood Vitality

Objective #4: Advance Quality of Life by Enhancing Parks and Open Spaces

Action	Target Date	Department
• Assess current state of Petersburg's parks and open spaces	Spring 2021	RCE, T, GP, HR
• Develop map of all parks and playgrounds within the City	Summer 2021	RCE
• Seek opportunities for grant funding to make improvements	Annually	RCE, BP
• Develop a Parks Master Plan	Fall 2023	RCE, PCD
• Promote Petersburg parks and open spaces to residents	Ongoing	T, RCE, CMO

Goal 3: Good Governance

Goal: Provide good governance for efficient, effective, and equitable service delivery, productive citizen engagement, and community improvement

Petersburg is a city that is ethically managed and is continuing to make strides of improvement from previous years. Good governance is implemented by being efficient, effective, and equitable in all city operations. The City will place emphasis on areas of service delivery, citizen engagement, and community improvement.



Objectives

I. Efficient and Effective Operations

II. Demonstrate Collaborative Leadership

III. Provide Responsible Fiscal Management

IV. Expand Accessibility to Government

Goal 3: Good Governance

Objective #1: Efficient and Effective Operations

Action	Target Date	Department
<ul style="list-style-type: none"> Assess and document core business processes 	Summer 2021	ALL DEPARTMENTS
<ul style="list-style-type: none"> Develop a process improvement plan addressing areas of business operations that need to be improved 	Spring 2022	ALL DEPARTMENTS
<ul style="list-style-type: none"> Identify and ensure necessary training and resources are available for staff 	Annually	ALL DEPARTMENTS
<ul style="list-style-type: none"> Develop departmental performance measures that focus on improving service outcomes 	Fall 2021	BP
<ul style="list-style-type: none"> Develop and implement customer service standards 	Winter 2021	*HR AND ALL DEPARTMENTS
<ul style="list-style-type: none"> Perform city-wide skills/knowledge assessment of city staff 	Fall 2021	HR, CMO
<ul style="list-style-type: none"> Develop city-wide training and development program 	Summer 2021	CMO, HR

*Areas in the department column where it lists a specific department preceding "ALL DEPARTMENTS" indicates the department that should take the lead on this specific action item.

Goal 3: Good Governance

Objective #2: Demonstrate Collaborative Leadership

Action	Target Date	Department
<ul style="list-style-type: none">Develop and update policies and procedures utilizing best practices	Annually	ALL DEPARTMENTS
<ul style="list-style-type: none">Improve and increase inter-departmental communication and collaboration	Ongoing	ALL DEPARTMENTS
<ul style="list-style-type: none">Strengthen relationships with local, state, and federal entities	Ongoing	ALL DEPARTMENTS
<ul style="list-style-type: none">Ensure the effective establishment of City appointed Boards and Commissions	Ongoing	CC, CMO
<ul style="list-style-type: none">Establish and maintain effective working relationships between City Council, City Manager, and City staff	Ongoing	CC, CMO, ALL DEPARTMENTS

Goal 3: Good Governance

Objective #3: Provide Responsible Fiscal Management

Action	Target Date	Department
• Evaluate and update financial policies to coincide with the current financial standing	Annually	BP, FC
• Increase bond rating from BBB- to AA	Winter 2025	FC, CT, COR, BP, CMO
• Build fund balance for General Fund to 60 days in reserve	Winter 2024	CMO, BP
• Develop 5-year Capital Improvement Plan	Spring 2021	BP
• Explore strategies to decrease expenditures and increase revenue	Ongoing	BP AND ALL DEPARTMENTS
• Develop an interactive Budget development process	Summer 2022	BP

Goal 3: Good Governance

Objective #4: Expand Accessibility to Government

Action	Target Date	Department
<ul style="list-style-type: none">Enhance content of local Petersburg television channel	Ongoing	CMO
<ul style="list-style-type: none">Utilize video streaming software for City Council meetings	Spring 2021	IT
<ul style="list-style-type: none">Consider options to provide city-wide Wi-Fi	Summer 2021	IT
<ul style="list-style-type: none">Utilize FOIA software to improve the FOIA process	Winter 2021	NS, IT
<ul style="list-style-type: none">Update departmental pages on the City's website	Ongoing	ALL DEPARTMENTS

Goal 4: Celebrate Petersburg

Goal: Celebrate Petersburg's History and Culture

Petersburg is a city full of rich history and an everchanging culture. The historical foundation of Petersburg has made the city what it is today. This history needs to be celebrated and preserved to make Petersburg a hub for tourism and festivities.



Objectives

I. Increase Tourism

II. Preserve Petersburg's
Historical
Infrastructure

III. Develop Community
Pride in Petersburg

Goal 4: Celebrate Petersburg

Objective #1: Increase Tourism

Action	Target Date	Department
• Create a centralized site for all of Petersburg's historical information	Winter 2021	T
• Strengthen local, regional, state, and federal partnership for tourism	Ongoing	T, ED, L, PCD
• Seek grant funding for marketing and tourism	Ongoing	CMO, T, BP
• Redevelop tourism website and social media pages	Winter 2021	T
• Update African-American History Brochure	Summer 2021	L, T
• Update the Tourism Plan	Summer 2021	T, PCD
• Promote Petersburg to the film industry	Ongoing	CMO, T
• Develop a Sports Tourism Plan to include all City sports entities	Spring 2022	T, RCE, DT

Goal 4: Celebrate Petersburg

Objective #2: Preserve Petersburg's Historical Infrastructure

Action	Target Date	Department
<ul style="list-style-type: none"> Complete assessment of all historical buildings 	Spring 2022	PCD
<ul style="list-style-type: none"> Develop usage plan for: <ul style="list-style-type: none"> Peabody School McKenney Library Jarratt House 	Fall 2021	CC, CMO, L
<ul style="list-style-type: none"> Ensure the maintenance and code compliance of privately owned historical buildings 	Ongoing	NS
<ul style="list-style-type: none"> Develop a maintenance plan for city owned historical buildings 	Summer 2021	PU, CMO, HR
<ul style="list-style-type: none"> Construct a plan for Wilcox Lake rehabilitation 	Winter 2021	CC, CMO, PU
<ul style="list-style-type: none"> Complete rehabilitation of Southside Depot 	Spring 2024	PU
<ul style="list-style-type: none"> Seek alternative funding sources for preservation 	Annually	PCD, NS, BP

Goal 4: Celebrate Petersburg

Objective #3: Develop Community Pride in Petersburg

Action	Target Date	Department
• Create and maintain online central calendar of social events	Spring 2022	CMO, RCE, CA, L, T
• Develop city-wide survey for community event interests	Spring 2022	CMO, RCE, CA, L, T
• Enhance utilization of city-wide websites and social media accounts for vetted community events	Ongoing	ALL DEPARTMENTS
• Market city activities to Petersburg's residents and community	Ongoing	CMO, RCE, CA, L, T
• Strengthen public and private partnerships	Ongoing	CMO, RCE, CA, L, T
• Promote the educational systems within Petersburg	Ongoing	CA, CMO, PCPS

GLOSSARY

60 Days in Reserve: Equates to 60 days of the daily operating budget cost.

Blight Prevention Initiative: Partnership between City staff and residents to help identify blighted property as well as be proactive towards any future blight.

Bond Rating AA: This rating states that a municipality has a very strong capacity to meet its financial commitments. The City of Petersburg aspires to reach this rating by 2025.

Bond Rating BBB-: Petersburg's current bond rating from Standard & Poor's. This rating states that the municipality has adequate capacity to meet its financial commitments and is at the low end of the investment grade scale.

Capital Improvement Plan: Short range plan (5 years) that identifies capital projects. Capital improvements include projects such as facility upgrades, vehicle/equipment replacement, infrastructure, technology and parks and open spaces.

Comprehensive Plan: Long range plan that highlights and guides decisions for the community's future development.

FOIA: Freedom of Information Act

Infrastructure: Publicly-owned or maintained sidewalks, streets, water/wastewater lines, stormwater systems and other fundamental facilities and systems serving the City of Petersburg.

Master Transportation Plan: Long range plan that outlines the development and vision of walkability, bike ability, and drivability within the City.

Pothole Blitz: Citizen engagement initiative to repair potholes across all wards.

Public and Private Partnerships: Collaborative arrangement amongst private organizations and public organizations to accomplish the same goal.

Revitalization Plan: Long range plan for the purpose of fortifying the assets of the City.

SWOT Analysis: Strategic analysis that outlines the strengths, weaknesses, opportunities, and threats of the City.

Tourism Plan: Long range plan that considers the needs of people traveling to and through the City and utilizes those needs to determine the best resources, programs and activities for their trip.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Kelly Evko, Reginald Tabor, Clay Mansell

RE: **Request to adopt a resolution amending the City of Petersburg Disposition Guidelines regarding City-owned Real Estate Property**

PURPOSE: To amend the City’s Disposition Guidelines regarding City-owned real estate property.

REASON: To amend current guidelines to better ensure that City-owned real estate property is disposed of at the highest rate of return for the City of Petersburg, at both the point of sale and post development, and to ensure that development of property purchased from the City is developed in an expeditious manner.

RECOMMENDATION: It is recommended that the City Council approves the amendments to the guidelines regarding the disposition of City-owned real estate property.

BACKGROUND: The City of Petersburg previously adopted and established guidelines regarding the disposition of City-owned real estate property. The current guidelines provide that the City of Petersburg Department of Economic Development receives, analyzes, and recommends proposals to the City Manager and City Council for the disposition of City-owned real estate property.

EVIDENCE:

To support these claims, the Department of Economic Development has outlined the following factors that necessitate the reform of the current disposition process.

On May 25, 2018, The Robert Bobb Group published their “Performance Review of the City of Petersburg Financial Operations,” which was commissioned by the Commonwealth of Virginia and the City of Petersburg to continue identifying financial and operational improvements to be made to achieve fiscal solvency. One of their recommendations was to dispose of City-owned property to generate one-time cash revenue to reduce dependence on Revenue Anticipation Note (RAN) and increase the City’s credit rating. Since 2018, the City of Petersburg maintains a budget surplus and recently elected not to request RAN funding for the first time in fifteen years and has increased its credit rating from BB to BBB-. While the disposition of City-owned property can continue to ensure a sound fiscal profile, the city’s current situation allows us to reform the disposition process to expedite the disposition process and enhance the City’s return following the sale of property to

further enhance the financial position.

The disposition of this property has the benefit of liquid cash, future tax revenue, and job creation. Disposition of City property should not result in extended periods of undeveloped property, processes that result in the City not realizing benefits for decades without a return by selling property significantly lower than its assessed or market value. The current process does not include criteria to ensure these issues are addressed.

Comparative analysis has been conducted by the Department of Economic Development. This comparative analysis found that in some other independent cities in Virginia, the cities have precise criteria and procedures for the acceptance or rejection of proposals to purchase City property. The proposed amendments ensure that the City of Petersburg is competitive with other independent cities in the Commonwealth of Virginia.

The proposed amendments propose to address these issues by:

Establishing the sales price at the assessed or appraised value. Establishing precise procedures for procuring solicited proposals to purchase City property. Establishing precise criteria and procedures for the acceptance or rejection of proposals to purchase City property. Establishing step-by-step procedures for interested parties to understand the criteria required for approval. Establishing closing proceedings that are paid for by the purchaser.

The proposed guidelines enhance the existing disposition process by enabling the Economic Development staff to request important and necessary information at the beginning of the disposition process. The proposed guidelines enable City Staff to reject proposals that do not meet the assessment criteria outlined in the guidelines.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY: Funding from the sale and development of City property.

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: City Manager, Commissioner of the Revenue, City Attorney, Department of Economic Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: March 12, 2019 Ordinance 10a RE: Public Hearing to receive public comments an ordinance authorizing the City Manager to offer for sale the list of vacant City-owned real estate properties

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. RESOLUTION FOR THE ADOPTION OF NEW AND UPDATED GUIDELINES FOR THE DISPOSITION OF CITY
2. Exhibit A Current City of Petersburg Disposition Process
3. Proposed Disposition Process to be Adopted

**RESOLUTION FOR THE ADOPTION OF NEW AND UPDATED GUIDELINES FOR
THE DISPOSITION OF CITY-OWNED REAL ESTATE PROPERTY BY THE CITY OF
PETERSBURG**

WHEREAS, the City of Petersburg Department of Economic Development has been receiving proposals for the purchase of City-owned Real Estate properties; and

WHEREAS, City Council previously approved guidelines pertaining to the disposition of real property owned by the City (Exhibit A); and

WHEREAS, The Department of Economic Development has identified a need for the adoption of new and updated guidelines for the disposition of City-owned real estate property; and

WHEREAS, the Department of Economic Development recommends the adoption of the new and updated guidelines for the disposition of City-owned real estate property (Exhibit B).

THEREFORE BE IT RESOLVED, that the City Council adopts and authorizes the City Manager to implement the new and updated guidelines for the disposition of real estate property (Exhibit B) currently in the ownership of the City of Petersburg, Virginia.

Exhibit A

Current City of Petersburg Disposition Process

From: March 12, 2019 Ordinance 10a RE: Public Hearing to receive public comments an ordinance authorizing the City Manager to offer for sale the list of vacant City-owned real estate properties

City of Petersburg

Disposition Process for City-Owned Real Estate Property

Following is the process to be used to dispose of (sell) vacant City-owned real estate property:

1. City Council considers a resolution authorizing the City Manager to dispose of specified parcels of vacant City-owned real estate property, and the City advertises the properties for sale.
2. A complete Project Proposal and/or Assessment Form describing the proposal are submitted by a Prospective Purchaser to the Office of Economic Development (OED).
3. OED Staff completes an Assessment of the Proposal.
4. Staff requests that the City Council schedules a Public Hearing regarding an Ordinance authorizing the City Manager to negotiate a Disposition/Purchase Agreement for specified parcels of vacant City-owned real estate property included in the Project Proposal and Assessment.
 - a. The Code of Virginia requires a public hearing concerning the disposal of City property.
 - b. The Constitution of Virginia requires an affirmative vote of the governing body of an ordinance or resolution prior to the sale of property and three-fourths of the governing body if the former use of the property was a public use.
5. The Ordinance and Assessment are submitted to the City Council for review and consideration following the Public Hearing, and if approved, the City Manager is authorized to negotiate the terms of the Disposition/Purchase Agreement.

6. The negotiated Disposition/Purchase Agreement are drafted by Legal Counsel, and may include claw back provisions that require development within a time certain, and the ability for the City to re-acquire the property if the deadline is not met. The terms may also include transfer of the property to the Petersburg Economic Development Authority (EDA) for disposition.
7. The City Manager executes the Disposition/Purchase Agreement and associated documents.
8. The Purchaser submits an Earnest Deposit totaling 10% of the final purchase price (9% Refundable), with the signed Final Disposition/Purchase Agreement.
9. Purchaser Due Diligence Period (Not to exceed 120 Days)
10. If necessary, as a precedent to closing, an addendum to the Disposition/Purchase Agreement in the form of a Development Agreement is negotiated and executed.
11. Closing documents referencing all agreements are executed and final payment is made by the Purchaser.

Assessment

The following are considered in the assessment of proposals for the purchase of City-owned real estate property:

1. The Prospective Purchaser
 - a. Experience/Qualifications of the prospective Purchaser
 - b. Any Outstanding Obligations to the City by the prospective Purchaser
2. The proposed use of the property
 - a. Whether the proposed use complies with the current zoning of the property
 - b. Whether the proposed use complies with the Comprehensive Plan
3. The proposed development of the property
 - a. Whether the development would include improvements that increase the value
 - b. Whether the property would be maintained as open space without improvements

- c. Whether the development would include New Construction
 - d. Whether the development would include Rehabilitation of existing structures
 - e. Whether the property is eligible for Rehab Real Estate Tax Abatement
 - f. Whether the property is a historic structure and/or located in a Historic District
 - g. Whether the property is eligible for Enterprise Zone or other Incentives
4. The potential City Return (Revenue - Cost)
- a. The current assessed value of the property
 - b. The potential City Revenue from the sale of the property including:
 - i. The proposed purchase price
 - ii. The proposed total investment in the property and Projected Tax Revenue following the sale of the property including:
 - 1. Real Estate Tax
 - 2. Personal Property Tax
 - 3. Machinery and Tools Tax
 - 4. Sales and Use Tax
 - 5. Business License Fee
 - 6. Lodging Tax
 - 7. Meals Tax
 - 8. Other Taxes or Fees
 - 9. Total Estimated Tax Abatement
 - 10. Total Estimated Tax Revenue
5. Potential Costs to the City
- a. Increased infrastructure costs
 - b. Increased demand on utility systems exceeding current capacity
6. Potential Benefits
- a. Number of Projected Jobs
 - i. Temporary
 - ii. Construction
 - iii. Permanent
 - b. Average Wages

c. Community Benefit

7. Proposed Financing

- a. The proposed purchase and development financing
- b. Whether financing has been secured

8. Contingencies

9. The anticipated Due Diligence Period

10. Whether the Last Use of the property was Public and requires $\frac{3}{4}$ approval

11. Proposed Construction period including the Start Date and Completion Date

Pre-Disposition

- 1. Office of Economic Development (OED) Staff submits a request through the City Manager to City Council to schedule a Public Hearing regarding the approval of an Resolution authorizing the City Manager to sell vacant City-owned real estate property.
- 2. OED Staff maintains a list of vacant City-owned real estate property that is available for sale.
- 3. OED Staff markets property and solicits proposals for the purchase of City-owned real estate property.
- 4. All solicited or unsolicited proposals must be submitted to the Office of Economic Development Staff to begin the review process.

Exhibit B

[Proposed Disposition Process to be Adopted]

City of Petersburg Disposition Guidelines for City-Owned Real Estate Property

Pre-Disposition

1. Department of Economic Development (DED) Staff submits a request through the City Manager to City Council for the approval of a Resolution authorizing the City Manager to market and offer for sale specified City-owned real estate property.
2. DED Staff maintains a list of vacant City-owned real estate property that is available for sale.
3. DED Staff markets property and solicits proposals for the purchase of City-owned real estate property.
4. All proposals must be submitted to the Department of Economic Development Staff to begin the review process.

Disposition

1. A complete Project Proposal and/or Assessment Form describing the proposal for each parcel are submitted by a Prospective Purchaser to the Department of Economic Development (DED).
2. **DED Staff completes the Assessment Form to evaluate the Purchase Proposal and then the City Manager or their designee negotiates terms of a Purchase Agreement.**
3. The negotiated Purchase Agreement is **submitted to and reviewed** by Legal Counsel and shall include unless otherwise determined by DED Staff or Council:
 - a. **A due diligence period for the purchaser to investigate the property prior to purchase;**
 - b. **A Development Agreement requirement which requires the purchaser to submit a Development Agreement that is reviewed and approved by Council which describes the proposed development and use of the property, identifies a timeline for completion of the project, and identifies funding sources and financial wherewithal of the purchaser to complete the project**

9. Purchaser Due Diligence Period (**typically** not to exceed 120 Days **unless otherwise negotiated in Purchase Agreement approved by Council**)
10. **A Development Agreement (if applicable) is negotiated and drafted, executed by Purchaser, and submitted by Purchaser to DED Staff during the Due Diligence Period.**
11. **The Development Agreement is submitted to the City Council by DED Staff in conjunction with Purchaser for approval via Resolution. If approved, the Development Agreement is executed as approved as to form by the City Attorney and executed by the City Manager on behalf of the City.**
12. Closing occurs and documents referencing all previous agreements are recorded and the final payment is made by the Purchaser.

Assessment Criteria

The following are considered in the assessment of proposals for the purchase of City-owned real estate property:

Initial proposals should begin at the assessed value with possible negotiated deductions at the discretion of the City Manager or their designee. All proposals should include a tentative business plan, site development plan, and supporting financial statement(s). If the supporting documents and purchase proposal do not meet the Assessment criteria detailed below, this may result in rejection of the proposal.

1. Ability of the Prospective Purchaser to Realize Development
 - a. Experience/Qualifications of the prospective Purchaser
 - b. Any Outstanding Obligations to the City by the prospective Purchaser
 - c. Financial Backing**
2. The proposed use of the property
 - a. Whether the proposed use complies with the current zoning of the property
 - b. Whether the proposed use complies with the Comprehensive Plan
3. The proposed development of the property
 - a. Whether the development would include improvements that increase the value

- b. Whether the property would be maintained as open space without improvements
- c. Whether the development would include New Construction
- d. Whether the development would include Rehabilitation of existing structures
- e. Whether the property is eligible for Rehab Real Estate Tax Abatement
- f. Whether the property is a historic structure and/or located in a Historic District
- g. Whether the property is eligible for Enterprise Zone or other Incentives

4. The potential City Return (Revenue - Cost)

- a. The current assessed value of the property
- b. The potential City Revenue from the sale of the property including:
 - i. The proposed purchase price
 - ii. The proposed total investment in the property and Projected Tax
- c. Future revenue associated with the sale of the property including:
 - i. Real Estate Tax
 - ii. Personal Property Tax
 - iii. Machinery and Tools Tax
 - iv. Sales and Use Tax
 - v. Business License Fee
 - vi. Lodging Tax
 - vii. Meals Tax
 - viii. Other Taxes or Fees
 - ix. Total Estimated Tax Revenue

5. Potential Costs to the City

- a. Increased infrastructure costs
- b. Increased demand on utility systems exceeding current capacity
- c. Total Estimated Tax Abatement

6. Potential Benefits

- a. Number of Projected Jobs
 - i. Temporary
 - ii. Construction
 - iii. Permanent
- b. Average Wages
- c. Community Benefit

7. Proposed Financing

- a. The proposed purchase and development financing
- b. Whether financing has been secured

8. Contingencies

9. The anticipated Due Diligence Period

10. Whether the Last Use of the property was Public and requires $\frac{3}{4}$ approval

11. Proposed Construction period including the Start Date and Completion Date



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Wayne Crocker

RE: **Consideration of approval for Petersburg Law Library Appropriation in the amount of \$22,000 - 2nd Reading**

PURPOSE:

To provide funds to continue to support the Petersburg Law Library.

REASON: The Petersburg Law Library provides access to legal research and information tools for the local Bar and for the residents of Petersburg.

RECOMMENDATION: Recommend City Council approve the appropriation ordinance for the Law Library funds.

BACKGROUND: The City assesses a fee as a part of the costs incident to each civil action filed in any court located within the City. This fee is collected by the Clerk of the Court in which the action is filed and remitted to the Collector of City taxes and held by the Treasurer for the acquisition of law books, law periodicals, and computer legal research services and equipment for the establishment, use and maintenance of a law library.

COST TO CITY: \$22,000

BUDGETED ITEM: N/A

REVENUE TO CITY: \$22,000

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Library Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Law Library Ordinance 2020

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE
MAKING APPROPRIATIONS FOR THE FISCAL YEAR
COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021
FOR THE LAW LIBRARY FUND**

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

I. That appropriations for the fiscal year commencing July 1, 2020, are made for the following resources and revenues of the city, for the fiscal year ending June 30, 2021 for the Law Library.

Previously adopted	\$ 0
ADD: Law Library (3-201-016155-0001)	<u>22,000.00</u>
Total Revenue	<u>\$ 22,000.00</u>

II. That appropriations for the fiscal year commencing July 1, 2020, are made for the following resources and expenditures of the city, for the fiscal year ending June 30, 2020 for the Law Library.

Previously adopted	\$ 0
ADD: Law Library (4-201-073100-6012)	<u>22,000.00</u>
Total Expenses	<u>\$ 22,000.00</u>



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Tangela Innis

RE: **An Ordinance Authorizing the City Manager to execute the Commercial Lease Agreement between Lending Tree and the City of Petersburg for the property located at 20 E. Tabb Street Petersburg, VA.**

PURPOSE: The purpose is for City Council to provide authorization for the City Manager to execute the Commercial Lease with Lending Tree for the leased property located at 20 E. Tabb Street Petersburg, VA for the period of January 1, 2021 through December 31, 2022.

REASON: The City has received the Commercial Lease for the leased property located at 20 E, Tabb St. and this ordinance which authorizes the City Manager to execute the agreement for the period of January 01, 2021 through December 31, 2022.

RECOMMENDATION: City Council review and approve the attached ordinance.

BACKGROUND: The City approved the initial lease with between the City and Lending Tree for the purposes to lease the property located at 20 E. Tabb Street. The initial term of the agreement was January 01, 2019 through December 31, 2020. in the amount of \$36, 000. This space is currently being utilized as the Department of Community Corrections and the Magistrate Office.

COST TO CITY: \$72,000 (2 Years)

\$43,000 City \$28,000 State Funded CCA/PSA Grant (Community Corrections Comprehensive Act & Pretrial Act)

BUDGETED ITEM: YES

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Department of Public Utilities and Capital Projects, Community Corrections and Magistrate Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Lending Tree - Draft City of Petersburg 10-23-20182021112acw
2. Commercial Lease Agreement 20 E Tabb 2019 -2020
3. ordinance (1)

COMMERCIAL LEASE AGREEMENT

THIS AGREEMENT OF LEASE made this _____ day of _____, 2020 by and between **LENDING TREE LLC**, hereinafter referred to as Lessor, and **CITY OF PETERSBURG**, hereinafter referred to as Lessee.

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, it is agreed by and between Lessor and Lessee as follows:

1. **Premises.** The Lessor does hereby lease and demise unto the Lessee, and the Lessee does hereby rent from the Lessor a portion of a building situated in the City of Petersburg, Virginia and designated by current street address of 20 E. Tabb Street, designated as the entire 3rd floor of the building which is 3,750 square feet , more or less. (the "Leased Premises").

2. **TERM.** The term of the lease shall begin on January 1, 2021 and end on December 31, 2022.

3. **RENT.** The said Lessee agrees to pay to the owner for the use and rent of said premises, the sum of three thousand dollars (\$3,000.00) per month payable on the 1st day of each and every month consecutively beginning on January 1, 2021, and continuing for a period ending on December 1, 2022.

B. Such rental shall be payable in advance without formal demand, as otherwise directed by Owner. There shall be a late charge of ten percent (10%) of the rental payment for any rental payment received after the 5th day of each month.

C. Rent shall be paid to LENDING TREE LLC at 11532 Centennial Rd, Prince George VA 23875, or at such other place as Lessor may from time to time designate in writing.

D. If Lessee shall fail to make any required payment within thirty (30) days from the date the same become due and payable, such unpaid amounts shall bear interest from the due date thereof to the date of payment at the rate of eighteen percent (18%) per annum or the highest rate permitted by applicable law, whichever is less.

E. Rent payments will be applied first to all past due balances of rent and other charges owing under this Lease. The remaining portion, if any, of such rent payments will be applied to current rent.

F. None of the provisions of this Paragraph shall be construed to extend the date for payment or to limit Lessor in the exercise of its rights under this Lease.

4. **SECURITY DEPOSIT.** Lessee has paid the amount **\$0.00** to Lessor as a security deposit, hereinafter referred to as "the Security Deposit," for the faithful performance of the obligations of Lessee under this Lease. If Lessee defaults under this Lease, Lessor may use the Security Deposit, or a portion or portions thereof, to satisfy Obligations of Lessee under this Lease. To the extent the Security Deposit is not so used, it will be returned to Lessee at the end of this Lease, without interest. If Lessor sells the Leased Premises while this Lease is in effect, such sale will be subject to this Lease and Lessor will deliver to the new owner the Security Deposit or portion thereof that has not been used by Lessor as authorized by this paragraph. Upon such delivery of the Security Deposit or portion thereof, Lessor will have no further obligation to return Security Deposit or any portion thereof to Lessee.

5. **BAD CHECKS.** Lessee agrees to pay as additional rent a charge of fifty dollars (\$50.00) for each check returned for insufficient funds. This charge will be in addition to any late fee which may be due. If any of Lessee's checks are returned to Lessor for insufficient funds, Lessor will have the option of requiring that further payments must be paid by cash, cashier's check, certified check or money order.

6. **HOLDOVER.** If the Lessee remains in possession of the Leased Premises at the end of the term or option term, if taken, this Lease will automatically continue on a month-to-month basis at a monthly rate of the previous month's rent upon the same provisions, covenants and conditions until terminated by the serving of thirty (30) days written notice by either the Lessor or the Lessee. Such notice by either Lessor or Lessee becomes effective on the first day of the month following written notice unless such notice is given on the first day of the month, in which case the notice becomes effective immediately.

7. **DELIVERY OF POSSESSION TO LESSEE.** The Lessor shall deliver possession of the Leased Premises to the Lessee on the date of the commencement of this Lease. If the Lessor is unable to give possession of the Leased Premises on the date of commencement of the Lease term because the Leased Premises are not ready for occupancy, or because a Temporary Certificate of Occupancy has not been procured, or for any other reason, the Lessor shall not be subject to any liability for such inability to give possession. In such case of the Lessor unable to give possession, the Lessee will not be required to pay rent until possession is granted.

8. **USE AND OCCUPANCY OF PREMISES.** The Lessor grants the Lessee the right to use the Leased Premises for a business and legal offices with related services. The Lessee shall restrict its use to such purposes and shall not permit the Leased Premises to be used for any other purpose(s) without written consent of the Lessor, which consent shall not be withheld unreasonably, conditioned or delayed. The Lessee shall (A) remove all trash accumulated in connection with its use of the Leased Premises, (B) permit no nuisance in the Leased Premises, (C) keep the Leased Premises free of insects and other pests, (D) immediately provide a key to Lessor and his agent in the event Lessee rekeys or replaces the locks, (E) be responsible for providing its own parking since none is provided by Lessor and (F) use the Leased Premises in a manner which complies with all laws, ordinances and regulations

applicable thereto, including without limitation all laws, ordinances and regulations relating to hazardous and/or toxic materials. The Lessee warrants that it will not allow hazardous and/or toxic materials on the Leased premise. The Lessee shall indemnify the Lessor from liability for damage and loss including any costs arising out of the presence of hazardous substances on the Leased Premises, along with reasonable attorney's fees, incurred by the Lessor as a result of such action, other than those which may have been caused by the Lessor.

9. **UTILITIES, WATER, AND SEWAGE DISPOSAL CHARGES.** The Lessor shall be responsible for and shall pay when due all charges for all utilities supplied to and/or used in the said premises, including but not limited to, water and sewage disposal charged with the exception of phone and internet service.

10. **TAXES:** The Lessor will pay all real estate taxes and assessments on the Leased Premises. The Lessee will pay all taxes on its property on the Leased Premises.

11. **DAMAGE OR DESTRUCTION OF THE PREMISES.** If the Leased Premises or any part thereof are damaged by fire, the elements, or any other casualty, not caused by the negligence of tire Lessee or the Lessee's employee(s) or agent(s), and remains wholly tenantable, the Lessor shall at its own expense cause such damage to be repaired and the rent shall not abate. If by any reason of such occurrence the Leased Premises shall be rendered untenable only in part, the Lessor shall at its own expense cause damage to be repaired and, until the repairs are performed, the rent shall abate proportionately as to the portion of the Leased Premises rendered untenable. If by reason of such occurrence the Leased Premises shall be rendered wholly untenable, the Lessor shall at its own expense cause such damage to be repaired and, until the repairs are performed, the rent shall abate in full, provided, however, that the Lessor shall have the right, to be exercised by notice given to the Lessee within sixty (60) days after the date of such occurrence, to elect not to repair the Leased Premises, and in such event this Lease shall be terminated as of the date of such occurrence, and the rent shall be prorated as of such date. If by reason of such occurrence the Leased Premises is rendered wholly untenable for more than ninety (90) days, the Lessee will have the right to terminate this Lease by given written notice to the Lessor and the rent will be prorated as of the date of such occurrence. If any such damage is caused by negligence of the Lessee and/or the Lessee's employee(s) or agent(s), there shall be no abatement of rent or right of the Lessee to terminate this lease during any reasonable period required for repairs.

12. **ALTERATIONS AND IMPROVEMENTS.** Lessee agrees that no alterations, installations, repairs or decoration (including painting, staining and applying other finishes) shall be done without Lessor's written consent. Such consent will not be unreasonably withheld. However, Lessor may require Lessee to return the Premises to its original condition when this Lease terminates or expires. In addition, Lessor may require that any change, alteration or improvements to the Premises will become a permanent part of the Premises which may not be removed upon the termination or expiration of this Lease. Such changes or improvements will include, but not be limited to, locks, light fixtures, shutters, built-in shelves or bookcases, wall-to-wall carpeting, flowers and shrubs.

13. **INSPECTIONS AND ACCESS.** Lessor and its representatives may enter the Premises to make inspections and repairs and to show the Premises to prospective Lessee, purchasers, mortgages, workers and contractors and shall have the right to erect or place "For Sale" or "For Rent" signs thereon. Except in case of emergency or when it is impractical to give notice, Lessor will give Lessee reasonable notice of Lessor's intent to enter and may enter the Premises only at reasonable times.

14. **COVENANTS BY LESSOR.**

A. The Lessor shall maintain and repair the Leased Premises unless due to negligence of Lessee. Lessor further covenants and agrees to comply with applicable building and housing code requirements materially affecting health and safety.

B. Lessor's failure to comply with the above requirements will not be grounds for Lessee's termination of this Lease unless Lessee has given Lessor written notice of the defective condition and Lessor has failed to remedy the condition within 21 days. However, Lessee may not terminate this Lease if Lessee or some other person on the Premises with Lessee's consent intentionally or negligently caused the defective condition. Such defective conditions will be repaired at Lessee's expense. Any termination by Lessee shall be made in accordance with the section of this Lease concerning breach by Lessor.

15. **COVENANTS BY LESSEE.**

A. Lessee covenants and agrees to keep the Premises clean and safe; use all electrical, plumbing, heating, ventilating and air-conditioning facilities and appliances in a reasonable manner; conduct themselves, and require guests to conduct themselves, in a reasonable manner consist with its type of business; and to take care not to intentionally or negligently destroy, damage or remove any part of the Premises, and that they will not permit any person to do so.

B. Lessee agrees not to change or add locks without giving Lessor immediate notice and a duplicate of all keys.

C. Lessee covenants and agrees to provide for the replacement of any useable item such as the replacement of light bulbs and also agrees to change the air filter a minimum of once a month.

D. Upon the expiration or termination of this Lease, Lessee agrees to deliver the Premises in good and clean condition, ordinary wear and tear excepted. Lessee agrees to pay the cost of all repairs and cleaning required by wear and tear beyond the ordinary.

E. During the duration of this Lease, Lessee agrees to give Lessor prompt written notice of any defects or damage in the Premises, its equipment, appliances and fixtures. If further damage occurs between the time Lessee learns that a defect exists and the time Lessor

learns of such defect, Lessee will be liable for the costs of any repairs of such additional damage which might have been avoided had Lessee promptly notified Lessor of the defect.

F. Lessee agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by Lessee or by any of Lessee's guests, invitees, customers or other persons on the Premises with Lessee's consent.

16. **Surrender of Premises.** Upon the expiration or sooner termination of the Lease Term, Lessee agrees, without the necessity of notice, to quit and surrender the Premises, broom-clean, in good condition and repair, reasonable wear and tear excepted, together with all keys and combinations to locks, safes and vaults and all improvements, alterations, additions, fixtures and equipment at any time made or installed in, upon or to the interior or exterior of the Premises, except personal property and other unattached movable trade fixtures put in at Lessee's expense, all of which shall thereupon become the property of Lessor without any claim by Lessee therefor, but the surrender of such property to Lessor shall not be deemed to be a payment of rent or in lieu of any rent reserved hereunder. Before surrendering the Premises, Lessee shall remove all of Lessee's said personal property and unattached movable trade fixtures and, at Lessor's option, Lessee shall also remove as directed by Lessor any improvements, alterations, additions, fixtures, equipment and decorations at any time made or installed by Lessee in, upon or to the interior or exterior of the Premises, and Lessee further agrees to repair any damage caused by such removal. If Lessee shall fail to remove any of Lessee's personal property and trade fixtures, such personal property and trade fixtures shall, at the option of Lessor, either (i) be deemed abandoned and become the exclusive property of Lessor; or (ii) removed and stored by Lessor, at the expense of Lessee, without further notice to or demand upon Lessee, and Lessor may hold Lessee responsible for any and all charges and expenses incurred by Lessor therefor. If the Premises be not surrendered as and when aforesaid, Lessee shall indemnify Lessor against all loss or liability resulting from the delay by Lessee in so surrendering the same, including, without limitation, any claims made by any succeeding occupant founded on such delay. Lessee's obligations under this Paragraph shall survive the expiration or sooner termination of the Lease Term.

17. **ABANDONMENT OF PREMISES OR PROPERTY.** If occupants of the premises will be absent from the premises for more than 20 days, Lessee will give prior written notice of such absence to Lessor. If Lessee fails to give such notice, Lessor may deem the premises to be abandoned and may re-enter and re-let the premises. Lessee will remain liable for all rent and any damages until the premises are re-let or the term expires, whichever occurs first. Any personal property Lessee leaves on the premises after the termination or expiration of this Lease or the abandonment of the premises may be treated by Lessor as abandoned property. Lessor may immediately remove the property from the premises and place it in storage for safekeeping for a period not less than one month from the date this Lease terminates and possession of the premises is delivered to Lessor. Lessee may reclaim the property during this one month period, provided that Lessee pays the cost of its removal and storage. Upon expiration of the one month period, Lessor may dispose of the property as Lessor so desires, so long as Lessor gives Lessee 10 days' written notice prior to such disposal. Any funds received

by Lessor from the disposal of Lessee's property will be applied to Lessee's indebtedness to Lessor for unpaid rent or damages, including but not limited to removal, storage, and sale of Lessee's property. Any remaining funds will be treated as security deposit. (This section does not apply if Lessor has been granted a writ of possession for the premises and execution of such writ has been completed according to law.)

18. **BODILY INJURY AND PROPERTY DAMAGE.** Lessor is not an insurer of Lessee's person or property. Except to the extent provided by law, Lessor will not be liable to Lessee for any bodily injury or property damage suffered by Lessee or Lessee's guests, employees, invitees, customers and persons on the Premises with Lessee's consent.

19. **Indemnity.**

A. To the extent permissible under the laws of the Commonwealth of Virginia, Lessee hereby agrees to defend, pay, indemnify and save free and harmless Lessor from and against any and all claims, demands, fines, suits, actions, proceedings, orders, decrees and judgments of any kind or nature by or in favor of anyone whomsoever and from and against any and all costs and expenses, including attorneys' fees, resulting from or in connection with loss of life, bodily or personal injury or property damage arising, directly or indirectly, out of or from or on account of any occurrence in, upon, at or from the Premises or occasioned wholly or in part as a result of any act or omission of Lessee or any subLessee, concessionaire or licensee of Lessee, or their respective employees, agents, contractors or invitees in, upon, at or from the Premises.

B. Lessee shall give prompt notice to Lessor in case of fire or other casualty or accidents in the Premises or of any defects therein or in any of its fixtures, machinery or equipment.

C. In case Lessor, without fault on its part, shall be made a party to any litigation commenced by or against Lessee, then Lessee shall indemnify and hold Lessor harmless therefrom and shall pay Lessor all costs and expenses, including reasonable attorneys' fees, which Lessor may sustain by reason thereof.

D. Lessee expressly acknowledges that all of the foregoing provisions of this Paragraph shall apply and become effective from and after the date Lessor shall deliver possession of the Premises to Lessee in accordance with the terms of this Lease.

20. **Insurance.** At all times while this Lease is in effect, the Lessor shall maintain fire and extended insurance covering the Leased Premises for its full replacement value and the Lessee shall not do or permit anything to be done to the Leased Premises, or bring or keep anything therein, which will increase the rate of fire insurance. The lessee shall maintain (A) insurance covering its personal property for its full replacement value and (B) at least \$1,000,000.00 for injury to person (including without limitation death) and damage to for Leased

Premises, covering the Lessee and the Lessor (as an additional insured) for the actions of the Lessee and the Lessee's employee(s), guest(s) and agent(s). The liability insurance policy shall provide that the Lessor shall be notified by the insurance company at least thirty (30) days before any cancellation, termination or non-renewal of for policy, and all of the policies required by this paragraph shall be endorsed to prohibit subrogation by the insurance company against for Lessor or the Lessee or any employee or agent of for Lessor or the Lessee. The Lessee shall furnish for Lessor with a certificate or other evidence from the insurance company confirming that any coverage required by this paragraph is in effect

21. **RULES AND REGULATIONS.** Lessee agrees to comply with Lessor's reasonable and non-discriminatory rules and regulations which concern the use and occupancy of the Premises, which intend to promote the convenience, safety or welfare of Lessee or preserve Lessor's property from abusive conduct. Lessor agrees to give Lessee reasonable notice of any new rules or regulations before enforcing such rules and regulations against Lessee.

22. **TERMINATION OF LEASE.**

A. This Lease will automatically terminate at the end of the lease term. The termination of this Lease will terminate Lessee's right to occupancy but it will not terminate any claims Lessee or Lessor may have arising out of events occurring during the lease term or during any holdover by Lessee. This Lease is subject to annual appropriation by City Council for the City of Petersburg. In the event of a failure to appropriate, the parties shall have no further obligations under this contract without recourse.

B. No agreement renewing or extending this Lease will be effective unless that agreement is in writing and signed by Lessee and Lessor.

23. **ASSIGNMENT OR SUBLET.** Lessee will not assign this Lease or sublet the Premises without Lessor's prior written consent. No assignment or sublet will release Lessee from continuing liability for the full performance of this Lease unless Lessor signs a written statement clearly releasing Lessee from such liability.

24. **BREACH BY LESSEE.**

A. **Non-Payment of Rent.** If rent or any other payment due to Lessor is unpaid when due, and Lessee fails to pay rent within five (5) days after service of written notice of non-payment and Lessor's intention to terminate this Lease if payment is not made within such five (5) day period, then Lessor may terminate this Lease and proceed to obtain possession of the Premises and recover damages, costs, and/or seek injunctive relief, together with reasonable attorney fees as may be permitted by law.

B. **Non-Compliance with Lease.** Lessor may terminate this Lease if there is a material non-compliance by Lessee with any provision of this Lease, other than a non-payment

of rent or any other payment due Lessor, and Lessee shall fail to comply with such provision within twenty-one (21) days after Lessee's receipt of written notice from Lessor specifying the act(s) and/or omission(s) constituting the breach and stating that this Lease shall terminate on a date not less than thirty (30) days after Lessee's receipt of such notice if the breach is not remedied in twenty-one (21) days. If the breach is capable of remedy, and Lessee adequately remedies the breach prior to the date specified in the notice, this Lease shall not terminate. If Lessee fails to remedy the breach prior to the date specified in the notice, Lessor may proceed to obtain possession and recover damages, costs, and/or injunctive relief, together with reasonable attorneys' fees as may be permitted by law.

C. Non-Remediable, Criminal or Willful Breach. Notwithstanding the foregoing, (i) if Lessee commits a breach which is not remediable, or is a willful subsequent breach of a like nature as a previous breach which was remedied by Lessee following notice, Lessor may give written notice to Lessee specifying the act(s) and/or omission(s) constituting the breach (and, if applicable, that there was a breach of a like nature) and stating that this Lease shall terminate on a date not less than thirty (30) days after Lessee's receipt of such notice; and (ii) if Lessee commits a breach which involves a criminal or willful act which is not remediable and which poses a threat to health or safety, Lessor may terminate this Lease immediately. Following such termination, Lessor may proceed to obtain possession of the Premises and recover damages, costs, and reasonable attorneys' fees as may be permitted by law.

D. Damages. In the event of any breach of this Lease, if Lessor pursues any remedies set forth above (and regardless of whether such remedies are prosecuted to judgment), Lessee will be liable as follows:

- (1) For all past due rent and other charges;
- (2) For all additional rent (future rent) that would have accrued until the expiration of the term of this Lease or until a new lease term begins provided (i) that this will not affect Lessor's duty to minimize the damages by making reasonable efforts to enter into a new lease as soon as practical, and (ii) that if Lessor obtains a judgment for future rent, Lessor shall apply as a credit towards that judgment all funds received by Lessor as rent for the Premises for these months for which the judgment for future rent was awarded;
- (3) For all expenses Lessor may incur for cleaning, painting, and repairing the Premises due to Lessee's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear excepted;
- (4) For any court costs, as well as for the cost of service of notice or of process by a sheriff or private process server;
- (5) Where the Lessee's breach of this Lease results from Lessee's willful non-compliance, Lessee shall be liable for reasonable attorney fees (defined as the greater of \$500.00 or 25% of the recovery) incurred by Lessor (i) in collecting rent, other charges or

damages, and (ii) in obtaining possession of the Premises.

25. **BREACH BY LESSOR.**

A. If Lessor (a) commits a material breach of this Lease, or (b) fails to a substantial extent to comply with any laws with which Lessor must comply and which materially affect Lessee's health and safety, Lessee may give written notice to Lessor identifying the acts and omissions constituting a Lessor's breach and stating that this Lease will terminate upon a specific date not less than 30 days from the date Lessor receives the notice, unless Lessor remedies the breach within 21 days. If Lessor remedies the breach within that 21-day period, this Lease will not be subject to termination by Lessee in that instance. If Lessor's breach is not remediable, or if Lessor has been served with a prior written notice which required Lessor to remedy a breach, and Lessor did remedy such breach and then intentionally commits a subsequent breach of like nature as the prior breach, then Lessee may give written notice to Lessor specifying the acts and omissions constituting the breach and stating that this Lease will terminate on a specific date not less than 30 days after Lessor's receipt of such notice.

B. Lessee will not have the right to terminate this Lease because of conditions caused by the intentional or negligent acts of Lessee or persons on the Premises with Lessee's consent.

C. In addition, Lessee will have the right to pursue all other remedies available, including injunctive relief to order Lessor to remedy the breach.

26. **RENT WITHHOLDING.**

A. Lessee may not withhold rent because of conditions on the Premises which constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, or a material non-compliance on the part of Lessor with this Lease or provisions of law, and Lessor is required to repair unless Lessee has given Lessor written notice of the condition and Lessor has failed to successfully repair the condition within a reasonable period of time. If Lessee withholds rent because Lessor has breached this Lease, Lessee must immediately give Lessor a second written notice of the breach and of any conditions of the Premises which Lessor is required to remedy or repair and must state that rent is being withheld for such reasons. If Lessor then sues Lessee for possession of the Premises or for withheld rent, Lessee must promptly pay the rent to the court, which will hold the rent until it decides what portion, if any, should be paid to Lessor.

B. If conditions exist which Lessor is required to remedy and which create a fire hazard or serious threat to the health or safety of Lessee, Lessee may file an action in a court of competent jurisdiction to terminate this Lease, to require Lessor to repair the Premises, or to obtain other relief. In such an action, Lessee may pay rent to the court to be held until Lessee's action is decided.

C. If Lessee withholds rent or pays rent into court under this section and the court finds (a) that Lessee has acted in bad faith, (b) that Lessee, Lessee's guests have caused the conditions or (c) that Lessee, Lessee's guests have refused unreasonably to allow Lessor or Lessor's agent to enter the Premises to make repairs, after receiving written notice of the condition, Lessee will be liable for Lessor's reasonable costs, including costs for time spent, court costs, any repair costs due to Lessee's violation of this Lease, and attorney fees.

27. **Jury Trial/ Mediation.** Lessee and Lessor both waive a trial by jury of any or all issues arising in any action or proceeding between the parties hereto or their successors, under or connected with this Lease, or any of its provisions. Prior to bringing a suit in court arising over any dispute in this Agreement, the parties shall make a good faith attempt at mediation

28. **NOTICES.** Every notice, demand, request or other communication which may be or is required to be given under this Lease or by law shall be sent by United States Certified or Registered Mail, postage prepaid, return receipt requested, or sent by Federal Express or other overnight or express mail delivery service and shall be addressed: (i) if to Lessor, to Lessor's Mailing Address as written below; and (ii) if to the Lessee, to Lessee's Mailing Address as written below. Notice sent to one Lessee is deemed to be Notice sent to both Lessee. Either party may designate, by written notice to the other party, any other address for such purposes.

29. **MECHANIC'S LIENS.** The Lessee shall not permit any mechanic's or materialmen's liens to be filed against or upon the Leased Premises for work claimed to have been done for, or materials claimed to have been furnished to the Lessee. The Lessee, at its sole cost and expense, including but not limited to attorney's fees incurred in connection with the discharge of a lien or the filing of any bond required by law, shall cause any such lien to be released or discharged within ten (10) days after notification of the filing thereof by the Lessor.

30. **SIGNS.** Before installing any signs (which must comply with city or county sign ordinances), the Lessee will obtain the prior written consent of the Lessor, which consent will not be unreasonably withheld. The Lessee will remove any such signs at the end of the Lease and will repair any and all damage caused by or due to the installation, maintenance and/or removal of such signs.

31. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.

32. **GOVERNING LAW/VENUE.** This Lease is entered into and shall be construed under the laws of the State of Virginia. The parties agree that proper venue for any legal action or suit concerning this lease is Petersburg, Virginia.

33. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or unlawful or unenforceable under, Virginia law shall be ineffective only to the extent of such prohibition without invalidating the remaining provisions of this Lease.

34. **RELATIONSHIP OF PARTIES.** Nothing contained in this Lease shall be deemed to constitute or be construed to create the relationship of principal and agent, partnership, joint venturers or any other relationship between the parties hereto, other than the relationship of Lessor and Lessee.

35. **TRANSFER OF PROPERTY.** In the event of the sale of the Leased Premises by the Lessor subject to the terms and provisions of this Lease, the Lessor shall thereupon be released from all liability, assuming the liability is assumed by the new Lessor.

36. **NON-WAIVER OF FUTURE PERFORMANCE.** The failure of the Lessor to insist upon strict performance of any of the covenants, conditions or agreements of this Lease, or to exercise any option herein conferred, shall not be construed as a waiver or relinquishment of the fixture performance of any such covenants, conditions or options, but the same shall be and remain in full force and effect

37. **BINDING EFFECT.** This Lease shall be binding upon and inure to the benefit of and be enforceable by the respective heirs, successors and assigns of the parties hereto.

38. **QUIET ENJOYMENT.** Upon due performance of the covenants and agreements to be performed by the Lessee under the terms and provisions of this Lease, the Lessor covenants that the Lessee shall and may at all times peaceably and quietly have, hold and enjoy the property during the term of this Lease.

39. **GENDER.** Any word contained in the text of this Lease shall read as the singular or the plural and as the masculine, feminine or neuter gender as may be applicable in the particular context.

40. **FAILURE TO ENFORCE LEASE NOT A WAIVER.** Lessor's acceptance of rent payments or conduct not in compliance with Lessee's obligations under this Lease or waiver of a breach by Lessee shall not be interpreted as a waiver of any subsequent breach or non-compliance, and this Lease shall continue in full force and effect. Lessee is hereby notified that acceptance by Lessor of rent payments from Lessee with knowledge of a material non-compliance by Lessee shall not constitute a waiver of Lessor's right to terminate this Lease by reason of such non-compliance.

41. **JOINT AND SEVERAL LIABILITY.** If more than one Lessee signs this Lease, all persons signing as Lessee shall be jointly and severally liable for all obligations of Lessee set forth in this Lease.

42. **NO PRESUMPTION OF AUTHORSHIP.** The Lessee or Lessor acknowledge that this Agreement is the result of extensive negotiation between the parties and/or their legal counsel and, as such, represents the work of both parties and/or their counsel. Accordingly, the parties agree that no presumption shall be made as to the interpretation of this document or any party thereof that this Agreement was drafted by either of the parties or his or her counsel.

43. **NO RECORDATION.** This Lease shall not be recorded by Lessee.

44. **COUNTERPARTS.** The Lessor and Lessee agree that this Agreement may be executed in two or more counterparts, each shall constitute an original and binding copy of this Agreement. Photocopies of this Agreement shall be as binding as the original.

45. **AMENDMENTS.** This Lease may be amended only by a writing signed by the parties, or by a change in Lessor's rules and regulations, provided that reasonable notice of such change is given to Lessee and provided that such changes do not substantially modify Lessee's arrangement with Lessor.

46. **ENTIRE AGREEMENT.** This Lease and any rules and regulations of Lessor constitute the entire lease agreement between Lessor and Lessee. No oral statements made by either party shall be binding. The terms and conditions of this signed Lease shall be the controlling document on the Lease arrangement between the following parties.

WITNESS the following signatures:

LESSOR:

LESSEE:

Lending Tree LLC
11532 Centennial Rd.
Prince George VA 23875

Aretha R. Ferrell-Benavides
City Manager

City Attorney

Notices sent to:
City of Petersburg
Attn: City Attorney
135 N. Union Street
Petersburg, VA 23803

COMMERCIAL LEASE AGREEMENT

THIS AGREEMENT OF LEASE made this _____ day of _____, 2018 by and between **LENDING TREE LLC**, hereinafter referred to as Lessor, and **CITY OF PETERSBURG**, hereinafter referred to as Lessee.

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, it is agreed by and between Lessor and Lessee as follows:

1. **Premises.** The Lessor does hereby lease and demise unto the Lessee, and the Lessee does hereby rent from the Lessor a portion of a building situated in the City of Petersburg, Virginia and designated by current street address of 20 E. Tabb Street, designated as the entire 3rd floor of the building which is 3,750 square feet , more or less. (the "Leased Premises").

2. **TERM.** The term of the lease shall begin on January 1, 2019 and end on December 31, 2020.

4. **RENT.** The said Lessee agrees to pay to the owner for the use and rent of said premises, the sum of three thousand dollars (\$3,000.00) per month payable on the 1st day of each and every month consecutively beginning on January 1, 2019, and continuing for a period ending on December 1, 2020.

B. Such rental shall be payable in advance without formal demand, as otherwise directed by Owner. There shall be a late charge of ten percent (10%) of the rental payment for any rental payment received after the 5th day of each month.

C. Rent shall be paid to LENDING TREE LLC at 11532 Centennial Rd, Prince George VA 23875, or at such other place as Lessor may from time to time designate in writing.

D. If Lessee shall fail to make any required payment within thirty (30) days from the date the same become due and payable, such unpaid amounts shall bear interest from the due date thereof to the date of payment at the rate of eighteen percent (18%) per annum or the highest rate permitted by applicable law, whichever is less.

E. Rent payments will be applied first to all past due balances of rent and other charges owing under this Lease. The remaining portion, if any, of such rent payments will be applied to current rent.

F. None of the provisions of this Paragraph shall be construed to extend the date for payment or to limit Lessor in the exercise of its rights under this Lease.

5. **SECURITY DEPOSIT.** Lessee has paid the amount **\$0.00** to Lessor as a security deposit, hereinafter referred to as "the Security Deposit," for the faithful performance of the obligations of Lessee under this Lease. If Lessee defaults under this Lease, Lessor may use the Security Deposit, or a portion or portions thereof, to satisfy Obligations of Lessee under this Lease. To the extent the Security Deposit is not so used, it will be returned to Lessee at the end of this Lease, without interest. If Lessor sells the Leased Premises while this Lease is in effect, such sale will be subject to this Lease and Lessor will deliver to the new owner the Security Deposit or portion thereof that has not been used by Lessor as authorized by this paragraph. Upon such delivery of the Security Deposit or portion thereof, Lessor will have no further obligation to return Security Deposit or any portion thereof to Lessee.

6. **BAD CHECKS.** Lessee agrees to pay as additional rent a charge of fifty dollars (\$50.00) for each check returned for insufficient funds. This charge will be in addition to any late fee which may be due. If any of Lessee's checks are returned to Lessor for insufficient funds, Lessor will have the option of requiring that further payments must be paid by cash, cashier's check, certified check or money order.

7. **HOLDOVER.** If the Lessee remains in possession of the Leased Premises at the end of the term or option term, if taken, this Lease will automatically continue on a month-to-month basis at a monthly rate of the previous month's rent upon the same provisions, covenants and conditions until terminated by the serving of thirty (30) days written notice by either the Lessor or the Lessee. Such notice by either Lessor or Lessee becomes effective on the first day of the month following written notice unless such notice is given on the first day of the month, in which case the notice becomes effective immediately.

8. **DELIVERY OF POSSESSION TO LESSEE.** The Lessor shall deliver possession of the Leased Premises to the Lessee on the date of the commencement of this Lease. If the Lessor is unable to give possession of the Leased Premises on the date of commencement of the Lease term because the Leased Premises are not ready for occupancy, or because a Temporary Certificate of Occupancy has not been procured, or for any other reason, the Lessor shall not be subject to any liability for such inability to give possession. In such case of the Lessor unable to give possession, the Lessee will not be required to pay rent until possession is granted.

9. **USE AND OCCUPANCY OF PREMISES.** The Lessor grants the Lessee the right to use the Leased Premises for a business and legal offices with related services. The Lessee shall restrict its use to such purposes and shall not permit the Leased Premises to be used for any other purpose(s) without written consent of the Lessor, which consent shall not be withheld unreasonably, conditioned or delayed. The Lessee shall (A) remove all trash accumulated in connection with its use of the Leased Premises, (B) permit no nuisance in the Leased Premises, (C) keep the Leased Premises free of insects and other pests, (D) immediately provide a key to Lessor and his agent in the event Lessee rekeys or replaces the locks, (E) be responsible for providing its own parking since none is provided by Lessor and (F) use the Leased Premises in a manner which complies with all laws, ordinances and regulations applicable thereto, including without limitation all laws, ordinances and regulations relating to

hazardous and/or toxic materials. The Lessee warrants that it will not allow hazardous and/or toxic materials on the Leased premise. The Lessee shall indemnify the Lessor from liability for damage and loss including any costs arising out of the presence of hazardous substances on the Leased Premises, along with reasonable attorney's fees, incurred by the Lessor as a result of such action, other than those which may have been caused by the Lessor.

10. **UTILITIES, WATER, AND SEWAGE DISPOSAL CHARGES.** The Lessor shall be responsible for and shall pay when due all charges for all utilities supplied to and/or used in the said premises, including but not limited to, water and sewage disposal charged with the exception of phone and internet service.

11. **TAXES:** The Lessor will pay all real estate taxes and assessments on the Leased Premises. The Lessee will pay all taxes on its property on the Leased Premises.

12. **DAMAGE OR DESTRUCTION OF THE PREMISES.** If the Leased Premises or any part thereof are damaged by fire, the elements, or any other casualty, not caused by the negligence of tire Lessee or the Lessee's employee(s) or agent(s), and remains wholly tenantable, the Lessor shall at its own expense cause such damage to be repaired and the rent shall not abate. If by any reason of such occurrence the Leased Premises shall be rendered untenable only in part, the Lessor shall at its own expense cause damage to be repaired and, until the repairs are performed, the rent shall abate proportionately as to the portion of the Leased Premises rendered untenable. If by reason of such occurrence the Leased Premises shall be rendered wholly untenable, the Lessor shall at its own expense cause such damage to be repaired and, until the repairs are performed, the rent shall abate in full, provided, however, that the Lessor shall have the right, to be exercised by notice given to the Lessee within sixty (60) days after the date of such occurrence, to elect not to repair die Leased Premises, and in such event this Lease shall be terminated as of the date of such occurrence, and the rent shall be prorated as of such date. If by reason of such occurrence the Leased Premises is rendered wholly untenable for more than ninety (90) days, the Lessee will have the right to terminate this Lease by given written notice to the Lessor and foe rent will be prorated as of the date of such occurrence. If any such damage is caused by negligence of foe Lessee and/or the Lessee's employee(s) or agent(s), there shall be no abatement of rent or right of the Lessee to terminate this lease during any reasonable period required for repairs.

13. **ALTERATIONS AND IMPROVEMENTS.** Lessee agrees that no alterations, installations, repairs or decoration (including painting, staining and applying other finishes) shall be done without Lessor's written consent. Such consent will not be unreasonably withheld. However, Lessor may require Lessee to return the Premises to its original condition when this Lease terminates or expires. In addition, Lessor may require that any change, alteration or improvements to the Premises will become a permanent part of the Premises which may not be removed upon the termination or expiration of this Lease. Such changes or improvements will include, but not be limited to, locks, light fixtures, shutters, built-in shelves or bookcases, wall-to-wall carpeting, flowers and shrubs.

14. **INSPECTIONS AND ACCESS.** Lessor and its representatives may enter the Premises to make inspections and repairs and to show the Premises to prospective Lessee, purchasers, mortgages, workers and contractors and shall have the right to erect or place "For Sale" or "For Rent" signs thereon. Except in case of emergency or when it is impractical to give notice, Lessor will give Lessee reasonable notice of Lessor's intent to enter and may enter the Premises only at reasonable times.

15. **COVENANTS BY LESSOR.**

A. The Lessor shall maintain and repair the Leased Premises unless due to negligence of Lessee. Lessor further covenants and agrees to comply with applicable building and housing code requirements materially affecting health and safety.

B. Lessor's failure to comply with the above requirements will not be grounds for Lessee's termination of this Lease unless Lessee has given Lessor written notice of the defective condition and Lessor has failed to remedy the condition within 21 days. However, Lessee may not terminate this Lease if Lessee or some other person on the Premises with Lessee's consent intentionally or negligently caused the defective condition. Such defective conditions will be repaired at Lessee's expense. Any termination by Lessee shall be made in accordance with the section of this Lease concerning breach by Lessor.

16. **COVENANTS BY LESSEE.**

A. Lessee covenants and agrees to keep the Premises clean and safe; use all electrical, plumbing, heating, ventilating and air-conditioning facilities and appliances in a reasonable manner; conduct themselves, and require guests to conduct themselves, in a reasonable manner consist with its type of business; and to take care not to intentionally or negligently destroy, damage or remove any part of the Premises, and that they will not permit any person to do so.

B. Lessee agrees not to change or add locks without giving Lessor immediate notice and a duplicate of all keys.

C. Lessee covenants and agrees to provide for the replacement of any useable item such as the replacement of light bulbs and also agrees to change the air filter a minimum of once a month.

D. Upon the expiration or termination of this Lease, Lessee agrees to deliver the Premises in good and clean condition, ordinary wear and tear excepted. Lessee agrees to pay the cost of all repairs and cleaning required by wear and tear beyond the ordinary.

E. During the duration of this Lease, Lessee agrees to give Lessor prompt written notice of any defects or damage in the Premises, its equipment, appliances and fixtures. If further damage occurs between the time Lessee learns that a defect exists and the time Lessor learns of such defect, Lessee will be liable for the costs of any repairs of such additional damage

which might have been avoided had Lessee promptly notified Lessor of the defect.

F. Lessee agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by Lessee or by any of Lessee's guests, invitees, customers or other persons on the Premises with Lessee's consent.

17. **Surrender of Premises.** Upon the expiration or sooner termination of the Lease Term, Lessee agrees, without the necessity of notice, to quit and surrender the Premises, broom-clean, in good condition and repair, reasonable wear and tear excepted, together with all keys and combinations to locks, safes and vaults and all improvements, alterations, additions, fixtures and equipment at any time made or installed in, upon or to the interior or exterior of the Premises, except personal property and other unattached movable trade fixtures put in at Lessee's expense, all of which shall thereupon become the property of Lessor without any claim by Lessee therefor, but the surrender of such property to Lessor shall not be deemed to be a payment of rent or in lieu of any rent reserved hereunder. Before surrendering the Premises, Lessee shall remove all of Lessee's said personal property and unattached movable trade fixtures and, at Lessor's option, Lessee shall also remove as directed by Lessor any improvements, alterations, additions, fixtures, equipment and decorations at any time made or installed by Lessee in, upon or to the interior or exterior of the Premises, and Lessee further agrees to repair any damage caused by such removal. If Lessee shall fail to remove any of Lessee's personal property and trade fixtures, such personal property and trade fixtures shall, at the option of Lessor, either (i) be deemed abandoned and become the exclusive property of Lessor; or (ii) removed and stored by Lessor, at the expense of Lessee, without further notice to or demand upon Lessee, and Lessor may hold Lessee responsible for any and all charges and expenses incurred by Lessor therefor. If the Premises be not surrendered as and when aforesaid, Lessee shall indemnify Lessor against all loss or liability resulting from the delay by Lessee in so surrendering the same, including, without limitation, any claims made by any succeeding occupant founded on such delay. Lessee's obligations under this Paragraph shall survive the expiration or sooner termination of the Lease Term.

18. **ABANDONMENT OF PREMISES OR PROPERTY.** If occupants of the premises will be absent from the premises for more than 20 days, Lessee will give prior written notice of such absence to Lessor. If Lessee fails to give such notice, Lessor may deem the premises to be abandoned and may re-enter and re-let the premises. Lessee will remain liable for all rent and any damages until the premises are re-let or the term expires, whichever occurs first. Any personal property Lessee leaves on the premises after the termination or expiration of this Lease or the abandonment of the premises may be treated by Lessor as abandoned property. Lessor may immediately remove the property from the premises and place it in storage for safekeeping for a period not less than one month from the date this Lease terminates and possession of the premises is delivered to Lessor. Lessee may reclaim the property during this one month period, provided that Lessee pays the cost of its removal and storage. Upon expiration of the one month period, Lessor may dispose of the property as Lessor so desires, so long as Lessor gives Lessee 10 days' written notice prior to such disposal. Any funds received by Lessor from the disposal of Lessee's property will be applied to Lessee's indebtedness to

Lessor for unpaid rent or damages, including but not limited to removal, storage, and sale of Lessee's property. Any remaining funds will be treated as security deposit. (This section does not apply if Lessor has been granted a writ of possession for the premises and execution of such writ has been completed according to law.)

19. **BODILY INJURY AND PROPERTY DAMAGE.** Lessor is not an insurer of Lessee's person or property. Except to the extent provided by law, Lessor will not be liable to Lessee for any bodily injury or property damage suffered by Lessee or Lessee's guests, employees, invitees, customers and persons on the Premises with Lessee's consent.

20. **Indemnity.**

A. Lessee hereby agrees to defend, pay, indemnify and save free and harmless Lessor from and against any and all claims, demands, fines, suits, actions, proceedings, orders, decrees and judgments of any kind or nature by or in favor of anyone whomsoever and from and against any and all costs and expenses, including attorneys' fees, resulting from or in connection with loss of life, bodily or personal injury or property damage arising, directly or indirectly, out of or from or on account of any occurrence in, upon, at or from the Premises or occasioned wholly or in part through the use and occupancy of the Premises or any improvements therein or appurtenances thereto, or by any act or omission of Lessee or any subLessee, concessionaire or licensee of Lessee, or their respective employees, agents, contractors or invitees in, upon, at or from the Premises.

B. Lessee shall give prompt notice to Lessor in case of fire or other casualty or accidents in the Premises or of any defects therein or in any of its fixtures, machinery or equipment.

C. In case Lessor, without fault on its part, shall be made a party to any litigation commenced by or against Lessee, then Lessee shall indemnify and hold Lessor harmless therefrom and shall pay Lessor all costs and expenses, including reasonable attorneys' fees, which Lessor may sustain by reason thereof.

D. Lessee expressly acknowledges that all of the foregoing provisions of this Paragraph shall apply and become effective from and after the date Lessor shall deliver possession of the Premises to Lessee in accordance with the terms of this Lease.

21. **Insurance.** At all times while this Lease is in effect, the Lessor shall maintain fire and extended insurance covering the Leased Premises for its full replacement value and the Lessee shall not do or permit anything to be done to foe Leased Premises, or bring or keep anything therein, which will increase the rate of fire insurance. The lessee shall maintain (A) insurance covering its personal property for its full replacement value and (B) at least \$1,000,000.00 for injury to person (including without limitation death) and damage to for Leased Premises, covering the Lessee and the Lessor (as an additional insured) for the actions of the

Lessee and the Lessee's employee(s), guest(s) and agent(s). The liability insurance policy shall provide that the Lessor shall be notified by the insurance company at least thirty (30) days before any cancellation, termination or non-renewal of the policy, and all of the policies required by this paragraph shall be endorsed to prohibit subrogation by the insurance company against the Lessor or the Lessee or any employee or agent of the Lessor or the Lessee. The Lessee shall furnish for the Lessor with a certificate or other evidence from the insurance company confirming that any coverage required by this paragraph is in effect.

22. **RULES AND REGULATIONS.** Lessee agrees to comply with Lessor's reasonable and non-discriminatory rules and regulations which concern the use and occupancy of the Premises, which intend to promote the convenience, safety or welfare of Lessee or preserve Lessor's property from abusive conduct. Lessor agrees to give Lessee reasonable notice of any new rules or regulations before enforcing such rules and regulations against Lessee.

23. **TERMINATION OF LEASE.**

A. This Lease will automatically terminate at the end of the lease term. The termination of this Lease will terminate Lessee's right to occupancy but it will not terminate any claims Lessee or Lessor may have arising out of events occurring during the lease term or during any holdover by Lessee.

B. No agreement renewing or extending this Lease will be effective unless that agreement is in writing and signed by Lessee and Lessor.

24. **ASSIGNMENT OR SUBLET.** Lessee will not assign this Lease or sublet the Premises without Lessor's prior written consent. No assignment or sublet will release Lessee from continuing liability for the full performance of this Lease unless Lessor signs a written statement clearly releasing Lessee from such liability.

25. **BREACH BY LESSEE.**

A. **Non-Payment of Rent.** If rent or any other payment due to Lessor is unpaid when due, and Lessee fails to pay rent within five (5) days after service of written notice of non-payment and Lessor's intention to terminate this Lease if payment is not made within such five (5) day period, then Lessor may terminate this Lease and proceed to obtain possession of the Premises and recover damages, costs, and/or seek injunctive relief, together with reasonable attorney fees as may be permitted by law.

B. **Non-Compliance with Lease.** Lessor may terminate this Lease if there is a material non-compliance by Lessee with any provision of this Lease, other than a non-payment of rent or any other payment due Lessor, and Lessee shall fail to comply with such provision

within twenty-one (21) days after Lessee's receipt of written notice from Lessor specifying the act(s) and/or omission(s) constituting the breach and stating that this Lease shall terminate on a date not less than thirty (30) days after Lessee's receipt of such notice if the breach is not remedied in twenty-one (21) days. If the breach is capable of remedy, and Lessee adequately remedies the breach prior to the date specified in the notice, this Lease shall not terminate. If Lessee fails to remedy the breach prior to the date specified in the notice, Lessor may proceed to obtain possession and recover damages, costs, and/or injunctive relief, together with reasonable attorneys' fees as may be permitted by law.

C. Non-Remediable, Criminal or Willful Breach. Notwithstanding the foregoing, (i) if Lessee commits a breach which is not remediable, or is a willful subsequent breach of a like nature as a previous breach which was remedied by Lessee following notice, Lessor may give written notice to Lessee specifying the act(s) and/or omission(s) constituting the breach (and, if applicable, that there was a breach of a like nature) and stating that this Lease shall terminate on a date not less than thirty (30) days after Lessee's receipt of such notice; and (ii) if Lessee commits a breach which involves a criminal or willful act which is not remediable and which poses a threat to health or safety, Lessor may terminate this Lease immediately. Following such termination, Lessor may proceed to obtain possession of the Premises and recover damages, costs, and reasonable attorneys' fees as may be permitted by law.

D. Damages. In the event of any breach of this Lease, if Lessor pursues any remedies set forth above (and regardless of whether such remedies are prosecuted to judgment), Lessee will be liable as follows:

- (1) For all past due rent and other charges;
- (2) For all additional rent (future rent) that would have accrued until the expiration of the term of this Lease or until a new lease term begins provided (i) that this will not affect Lessor's duty to minimize the damages by making reasonable efforts to enter into a new lease as soon as practical, and (ii) that if Lessor obtains a judgment for future rent, Lessor shall apply as a credit towards that judgment all funds received by Lessor as rent for the Premises for these months for which the judgment for future rent was awarded;
- (3) For all expenses Lessor may incur for cleaning, painting, and repairing the Premises due to Lessee's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear excepted;
- (4) For any court costs, as well as for the cost of service of notice or of process by a sheriff or private process server;
- (5) Where the Lessee's breach of this Lease results from Lessee's willful non-compliance, Lessee shall be liable for reasonable attorney fees (defined as the greater of \$500.00 or 25% of the recovery) incurred by Lessor (i) in collecting rent, other charges or damages, and (ii) in obtaining possession of the Premises.

26. **BREACH BY LESSOR.**

A. If Lessor (a) commits a material breach of this Lease, or (b) fails to a substantial extent to comply with any laws with which Lessor must comply and which materially affect Lessee's health and safety, Lessee may give written notice to Lessor identifying the acts and omissions constituting a Lessor's breach and stating that this Lease will terminate upon a specific date not less than 30 days from the date Lessor receives the notice, unless Lessor remedies the breach within 21 days. If Lessor remedies the breach within that 21-day period, this Lease will not be subject to termination by Lessee in that instance. If Lessor's breach is not remediable, or if Lessor has been served with a prior written notice which required Lessor to remedy a breach, and Lessor did remedy such breach and then intentionally commits a subsequent breach of like nature as the prior breach, then Lessee may give written notice to Lessor specifying the acts and omissions constituting the breach and stating that this Lease will terminate on a specific date not less than 30 days after Lessor's receipt of such notice.

B. Lessee will not have the right to terminate this Lease because of conditions caused by the intentional or negligent acts of Lessee or persons on the Premises with Lessee's consent.

C. In addition, Lessee will have the right to pursue all other remedies available, including injunctive relief to order Lessor to remedy the breach.

27. **RENT WITHHOLDING.**

A. Lessee may not withhold rent because of conditions on the Premises which constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, or a material non-compliance on the part of Lessor with this Lease or provisions of law, and Lessor is required to repair unless Lessee has given Lessor written notice of the condition and Lessor has failed to successfully repair the condition within a reasonable period of time. If Lessee withholds rent because Lessor has breached this Lease, Lessee must immediately give Lessor a second written notice of the breach and of any conditions of the Premises which Lessor is required to remedy or repair and must state that rent is being withheld for such reasons. If Lessor then sues Lessee for possession of the Premises or for withheld rent, Lessee must promptly pay the rent to the court, which will hold the rent until it decides what portion, if any, should be paid to Lessor.

B. If conditions exist which Lessor is required to remedy and which create a fire hazard or serious threat to the health or safety of Lessee, Lessee may file an action in a court of competent jurisdiction to terminate this Lease, to require Lessor to repair the Premises, or to obtain other relief. In such an action, Lessee may pay rent to the court to be held until Lessee's action is decided.

C. If Lessee withholds rent or pays rent into court under this section and the

court finds (a) that Lessee has acted in bad faith, (b) that Lessee, Lessee's guests have caused the conditions or (c) that Lessee, Lessee's guests have refused unreasonably to allow Lessor or Lessor's agent to enter the Premises to make repairs, after receiving written notice of the condition, Lessee will be liable for Lessor's reasonable costs, including costs for time spent, court costs, any repair costs due to Lessee's violation of this Lease, and attorney fees.

28. **Jury Trial/ Mediation.** Lessee and Lessor both waive a trial by jury of any or all issues arising in any action or proceeding between the parties hereto or their successors, under or connected with this Lease, or any of its provisions. Prior to bringing a suit in court arising over any dispute in this Agreement, the parties shall make a good faith attempt at mediation

29. **NOTICES.** Every notice, demand, request or other communication which may be or is required to be given under this Lease or by law shall be sent by United States Certified or Registered Mail, postage prepaid, return receipt requested, or sent by Federal Express or other overnight or express mail delivery service and shall be addressed: (i) if to Lessor, to Lessor's Mailing Address as written below; and (ii) if to the Lessee, to Lessee's Mailing Address as written below. Notice sent to one Lessee is deemed to be Notice sent to both Lessee. Either party may designate, by written notice to the other party, any other address for such purposes.

30. **MECHANIC'S LIENS.** The Lessee shall not permit any mechanic's or materialmen's liens to be filed against or upon the Leased Premises for work claimed to have been done for, or materials claimed to have been furnished to the Lessee. The Lessee, at its sole cost and expense, including but not limited to attorney's fees incurred in connection with the discharge of a lien or the filing of any bond required by law, shall cause any such lien to be released or discharged within ten (10) days after notification of the filing thereof by the Lessor.

31. **SIGNS.** Before installing any signs (which must comply with city or county sign ordinances), the Lessee will obtain the prior written consent of the Lessor, which consent will not be unreasonably withheld. The Lessee will remove any such signs at the end of the Lease and will repair any and all damage caused by or due to the installation, maintenance and/or removal of such signs.

32. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.

33. **GOVERNING LAW/VENUE.** This Lease is entered into and shall be construed under the laws of the State of Virginia. The parties agree that proper venue for any legal action or suit concerning this lease is Petersburg, Virginia.

34. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or unlawful or unenforceable under, Virginia law shall be ineffective only to the extent of such prohibition without invalidating the remaining provisions of this Lease.

35. **RELATIONSHIP OF PARTIES.** Nothing contained in this Lease shall be deemed to constitute or be construed to create the relationship of principal and agent,

partnership, joint venturers or any other relationship between the parties hereto, other than the relationship of Lessor and Lessee.

36. **TRANSFER OF PROPERTY.** In the event of the sale of the Leased Premises by the Lessor subject to the terms and provisions of this Lease, the Lessor shall thereupon be released from all liability, assuming the liability is assumed by the new Lessor.

37. **NON-WAIVER OF FUTURE PERFORMANCE.** The failure of the Lessor to insist upon strict performance of any of the covenants, conditions or agreements of this Lease, or to exercise any option herein conferred, shall not be construed as a waiver or relinquishment of the fixture performance of any such covenants, conditions or options, but the same shall be and remain in full force and effect

38. **BINDING EFFECT.** This Lease shall be binding upon and inure to the benefit of and be enforceable by the respective heirs, successors and assigns of the parties hereto.

39. **QUIET ENJOYMENT.** Upon due performance of the covenants and agreements to be performed by the Lessee under the terms and provisions of this Lease, the Lessor covenants that the Lessee shall and may at all times peaceably and quietly have, hold and enjoy the property during the term of this Lease.

40. **GENDER.** Any word contained in the text of this Lease shall read as the singular or the plural and as the masculine, feminine or neuter gender as may be applicable in the particular context.

41. **FAILURE TO ENFORCE LEASE NOT A WAIVER.** Lessor's acceptance of rent payments or conduct not in compliance with Lessee's obligations under this Lease or waiver of a breach by Lessee shall not be interpreted as a waiver of any subsequent breach or non-compliance, and this Lease shall continue in full force and effect. Lessee is hereby notified that acceptance by Lessor of rent payments from Lessee with knowledge of a material non-compliance by Lessee shall not constitute a waiver of Lessor's right to terminate this Lease by reason of such non-compliance.

42. **JOINT AND SEVERAL LIABILITY.** If more than one Lessee signs this Lease, all persons signing as Lessee shall be jointly and severally liable for all obligations of Lessee set forth in this Lease.

43. **NO PRESUMPTION OF AUTHORSHIP.** The Lessee or Lessor acknowledge that this Agreement is the result of extensive negotiation between the parties and/or their legal counsel and, as such, represents the work of both parties and/or their counsel. Accordingly, the parties agree that no presumption shall be made as to the interpretation of this document or any party thereof that this Agreement was drafted by either of the parties or his or her counsel.

44. **NO RECORDATION.** This Lease shall not be recorded by Lessee.

45. **COUNTERPARTS.** The Lessor and Lessee agree that this Agreement may be executed in two or more counterparts, each shall constitute an original and binding copy of this Agreement. Photocopies of this Agreement shall be as binding as the original.

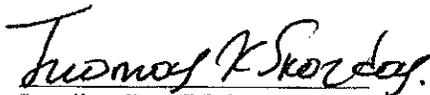
46. **AMENDMENTS.** This Lease may be amended only by a writing signed by the parties, or by a change in Lessor's rules and regulations, provided that reasonable notice of such change is given to Lessee and provided that such changes do not substantially modify Lessee's arrangement with Lessor.

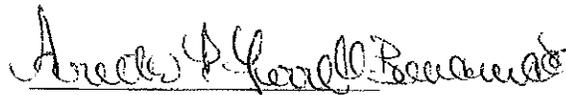
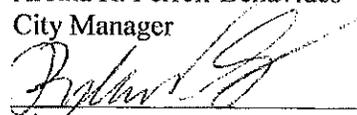
47. **ENTIRE AGREEMENT.** This Lease and any rules and regulations of Lessor constitute the entire lease agreement between Lessor and Lessee. No oral statements made by either party shall be binding. The terms and conditions of this signed Lease shall be the controlling document on the Lease arrangement between the following parties.

WITNESS the following signatures:

LESSOR:

LESSEE:


Lending Tree LLC
11532 Centennial Rd.
Prince George VA 23875


Aretha R. Ferrell-Benavides
City Manager

City Attorney

Notices sent to:
City of Petersburg
Attn: City Attorney
135 N. Union Street
Petersburg, VA 23803

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASED PROPERTY LOCATED AT
20 E. TABB STREET**

WHEREAS, the City of Petersburg approved the initial commercial lease agreement for a period of January 01, 2019 through December 31, 2020 for a two-year term for the property located at 20 E. Tabb Street.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Petersburg that the City Manager, Aretha R. Ferrell-Benavides, is hereby authorized to execute the commercial lease agreement for the property located at 20 E. Tabb Street.

BE IT FURTHER ORDAINED, by the City Council of the City of Petersburg, that the City Manager, Aretha R. Ferrell-Benavides, is hereby authorized to sign such agreements and documents as necessary to complete the lease of the aforementioned property on behalf of the City.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager
Lionel Lyons, Deputy City Manager of Development

FROM: Reginald Tabor

RE: **Consideration of a Resolution of Support to authorize the use of the City-owned property at 629 N South Street, Parcel Number 009010005, for Right of Way needed for the ATP/Fall Line Trail Phase 1A SMART SCALE Project (App. 6695)**

PURPOSE: To express the support of Council for the authorization of the use of City-owned property for the development of the ATP/Fall Line Trail Phase 1A.

REASON: This is a request for confirmation of Council's Support for the authorization to use City-owned property for Right of Way needed for the ATP/Fall Line Trail Phase 1A.

RECOMMENDATION: It is recommended that the City Council approves the resolution expressing support to authorize the use of the City-owned property for the ATP/Fall Line Trail Phase 1A.

BACKGROUND: The City of Petersburg has been an active partner in the development of the bicycle/pedestrian trail and bridges from Patton Park over a canal and the Appomattox River to Virginia State University. The trail and bridge are part of the University Boulevard Gateway Design Study with the Cameron Foundation (study begun in 2014 and completed in 2019), and the Ashland to Petersburg Trail Study (completed by VDOT in early 2020). The City Council has continuously expressed support for the ATP/Fall Line Trail project with the understanding that the ATP/Fall Line Trail would end at a trailhead in the City on the City-owned property at 629 N South Street, Parcel Number 009010005.

The City also has experience with legal agreements for the construction of trails on City-owned land. For example, earlier this year, the City Council agreed to an MOU with FOLAR for the construction of a portion of the Appomattox Regional Trail on City-owned land.

On July 21, 2020, the City Council adopted a resolution of support for the Tri-Cities Area MPO's SMART SCALE application for the ATP Phase 1A SMART SCALE Project (Application 6695) and the City's Appomattox Regional Trail application, both of which end in the City-owned property at 629 N South Street. This resolution was adopted with the City Council's understanding that should the MPO's application be funded, the City fully supports the project, has included the ATP/Fall Line Trail in its Comprehensive Plan, and

intends to provide the right-of-way on City-owned property to realize the full development of the trail and bridges for the ATP/Fall Line Trail via a legal instrument.

The Virginia Department of Transportation (VDOT) has requested confirmation that the City of Petersburg will provide the necessary right of way to complete the ATP Phase 1A SMART SCALE Project (Application 6695) and the City's Appomattox Regional Trail project. If the application is approved, a legal instrument will be submitted to the City Council for approval.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: VDOT, Crater Planning District Commission

AFFECTED AGENCIES: City Manager, Department of Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. 1208_2020CouncilAgendaATPFallLineTrailOrdinance

A RESOLUTION OF SUPPORT TO AUTHORIZE THE USE OF THE CITY-OWNED PROPERTY AT 629 N SOUTH STREET, PARCEL NUMBER 009010005, FOR RIGHT OF WAY NEEDED FOR THE ATP/FALL LINE TRAIL PHASE 1A SMART SCALE PROJECT (APP. 6695)

WHEREAS, the City of Petersburg has been an active partner in the development of the bicycle/pedestrian trail and bridges from Patton Park over a canal and the Appomattox River to Virginia State University; and

WHEREAS, the trail and bridge are part of the University Boulevard Gateway Design Study with the Cameron Foundation (study begun in 2014 and completed in 2019), and the Ashland to Petersburg Trail Study (completed by VDOT in early 2020); and

WHEREAS, the City Council has continuously expressed support for the ATP/Fall Line Trail project with the understanding that the ATP/Fall Line Trail would end at a trailhead in the City on the City-owned property at 629 N South Street, Parcel Number 009010005; and

WHEREAS, the City also has experience with legal agreements for the construction of trails on City-owned land. For example, earlier this year, the City Council agreed to an MOU with FOLAR for the construction of a portion of the Appomattox Regional Trail on City-owned land; and

WHEREAS, on July 21, 2020, the City Council adopted a resolution of support for the Tri-Cities Area MPO's SMART SCALE application for the ATP Phase 1A SMART SCALE Project (Application 6695) and the City's Appomattox Regional Trail application, both of which end in the City-owned property at 629 N South Street; and

WHEREAS, the July 21, 2020 resolution was adopted with the City Council's understanding that should the MPO's application be funded, the City fully supports the project, has included the ATP/Fall Line Trail in its Comprehensive Plan, and intends to provide the right-of-way on City-owned property to realize the full development of the trail and bridges for the ATP/Fall Line Trail via a legal instrument; and

WHEREAS, the Virginia Department of Transportation (VDOT) has requested confirmation that the City of Petersburg will provide the necessary right of way to complete the ATP Phase 1A SMART SCALE Project (Application 6695) and the City's Appomattox Regional Trail project; and

WHEREAS, if the application is approved, a legal instrument will be submitted to the City Council for approval.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Petersburg hereby supports authorization of the use of the city-owned property at 629 n south street, parcel number 009010005, for right of way needed for the ATP/Fall line trail phase 1a smart scale project (app. 6695).



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Wayne Crocker

RE: **Resolution to authorize the City Manager to execute first amendment to sublease agreement for the Petersburg Public Library.**

PURPOSE:

REASON:

RECOMMENDATION: Recommend City Council approve the resolution.

BACKGROUND: The City of Petersburg is currently a party to a Facility Sublease Agreement with the Petersburg Library Foundation for the lease of the Petersburg Public Library. The Facility Sublease Agreement includes a substantial lease escalation scheduled to become effective on January 1, 2021.

COST TO CITY: \$140,000.00

BUDGETED ITEM: \$140,000.00

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 12/8/2020

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: City Manager; City Attorney

AFFECTED AGENCIES: Library Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Resolution for Sublease
2. PLF - First Amendment to Facility Sublease Agreement xxx

**RESOLUTION TO AUTHORIZE THE CITY MANAGER
TO EXECUTE FIRST AMENDMENT TO SUBLEASE AGREEMENT
FOR PETERSBURG PUBLIC LIBRARY**

WHEREAS, the City of Petersburg is currently a party to a Facility Sublease Agreement with the Petersburg Library Foundation for the lease of the Petersburg Public Library; and

WHEREAS, said Facility Sublease Agreement includes a substantial lease escalation scheduled to become effective on January 1, 2021; and

WHEREAS, the City has requested that the Petersburg Library Foundation agree to waive the escalation requirement and allow for levelized lease payments at the current lease amount to be collected for the remainder of the lease term (through 2033); and

WHEREAS, the City has also requested that it be afforded an option to purchase the Petersburg Public Library for the nominal fee of \$1 at the conclusion of the lease period; and

WHEREAS, the Petersburg Library Foundation has agreed to the City's request and has had their counsel prepare the attached First Amendment to Sublease Agreement to memorialize the agreement between the parties; and

WHEREAS, the First Amendment to Sublease Agreement has been reviewed by the City Attorney and has been found to be in good legal form; and

WHEREAS, the City Manager has requested authorization to execute this First Amendment to Sublease Agreement on behalf of the City.

NOW therefore be it RESOLVED that the City Manager is hereby authorized to execute the First Amendment Sublease Agreement on behalf of the City.

**FIRST AMENDMENT TO
FACILITY SUBLEASE AGREEMENT**

THIS FIRST AMENDMENT TO FACILITY SUBLEASE AGREEMENT (this “Amendment”) is made effective this 31st day of December, 2020, by and between **THE PETERSBURG LIBRARY FOUNDATION, INCORPORATED**, a Virginia nonstock corporation as landlord (“Landlord”), and **THE CITY OF PETERSBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, as tenant (“Tenant”).

WITNESSETH

WHEREAS, pursuant to that certain Facility Sublease Agreement dated April 11, 2013 (the “Sublease”), the Landlord has leased the Premises as defined in the Sublease that includes the land, library improvements and related amenities and facilities (together, the “Library”) to the Tenant; and

WHEREAS, Tenant and Landlord desire to amend certain provisions of the Sublease.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and rents hereinafter set forth, the parties hereto agree for themselves, their successors, heirs and assigns, as follows:

1. Representations and Warranties.
 - a. Landlord represents and warrants to Tenant that Landlord has full right, power and authority to execute and deliver this Amendment and to grant to Tenant the exclusive use and possession of the Premises on the terms provided herein.
 - b. Tenant represents and warrants to Landlord that Tenant has full right, power and authority to execute and deliver this Amendment and to commit to the obligations set forth herein.
2. Notices. Section 21 of the Sublease is hereby deleted, and the following is substituted therefor:

Any notice or document required or permitted to be delivered hereunder or by law shall be deemed to be delivered, whether actually received or not, when delivered personally or by guaranteed overnight air courier, addressed to the parties hereto at the respective addresses below, or at such other address as therefore specified by written notice delivered in accordance herewith.

Landlord: The Petersburg Library Foundation, Incorporated
201 W. Washington Street
Petersburg, VA 23803
Attention: Robert C. Walker
Email: rwalker@roslynfarmcorp.com

With a copy to: Williams Mullen
200 S. 10th Street, Suite 1600
Richmond, VA 23219
Attention: Alexander C. Graham, Jr.
Email: sgraham@williamsmullen.com

Tenant: The City of Petersburg, Virginia
135 North Union Street, Room 202
Petersburg, VA 23803
Attention: Aretha Ferrell-Benavides, City Manager
Email: city.manager@petersburg-va.org

With a copy to: City Attorney
135 North Union Street
Petersburg, VA 23803
Attention: Anthony C. Williams
Email: awilliams@petersburg-va.org

3. Base Rent Schedule. Exhibit B, Base Rent Schedule, to the Sublease is hereby deleted and a new Exhibit B, Base Rent Schedule, is attached hereto and is substituted therefor.
4. Lease Termination. The Sublease may be terminated by Tenant at any time after the initial term of the Sublease expires on December 31, 2033. Tenant shall provide Landlord with at least thirty (30) days' notice in advance of the termination date, during which time the Landlord and Tenant shall discuss and agree upon how the Library will be operated, and the expenses incurred in the operation of the Library will be paid, after the Sublease termination date.
5. Option to Purchase Premises. Landlord grants Tenant an option to purchase the Library for the sum of \$1.00 at any time after the effective date of the termination of the Sublease by the City under Section 4 of this Amendment. Exercise of this option shall be evidenced by a written notice of exercise of the option addressed to Landlord at the address found in Section 21 of the Sublease, specifying the closing date and all terms and conditions of the City's purchase of the Library.
6. Reaffirmation of Other Sublease Terms. Except as amended hereby, the Sublease shall remain unmodified and shall continue in full force and effect. In the event of a conflict between the terms of this Amendment and the terms of the Sublease, this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Facility Sublease Agreement under seal as of the day and year first above written.

LANDLORD:

THE PETERSBURG LIBRARY FOUNDATION,
INCORPORATED, a Virginia nonstock corporation

By: _____ (SEAL)

Name: Robert C. Walker

Title: Chair

TENANT:

THE CITY OF PETERSBURG, VIRGINIA,
a political subdivision of the
Commonwealth of Virginia

By: _____ (SEAL)

Name: Aretha Ferrell-Benavides

Title: City Manager

APPROVED AS TO FORM:

Anthony C. Williams
City Attorney

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EXHIBIT B

(Base Rent Schedule)

<u>Lease Year Ending June 30</u>	<u>Annual Base Rent</u>
2020	\$140,000
2021	\$140,000
2022	\$140,000
2023	\$140,000
2024	\$140,000
2025	\$140,000
2026	\$140,000
2027	\$140,000
2028	\$140,000
2029	\$140,000
2030	\$140,000
2031	\$140,000
2032	\$140,000
2033	\$140,000



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 8, 2020

TO: The Honorable Mayor and Members of City Council

THROUGH: Aretha Ferrell-Benavides, City Manager

FROM: Mayor Samuel Parham

RE: **Consideration of a resolution in support of Legislative Efforts to repeal or revise the judicially created doctrine of qualified immunity now preventing citizens from holding law enforcement personnel and others accountable for the harm they negligently cause.**

PURPOSE: To approve the resolution attached.

REASON:

RECOMMENDATION: To approve the resolution.

BACKGROUND: See attached resolution.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE:

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. 2020-10-20 A RESOLUTION IN SUPPORT OF LEGISLATIVE EFFORTS TO REPEAL OR REVISE

A RESOLUTION IN SUPPORT OF LEGISLATIVE EFFORTS TO REPEAL OR REVISE
THE JUDICIALLY CREATED DOCTRINE OF QUALIFIED IMMUNITY
NOW PREVENTING CITIZENS FROM HOLDING LAW ENFORCEMENT PERSONNEL AND OTHERS
ACCOUNTABLE FOR THE HARM THEY NEGLIGENTLY CAUSE

Whereas, the General Assembly of Virginia is considering possible repeal or revision of the judicial doctrine of qualified immunity, and

Whereas in a representative democracy such as ours, where the citizens elect their representatives to the General Assembly of Virginia, it is the General Assembly of Virginia and not the judiciary that should decide whether and to what extent law enforcement personnel and others who negligently hurt our citizens should be held accountable in a court of law, and

Whereas adequate safeguards are already in place to protect law enforcement personnel and others from frivolous, vengeful, and harassing lawsuits (for example, sanctions against attorneys and others who bring suits without a good faith basis for filing suit), and

Whereas recent events around the country, as highlighted by the Black Lives Matter movement, make clear that too often law enforcement personnel and others claiming qualified immunity forget they are the servants of the public and instead act in vengeful, violent, and sometimes fatal ways against the public they have sworn to serve, and

Whereas increasing the accountability of law enforcement officers and others claiming qualified immunity will create incentives for employers to discipline bad actors they employ, thereby increasing the opportunity of the citizens of Virginia to enjoy their unalienable rights to life, liberty, and the pursuit of happiness enshrined in our nation's Declaration of Independence,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG:

1. We emphatically support legislative repeal or revision of the judicially created doctrine of qualified immunity and urge the City's delegation to the General Assembly to support such repeal or revision, and
2. We direct the Clerk of Council to give an attested copy of this Resolution to Delegate Lashrecse D. Aird, Delegate Jeffrey M. Bourne, Senator Joseph D. Morrissey, and the Governor of Virginia.

Adopted by the Petersburg City Council this ____ day of _____, 2020.

Enter:

Nykesha Jackson,
Clerk of Council of the City of Petersburg