

The regular meeting of the Petersburg City Council was held on Tuesday, January 18, 2022, in a virtual meeting. Mayor Parham called the meeting to order at 5:17 p.m.

1. ROLL CALL:

Present:

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

Absent: None

Present from City Council Administration:

Clerk of Council Nykesha D. Jackson
City Manager Stuart Turille
City Attorney Anthony C. Williams

2. PRAYER:

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

Council Member Hill led the council meeting in prayer.

3. PLEDGE OF ALLEGIANCE:

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM:

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

5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

a. Presentation and Recognition to Dominion Energy

A video was shown of Mr. Baines from Dominion Energy receiving a proclamation and plaque for dedication of the old Dominion Energy building on Washington Street from Mayor Parham and City Council Members.

b. Recognition of Tami Champ-Yerby

This item will be rescheduled for a future date.

6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Ms. Jackson stated, "Those items will be posted on the city website under the Council Communicates."

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

*Audio available upon request.

- a. Consideration of appropriation of the FY22 Circuit Court Preservation Grant in the amount of \$44,058.75 – 1st Reading
- b. A request to schedule a public hearing on February 15, 2022, for the consideration of an ordinance authorizing the City Manager to establish the Enterprise Zone Capital Investment Real Estate Tax Rebate.
- c. A request to schedule a public hearing on February 15, 2022, for the consideration of FY2020-2021 Proposed Schools Operating Budget Supplement in the amount of \$2,001,759.10
- d. City Council Minutes:
January 4, 2022 – Organizational Meeting
January 4, 2022 – Closed Session Meeting
January 4, 2022 – Work Session Meeting

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

8. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing on January 18, 2022, for the consideration of an ordinance authorizing the City Manager to execute a purchase agreement for the sale of City-owned property at 835 Commerce Street, parcel ID 024-130012.

BACKGROUND: The Department of Economic Development received a proposal from Quality Trailers, Northside Gourmet Market, Southside Community Development and Housing Corporation, and Habitat for Humanity to purchase City-owned property located at 835 Commerce Street, which is currently a vacant commercial building: The four proposals are attached for review and consideration by the City Council.

- Exhibit A (Quality Trailers) - \$100,100
- Exhibit B (Northside Gourmet Market) - \$150,000
- Exhibit C (Southside Community Development and Housing Corporation) - \$214,500
- Exhibit D (Habitat for Humanity) - \$155,000

The proposals are not in compliance with the guidelines for the City’s disposition of City Real Estate Property. This proposal is in compliance with the City’s Zoning, and the City’s Comprehensive Land Use Plan.

Property Information

The zoning of the parcel at 835 Commerce Street is M-1, light industrial

- Address: 835 Commerce Street
- Tax Map ID: 024-130012
- Zoning: M-1

RECOMMENDATION: The Department of Economic Development recommends City Council review the attached proposals for the purchase of City-owned property located 835 Commerce Street.

Brian Moore, Director of Economic Development, gave a briefing on the proposals for 835 Commerce Street.

Offers:

- Quality Trailers - \$100,000

*Audio available upon request.

- Northside Gourmet Market - \$150,000
- Southside Community Development and Housing Corporation - \$215,000
- Tri-Cities Habitat for Humanity - \$155,000

Mayor Parham opened the floor for public comments.

Robbie Franklin, proposer for Southside Community Development and Housing Corporation, stated, "I just wanted to provide a little more insight to the program and the people who would be working on the project and the people that we will be marketing housing to and the ideal impact that would come out of it. So, as we stated in the summary, Southside will turn this building into 12 market rate efficiency apartments which share living and dining spaces. And also, will be attached to amenities including pet friendly amenities and a workout space. But the real importance of this project in my opinion is to target public officials living in the city that are renting in the city. And get them to a part where they are home ownership ready. Southside has provided rent assistance through the rent relief program to 121 people in Petersburg. In that time, we have noticed that there are people who are working in education and who are working as firefighters. There are folks that are living month to month as active-duty military officers. And we feel that these people would benefit from these flexible lower maintenance housing situations that would allow them at the same time to work towards homeownership rather than be overburden by the rent increases in the city. Southside has an excellent reputation for providing affordable housing like this in Richmond. And while this will be market rate the size would allow the market rate to be much more affordable than larger apartments in the city. And we have helped thousands of people purchase their first home across Virginia since we were founded in 1988. So, I appreciate the time to allow me to speak a little bit further. I am here to answer any questions if there are any questions."

Orlanda James, proposer for Quality Trailers, stated, "I just want to get a chance to go over the project a little bit. We actually made a proposal to purchase the building at 835 Commerce Street. It was for \$101,000 and we also had an escalation clause that would bring it up to \$125,000. I along with two partners owned a company called Quality Trailers. And what we do is manufacture trailers. We did send some conservative projections earlier this year or earlier last year. And our projection of sales was \$750,000 for year one and going up to a sale of \$5 million after year five. We plan to open five retail stores in the U.S. east coast by year five. We currently have three steel suppliers, and we also have two wholesale dealers committed to purchase all the trailers that are manufactured. One owner is currently manufacturing trailers right now in Arkansas. Right now, he has been in business for 26 years and one of the owner's has been in trailer manufacturing business for 22 years. We have significant experience when it comes to manufacturing trailers. We are proposing to have within the first year ten employees. We produce 12 trailers per day, and it cost about \$1,000 in materials to build one and sell for about \$1,500. Which gives us a profit of about \$4,800 a day with gross sales of \$4,320,000 and profits before tax over \$1,171,000. Once we open a store our sales will increase by 20 to 25%. We also have improvements of the building that is going to be about \$50,000 and machinery for production at approximately \$70,000. One thing that is good for us to be in Petersburg is that there are no trailer manufacturers in an 80 miles radius. We do predict that we would probably bring about \$50,000 a year in taxes to Petersburg itself according to my account. Other than that Quality Trailers goes to be established as one of America's top-grade manufacturers by focusing on the needs of our customers and delivering industry leading quality, durability, and value. We want our products to be regarded as the best in the industry and built using the best material. We are also trailer owners, so we know what the customers expect from a trailer. And we strive to have the best value and be the best partner and have the best trailers. That pretty much wraps everything up in a nutshell. And I am also available for any questions that anyone may have pertaining to the project. Thank you so much for your time."

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "Good evening, Mayor Parham and City Council. I would say judging by the fact that the Southside Group gentleman who just talked seemed like the only one of the four who took the opportunity to increase their proposed purchase price based on the city's guidelines. It is a little bit short of half because half would be \$220,000 rather than \$215,000. But \$215,000 may relate to the

*Audio available upon request.

earlier city assessment. I think based on trying to model adherence to your policy of selling that group has gotten the upper hand. Because they had originally offered like \$185,000 or something like that. It would be good to consider that as one of your decision points. I realize that each one of the proposals has merit. But that one is the one that apparently the group really want to do the project. So, they are going to put the money up there. Thanks.”

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

There was discussion among City Council and staff.

Council Member Cuthbert made a motion to authorize the city manager to enter into a purchase agreement with the Southside Community Group. The motion was seconded by Council Member Wilson-Smith. There was discussion among city council members and staff.

Mayor Parham stated, “Can someone from Economic Development contact Ms. Kelli Parker because she has her hand raised. And maybe she wants to mention something to you all on Habitat having a counteroffer on this.”

Council Member Wilson-Smith stated, “I was wondering if it would be improper for all of council to hear from her. Since we are not sure at what point she did put her hand up because of the way that people are let in. She is one of the people who is representing one of the entities. I think that it is fair to let her talk to council. If the remainder of council would agree with that, I think that we owe her that.”

Mayor Parham stated, “Okay. Would you like to withdraw the motion and reopen the public comment period then? Because we have a motion with a second on the floor. Would you like to withdraw your motion and open up the public hearing again for Ms. Parker?”

Council Member Cuthbert stated, “Why don’t we keep the motion and the second on the table and let’s see what Ms. Parker has to say. It may influence how we vote.”

Mayor Parham stated, “Right. And that is the reason why I would like to rescind it. Just because of our procedure and this is supposed to be the time for council. After she speak you can put the motion back on the floor.”

Council Member Cuthbert stated, “Okay.”

Mayor Parham stated, “Ms. Jackson for the record let’s show that the motion is rescinded, and we are going to open up the public hearing again and let Ms. Parker speak. Gerrit, can you let Ms. Parker in and unmute her.”

Ms. Jackson stated, “Okay and no problem.”

Kelli Parker, Tri-Cities Habitat for Humanity, stated, “Good evening. My name is Kelli Parker as noted. Tri-Cities Habitat was not aware as Ms. Boone said at that particular time. And we most definitely would be willing to raise our price to \$220,000.”

Mayor Parham stated, “Okay thank you Ms. Parker. This public hearing is now closed.”

There was more discussion among City Council and staff.

Mr. Franklin stated, “Good evening, everyone. Southside would also match the \$220,000 purchase

*Audio available upon request.

offer.”

Mayor Parham stated, “At this time we are going to close the public hearing and I am going to go to council for questions and comments.”

There was discussion among City Council Members.

Mayor Parham stated, “I would entertain a motion to table this for further discussion through economic development and let them work out the details.”

Council Member Myers made a motion to table this item until further notice. The motion was seconded by Council Member Hill.

Council Member Cuthbert stated, “Mr. Mayor when this does come back to council again, and certainly support the motion. I think that it is a good idea. I thank Council Member Myers for suggesting it and Council Member Hill for pushing it forward. One thing that I would like to know is whether Habitat for Humanity would pay real estate taxes at \$1.35 per 100 like a for profit business pays. I would also like to know if Habitat for Humanity is paying \$1.35 per 100 for its existing building on Commerce Street. So, when this comes back before us if they would give us that information. Also, I would like staff to tell us a statement I heard and whether it is accurate. And that is that Habitat for Humanity ‘just learned’ what the assessed value was. My understanding is that Habitat for Humanity was told that before this week and that Habitat for Humanity said that we are not changing our number. And it looks to me like the only reason that they are changing their number is because that Southside Community has offered half of the assessed value. So, a couple of things I would like staff to bring back to us when this comes to us again. And one is information about paying real estate taxes on the building that they own now and the building that Habitat for Humanity would like to acquire. And the second was whether Habitat for Humanity was informed that the city’s guideline required a successful offer to be half of the assessed value and if so when was Habitat for Humanity first informed of that. I am ready to vote.”

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

- b. A public hearing on January 18, 2022, for the consideration of an ordinance authorizing the city manager to execute a purchase agreement between the City of Petersburg and Heirloom Reclaim and Design towards the sale of city-owned property at 1162 Hinton Street, parcel ID 024-220039.

BACKGROUND: The Department of Economic Development received a proposal from Heirloom Reclaim and Design to purchase City-owned property located at 1162 Hinton Street which is currently a vacant lot. Heirloom Reclaim and Design plan to develop a three-bedroom, two full bathroom single-family residential house, approximately 1100 square foot, for sale at market rate.

The proposed purchase price for the parcel is \$3,250 which is 50% of the assessed value, \$6,500. The purchaser will also pay all applicable closing costs. Heirloom Reclaim and Design has provided financial documentation supporting their ability to purchase the property and develop the property.

This proposal is in compliance with the Guidelines for the City’s Disposition of City Real Estate Property, Zoning, and the City’s Comprehensive Land Use Plan.

Property Information

The zoning of the parcel at 1162 Hinton Street is R-3, two-family residential district.

*Audio available upon request.

Address: 1162 Hinton Street
Tax Map ID: 024-2200039
Zoning: R-3

RECOMMENDATION: The Department of Economic Development recommends that the City Council approves the ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Heirloom Reclaim and Design towards the sale of City-owned property located at 1162 Hinton Street.

Cynthia Boone, Project Manager of Economic Development, gave a briefing on the property at 1162 Hinton Street.

Mayor Parham opened the floor for public comments.

Lara Kotlikoff, petitioner, stated, "I am from Heirloom and our goal is to provide some new construction on the old construction that is around there and to add affordable housing in a way of new construction and revitalizing the community. So, that is kind of our goal with it. So, I don't have much to add to it since everything was in the proposal that we have. So, we are definitely looking forward to doing more if this works out. So, we would like to be able to purchase more property along the way to build the same type of home around there that fits in the community."

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

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

22-ORD-2 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND HEIRLOOM RECLAIM AND DESIGN TOWARDS THE SALE OF CITY-OWNED PROPERTY AT 1162 HINTON STREET, PARCEL ID 024-220039.

- c. A public hearing and consideration of the funding recommendations from the Community Development Block Grant Advisory Board.

BACKGROUND: The City of Petersburg receives funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program.

The City Council has appointed a CDBG Advisory Board. The Board met and approved funding recommendations for consideration by the City Council.

The Community Development Block Grant (CDBG) Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

CDBG funds may be used for activities which include, but are not limited to:

- Acquisition of real property
- Relocation and demolition

*Audio available upon request.

- Rehabilitation of residential and non-residential structures
- Construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes
- Public services, within certain limits (Cap 15% of total CDBG Funding Allocation)
- Activities relating to energy conservation and renewable energy resources
- Provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities

Each activity must meet one of the following national objectives for the program:

- Benefit low- and moderate-income persons
- Prevention or elimination of slums or blight
- Address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

Generally, the following types of activities are **ineligible**:

- Acquisition, construction, or reconstruction of buildings for the general conduct of government
- Political activities
- Certain income payments
- Construction of new housing (with some exceptions)

Previous local funding priorities include:

1. City projects that support a Revitalization Strategy for the stabilization and/or enhancement of its residential and commercial environments and encourage further investment by others. These projects include infrastructure projects/drainage, street and roadway improvements, sidewalks, curb & gutter, and streetscapes, residential rehabilitation, and others.
2. Public facilities that support a Revitalization Strategy for the stabilization and/or enhancement of residential and/or commercial environments and may encourage further investment by others. These projects include facilities owned by private not-for-profit agencies open to the public, including recreation centers, tennis courts, ball fields, museums, theaters, health clinics and others. This category does not include program activities which may be operated at these locations. Project related planning is eligible as a project cost but must be specific such as planning for the development of a playground or neighborhood center. Because eligibility is based on the end use of the funds, planning for a project, in and of itself, is not eligible unless the project is built or constructed.
3. Planning activities of a general planning nature which is not directly related to a project, such as a playground, recreation center or any capital project. This category would include strategic planning, preparation of a comprehensive plan, neighborhood plans, commercial development plans, visioning plans, revitalization plans and others. Planning activities are subject to the HUD statutory 20% cap for administration & planning. The City has previously used most of these funds for administration expenses.
4. Public Services which may include City or private non-profit services to low- and moderate-income persons or families. These may include services for the elderly, youth, the homeless and others. This category is subject to the HUD 15% cap.

The CDBG Advisory Board met January 12, 2022, and formally approved the recommended funding.

*Audio available upon request.

RECOMMENDATION: It is recommended that the City Council considers the funding recommendation of the CDBG Advisory Board.

Reginald Tabor, Director of Planning and Community Development, gave an overview of the CDBG funding.

Kofi Adih, Chairman of Community Development Advisory Board, gave a briefing as well.

Mayor Parham opened the floor for public comment.

Seeing no hands, Mayor Parham closed the public hearing.

There was further discussion among staff and city council.

Council Member Myers made a motion to move forward with the projects that was accepted by the Planning Department and CDBG. The motion was seconded by Council Member Hill.

There was discussion among City Council Members and staff.

Council Member Hill made a to approve \$15,000 for River Street Market for CDBG. The motion was seconded by Council Member My. On roll call vote, voting yes: Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham; Abstain: Cuthbert

Council Member Myers made a motion to approve the Code Enforcement, YMCA, demolition of blighted homes, and Project Homes. The motion was seconded by Council Member Hill. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

Mayor Parham stated, "I want to thank Mr. Kofi Adih and the CDBG Advisory Board for all the work that they have done and their guidance on these issues. Keep up the great work. Next, we have Mr. Williams that raising his hand."

Mr. Williams stated, "Mr. Mayor, in an abundance of caution, I think that the guideline requires that he has the ordinance approved. So, you have approved the items on the ordinance, but he is going to need to have the ordinance in order to submit. You might want to call for a vote on the ordinance. It has already been approved by the actual items, but he needs it approved by the ordinance."

Mr. Tabor stated, "Can we come back with an ordinance that includes a budget amendment."

Mayor Parham stated, "Yes. And you will prepare the ordinance Mr. Tabor?"

Mr. Tabor stated, "Yes, sir for the next council meeting."

- d. A public hearing and consideration of an ordinance approving an amendment to the City Code, Chapter 50. Environment, Article II. Noise.

BACKGROUND: The City Council of the City of Petersburg requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section.

The request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area.

*Audio available upon request.

The City's Zoning Ordinance does not include regulations regarding noise, however, references to the Zoning Ordinance are included in the Noise Ordinance, and maximum decibel readings are defined by Zoning Districts Classification.

Regulations of noise are defined in City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district.

A policy declaration in Code Section 50-31 states, "It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare, and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted."

The City Code was substantially revised with the adoption of 14-Ord-100 on October 21, 2014. Adopted Amendments include:

- Adding terms under definitions
- Removing the Violations of article and Measurement Procedures sections
- Changing the title of the Loud Noises Prohibited to Specific Prohibitions
- Replacing the Exemptions section, Animals, Maximum permissible sound levels and prohibitions sections
- Adding to the Penalties and Enforcement Section

The City's Current Code includes Chapter 50. Environment, Article II. Noise – Eight (8) Sections:

- 50-31. Declaration of Policy
- 50-32. Definitions
- 50-33. Specific Prohibitions
- 50-34. Exemptions
- 50-35. Animals
- 50-36. Maximum Permissible Sound Levels Generally
- 50-37. Penalty and Enforcement
- 50-38. Severability

Definitions included in the Code; Section 50-32 are as follows:

- A-weighted decibel – sound level in decibels measured with a sound level meter using the ANSI weighting network or scale.
- ANSI – American National Standards Institute, Inc.
- Daytime
 - 7:00 a.m. – 10:00 p.m. Weekdays
 - 9:00 a.m. – 10:00 p.m. Weekends and Holidays
- Decibel – sound pressure level or intensity
- Noise - any steady-rate or impulsive sound that disturbs persons or that causes or tends to cause an adverse effect on humans.
- Sound - an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

Specific prohibitions included in the Code; Section 50-33 are as follows:

*Audio available upon request.

- Operating a sound-producing device (radio, tv, etc.) heard between 11:00 p.m. and 7:00 a.m. in another dwelling or heard 50 or more feet from the device with exceptions of public recreation facilities or public events.
- To allow noise between 10:00 p.m. and 7:00 a.m. that can be heard in another dwelling or heard 50 or more feet from the noise.
- Operating a sound-producing device outside a commercial establishment heard on a public sidewalk or street with exceptions (paging personnel, school bells, alarms, etc.)
- Using a device to produce unnecessary noise for advertising, except at licensed events.
- Operating a sound-producing device (radio, tv, etc.) within a motor vehicle that can be heard 50 feet from the vehicle except emergency communications or alarms.
- To create noise associated with refuse waste collection in residential areas between 10:00 p.m. and 7:00 a.m. except areas zoned mixed use.
- To create noise disturbance associated with landscaping activities or building repair or construction across a residential property line between 10:00 p.m. and 7:00 a.m.
- Operating equipment used in construction in any residential district within 100 yards of an occupied dwelling between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 9:00 a.m. on weekends and holidays.

Exemptions included in the Code; Section 50-34, are as follows:

- Noise generated in an industrial area
- Railroad cars and equipment and aircraft
- Sound from Mines and Energy production
- Sirens from Emergency Vehicles
- Sounds from Emergency responses
- Motor vehicles and trucks on roads
- Residential Heat pumps and air conditioners
- Generators during power outages
- Public Transportation facilities.
- Alarm Tests between 7:00 a.m. and 9:00 p.m.
- Bands and athletic events on school property between 7:00 a.m. and 11:00 p.m.
- Religious Services and events between 7:00 a.m. and 11:00 p.m.
- Equipment in Public Parks approved by the city.
- Activities with federal exemptions.
- Parades, Fireworks and Special Events approved by the city.

The Code includes Section 50-35 regulating noise from Animals, as follows:

- Animals in agricultural districts are prohibited from creating noise audible once a minute for ten consecutive minutes:
- Inside another residential dwelling
- 50 or more feet from the animal

General provisions regarding maximum permissible sound levels generally included in the Code; Section 50-36, are as follows:

- Sound that exceeds that maximum permissible sound levels is prohibited
- Sound levels shall be measured at the property boundary of the source
- If sound is produced on public property, levels are measured anywhere on public property.
- Noise identified in multiple zoning districts shall be measured using the most restrictive zoning classification.

Following are the maximum noise levels per Zoning District included in the Code, Section 50-36:

*Audio available upon request.

Zoning District	Maximum dBA	
Classification	Daytime	Nighttime
Agricultural	65	55
Residential	65	55
R/B	70	60
Planned unit development	70	60
Mixed use district	75	65
Business	75	65
Industrial	79	72

Restaurants and Nightclubs are required to observe the noise requirements for businesses.

Penalties and enforcement of noise violations included in Code Section 50-37 are as follows:

- Written or verbal warning by the chief of police or their designee.
- If the noise persists five minutes following the warning, the person responsible shall be charged.
- Persons will be charged only when the noise violation is in the presence of the chief of police or their designee.
- The person operating or controlling a noise source shall be guilty of any violation. If not identified the property owner or tenant is responsible for the noise violation.
- Any person who violates a provision of this article shall be deemed guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offence.

The City Code, Noise provisions include a Severability clause, Section 50-38:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article.

The Planning Commission held a Public Hearing on November 9, 2021 and considered a resolution recommending amendments to the City Code regarding noise. The Planning Commission voted to recommend adding maximum indoor and outdoor noise levels during the day and nighttime hours. The Planning Commission held a second Public Hearing on December 9, 2021, and voted to recommend amending the City Code in conformance with the attached document.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and considers approval of an ordinance amending the City Code section regarding noise.

Reginald Tabor, Director of Planning and Community Development, gave a briefing on the noise ordinance.

Mayor Parham opened the floor for public comment.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among staff and City Council.

Council Member Myers made a motion to table until the Planning Commission can configure a separate motion or line item to distinguish between the downtown entertainment district and the residential district. The motion was seconded by Vice Mayor Smith-Lee.

*Audio available upon request.

Council Member Cuthbert made a substitute motion that council follow the recommendation of the Planning Commission and adopt the ordinance that is proposed. The motion was seconded by Council Member Wilson-Smith. There was discussion on the motion.

The motion was amended by Council Member Cuthbert.

Council Member Cuthbert made a substitute motion to adopt the ordinance as presented with one change in Exhibit A, modify section 50-33 to state “create noise between the hours of 11pm and 7am Sunday through Thursday, or create noise between the hours of 12am to 7am on Friday and Saturday.” The motion was seconded by Council Member Hill. There was discussion among staff and council.

Council Member Wilson-Smith made a substitute motion to table this and let Mr. Turille work with the Planning Commission to include the items that he stated that needs to be a part of this. The motion was seconded by Council Member Myers.

Mayor Parham stated, “Council Member Myers the original motion was to table. We have to run through the substitute by Council Member Cuthbert. And then the table will come back if it doesn’t pass.”

There was discussion among City Council and staff.

The substitute motion from Council Member Cuthbert goes on the floor for vote.

Council Member Cuthbert made a substitute motion to adopt the ordinance as presented with one change in Exhibit A, modify section 50-33 to state “create noise between the hours of 11pm and 7am Sunday through Thursday, or create noise between the hours of 12am to 7am on Friday and Saturday.” The motion was seconded by Council Member Hill. The motion was not approved on roll call. On roll call vote, voting yes: Cuthbert and Hill; Voting No: Wilson-Smith, Myers, Westbrook, Smith-Lee, and Parham

Mayor Parham stated, “Next we will have the original to table for further discussion.”

Original motion on the floor for vote.

Council Member Myers made a motion to table until the Planning Commission can configure a separate motion or line item to distinguish between the downtown entertainment district and the residential district. The motion was seconded by Vice Mayor Smith-Lee.

Council Member Cuthbert stated, “Clarification. Table until when?”

Mayor Parham stated, “This is tabled until it is sent back to clarify the entertainment district. Right Councilman Myers?”

Council Member Myers stated, “Yes, Mr. Mayor. It was to table it to allow them to come back with the separation of the entertainment district from residential district.”

Council Member Cuthbert stated, “Mr. Williams, do we have to have a report back date? Is this thing just flowed out there?”

Mr. Williams stated, “I am guessing you mean to sent it back to the Planning Commission to define what that district is. You can but you do not have to. It would be advisable to have some report back or otherwise it is going to drag along for some time.”

*Audio available upon request.

Council Member Myers stated, "The first meeting in February."

Council Member Cuthbert stated, "Wait a minute. I would love it to be."

Mr. Williams stated, "You are going to have to give them enough time to meet."

Council Member Cuthbert stated, "The Planning Commission meets the day after tomorrow."

Council Member Myers stated, "Okay. So, why don't you suggest a date."

Council Member Hill stated, "How about the second meeting in February. You think that will give them enough time Councilman Myers."

Council Member Myers stated, "I think so. The first meeting in March is fine with me."

Council Member Cuthbert stated, "Well we cannot take action at a work session."

Council Member Myers stated, "Well you really want to review what they come back with. So, you should have a work session."

Council Member Cuthbert stated, "You make a good point. Why don't we have a report back in time for council at our work session in March to schedule a public hearing."

Council Member Hill asked, "Do we need to do anymore public hearings?"

Council Member Myers stated, "Yes. Because they are modifying it. Also, request Mr. Mayor because this has gone on for this length of time, I would also like to with respect with that motion that Mr. Turille be involved with the drafting of that motion."

Council Member Cuthbert stated, "You mean a drafting of the ordinance."

Council Member Myers stated, "The drafting of the ordinance or the Planning Commission's concern with respect to a vibrant downtown versus residential area. And I am going to agree that there should not be any loud noises in a residential area. But the difference between an entertainment district and a residential district should always be different. And I would like for Mr. Turille to be involved with the Planning Commission to do that. That is just a question. So, Mr. Mayor if you want to go ahead and call the vote to table until such notice at first meeting in March at the work session."

Mayor Parham stated, "Alright. So, let's table until the first meeting in March. There is no longer discussion. Madam Clerk, can you please call the roll?"

The motion was not approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee and Parham

- e. A public hearing and consideration of an ordinance amending the City Code Chapter 122 Waterways, Article II. Chesapeake Bay Preservation Areas. Section 122-51 Areas of Applicability.

BACKGROUND: Section 122-51 subsection (c) currently requires that "if the boundaries of a resource protection area (RPA) or resource management area (RMA) include a portion of a lot or parcel, the entire lot or parcel shall comply with the requirements of the overlay district." This subsection has been reviewed by the Virginia

*Audio available upon request.

Department of Environmental Quality (DEQ), as regulatory state agency for Chesapeake Bay Regulations, which commented that this subsection would apply only to the RMA, not both the RPA and the RMA.

The proposed amendment to Section 122-51 as provided to Council has been reviewed and approved by DEQ.

RECOMMENDATION: It is recommended that the City Council holds a public hearing on January 18, 2022, and approves an amendment to the City Code, Section 122-51 Areas of Applicability.

Reginald Tabor, Director of Planning and Community Development, gave a briefing of the ordinance.

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

22-ORD-3 AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY CODE, SECTION 122-51 AREAS OF APPLICABILITY.

- f. A public hearing and consideration of an ordinance approving amendments to the Comprehensive Plan to Comply with the Chesapeake Bay Preservation Act.

BACKGROUND: The Virginia Department of Environmental Quality (DEQ) regulates compliance with the Chesapeake Bay Preservation Act. The Act requires that jurisdiction Comprehensive Plans include provisions regarding the Chesapeake Bay Preservation Act. The city has been working with DEQ to develop amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

The proposed amendments as provided to the City Council have been reviewed and approved by DEQ.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and approves an amendment to the City's Comprehensive Plan to comply with Chesapeake Bay Act requirements.

Reginald Tabor, Director of Planning and Community Development, stated, "Unfortunately we had some scheduling conflicts. The Planning Commission will consider both items, '8f & 8g' during their next meeting on Thursday. We would ask that these public hearing be rescheduled until February 15th, to allow for the Planning Commission to make a recommendation.

Council Member Hill made a motion to table item 8f and 8g until February 15, 2022. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham

- g. A public hearing and consideration of an ordinance approving an amendment to the PUD and proffers for the Harrison Creek Properties.

This item has been rescheduled to be held on February 15, 2022. It was included with item 8f.

- h. A public hearing and consideration of an ordinance approving the vacation Right-of-Way and ordinance to vacate and convey Coffee House Street (Approximately 0.16 Acre); and approximately .063 portion of Madison Street; and an approximately 0.740-acre portion off River Street as depicted on the plat prepared on November 5, 2020, by The Timmons Group in furtherance of The Harbor Properties Conveyance.

BACKGROUND: The City is empowered to vacate streets and alleys in the City pursuant to and in conformance with provisions of §15.2-2006 of the Code of Virginia.

*Audio available upon request.

The City has previously conveyed certain properties along River Street to Waukeshaw Development, Inc., in furtherance of the creation of a festival site for organized, promoted and/or hosted events. Such properties and corresponding easements necessary to the City are depicted on a plat prepared by the Timmons Group on November 5, 2020 entitled "Plat showing the Consolidation of PID: 011-020002, PID: 011-020004, PID: 011-020006, PID: 011-030001, PID: 012-010001, Coffee House Street (Vacated), a Portion of Madison Street (Vacated) & a Portion of River Street (Vacated) forming 6.02 Acres of Land located on the North Side of Fifth Street Extension & the East Side of Fifth Street" (Exhibit A), hereinafter "the Plat". Said Plat which has been previously recorded by the city in the land records of the Clerk of the Circuit Court of the City of Petersburg, includes the vacation of certain paper streets depicted on the Plat (Coffee House Street, a portion of Madison Street, and a Portion of River Street).

The City no longer has a public use for said paper streets. It is the desire of City Council to have such paper streets vacated and conveyed to the respective adjacent property owner(s) in accordance with the law in consideration for the development proposed by Waukeshaw Development, Inc.

It is the desire of City Council to reserve all easements as depicted on said Plat.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and considers an ordinance approving the vacation of city-owned right of way.

Reginald Tabor, Director of Planning and Community Development, gave a briefing of the ordinance.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among City Council Members and staff.

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

22-ORD-4 AN ORDINANCE TO VACATE AND CONVEY COFFEE HOUSE STREET (APPROXIMATELY 0.16 ACRE); AND APPROXIMATELY .063 PORTION OF MADISON STREET; AND AN APPROXIMATELY 0.740 ACRE PORTION OF RIVER STREET AS DEPICTED ON THE PLAT PREPARED ON NOVEMBER 5, 2020, BY THE TIMMONS GROUP IN FURTHERANCE OF THE HARBOR PROPERTIES CONVEYANCE.

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

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

*There were no public comments for the public information period.

*Audio available upon request.

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

Mayor Parham stated, "Is Mr. Gordineer here? I want him to do his report during this segment of the meeting."

Brian Gordineer, City Assessor, gave a briefing with a PowerPoint presentation.

Key points:

- There are new houses going up in Berkeley Estates.
- The city has two new very large projects, Phlow and Civica. They are in the city's industrial area.
- Over the past year the number of transfers in Petersburg has increased by 28%. In the last three years the number of transfers has increased by 42%. These are signs of healthy real estate markets.
- The number of foreclosures is down from the last three years by 52%.
- If people have questions about their new assessment, they can contact the City Assessor Office. If they would like to make a formal appeal there are applications available that can be received up until March 1st. If they do not like the decision of the office appeal they can go in front of the Board of Equalization and appeal to them. The deadline is April 1st.

There was discussion among City Council and staff.

Council Member Cuthbert stated, "On the Christmas parade which is one of my favorite topics because I love parades and I think that we all do. I want to suggest that the city manager see that whoever organizes our next Christmas parade puts Petersburg High School marching band directly behind council's trolley. The drum major, majorettes, and band, the whole shooting match. It would bring joy to my soul to listen to Petersburg marching band and I think we all would enjoy it. Now, let me ask Mr. VanVoorhees to give us a little glimpse of what this might mean."

A video of Petersburg High School marching band was shown.

Council Member Cuthbert stated, "Thank you Mr. VanVoorhees for that preview for what I hope that City Council can enjoy from the back of the trolley next Christmas. I am going to have a ward meeting on Monday, January 24th at 6:30pm. That is this coming Monday, virtually. The primary topic is going to be the ward boundary readjustment maps, in which I believe we have a total of seven in play. They are numbered 1-10 but I think that three were disqualified for not meeting the requirements. But I am not 100% sure if what I just said is accurate. But some were certainly disqualified. We do have maps that start with the number one and end with ten, but we do not have a total of ten. That is because some that were proposed did not meet the legal requirements. So, in any event any other matters that the citizens care to bring before our municipal government are welcome. I have asked Ms. Jackson to invite the city manager or Mrs. Innis and the police chief as well. And other staff may show up, but I certainly welcome the public and will be talking primarily about ward boundary adjustment maps. I want to give everybody a phone number. And I suggest that you write this phone number down. It may well save your life or the life of someone that you love. It is 1-800-772-1907. That is the phone number for Life Star Ambulance Service. They do not give me a kickback for making a public service announcement. But they will take you to Chippenham Hospital. My brother had to call three other ambulance services before he found Life Start that would take me to Chippenham last Memorial Day. So, if you want to go to Chippenham call Life Start Ambulance Service. Mr. City Manager is the RFP on the street yet for Southside Depot?"

Mrs. Innis stated, "Mr. Cuthbert, the RFP is not on the street. The staff has to revise the specifications again. I spoke to purchasing this morning. They have committed to having it out this week."

*Audio available upon request.

Council Member Cuthbert stated, "Well that is great. I trust that when I ask this question next the answer will be yes, it is on the street. I know that there are a lot of details that have to be tended to get it right. And I don't mean to be critical about it. But this is a terribly important project for Petersburg's economic growth. Also, I would like to suggest a couple of topics for our work session on February 1st. One topic is this cross connection. We had talked about it at one of our most recent work sessions. This refers to the situation in which stormwater is sent through the wastewater and cross connection can cost serious problems. For example, my suspicion is that the connection causes the flooding on River Street behind Croaker Spot during a downpour. A manhole cover blows off and a mixture of raw sewage and stormwater floods the street. And that is because we have this cross-connection problem. The problem is not going to be solved in a day or probably a year. But the sooner we address it we can solve it. So, I would also like at our work session for staff to give city council a status report as to the Poor Creek Pump Station limitations and game plan and action plan for surmounting those limitations. Again, that is holding back our growth in the AMPAC area in Council Member Hill ward, and it is important to all of us. And the third thing I would like staff to address at our meeting is the status of staff to address our inflow/infiltration problem. Again, that limits our growth in the southeastern section of the city. Primarily Council Member Hill ward and also Mrs. Treska Wilson-Smith ward. These are all infrastructure topics. They are all doorways to economic growth. And it will help us to continue our economic resurgent. Mr. Mayor thank you very much."

Council Member Wilson-Smith stated, "Thank you so much. I have a couple of things if you do not mind. Yesterday, Wayne Covil of Channel 6, did a wonderful story on Roy 'Omowale' Hines. Because of Mr. Hines when he was on council, Petersburg was being recognized as being one of the first cities to recognize MLK Day. If you looked at the story and heard anything, former Mayor Annie Mickens thought that it would be quite befitting for this city to recognize Mr. Hines in some way. Because the history of what he did is being lost and people do not know about it. I think that with February being black history month we can look at that month to give Mr. Hines, Roy 'Omowale' Hines the recognition that he never got for making Petersburg first on the map to recognize MLK Day. Another thing was that on February 2018, I presented a PowerPoint and showed us the current and the brochure of African American history in this city. So, it has been four years later, and I have not seen anything yet. Therefore, I am going to ask Mr. Turille to please direct Mr. Sergei to come before council and present a draft or finished product of the brochure of Petersburg African American History. It has been four years since I have made that request. It has been four years and we have not seen anything. I am asking Mr. Turille and council to support. We need to have a retreat and we need to do it in April. I know that it is not something that we would really want to do, however there are a lot of things that we need to do. We have started our year with no clear direction and the last time that we discussed goals was at the last retreat in 2019. Items for discussion would be for example: African American History to include finalizing the brochure, sites or trail, recreation department (what needs to take place and hearing from the new director), hearing from economic director, hearing from new fire chief, etc. We need to sit down with Petersburg Housing Authority and hear from them what they are in the process of doing moving forward. How and what is the housing authority doing and what it has to do with Petersburg East? What can we as a council do with our housing authority? I would like to hear from Social Services and how they are operating, and their plan for after the city opens back up and how they are keeping people safe. You have social service workers where the public comes in and meet with them. We do not know if this public is vaccinated or not. So, we put our people in jeopardy. Then the people who come in from the community to the social service building is using the same bathroom as the employees are. So, we do not know what we are actually doing there. I want us to talk about homelessness and developing a plan for homelessness. We need to talk about crime in the city and hear from the Chief of Police. We need a policy, and we need talk about HR policies. We need to talk about helping our schools. There are several things that we need to discuss if it is nothing but to get on the same accord and same goals and objectives for the year. One day should be dedicated to the Delegate and Senator to see how things went within the General Assembly and what we can expect from that point on. I don't see no other matter to address these issues than to have a retreat. I hope that council will support me in this, and I hope that Mr. Turille

*Audio available upon request.

supports. I know we had discussed at one time, and we did not think that we needed. I beg to differ, and I think that we do. That is all that I have.”

Council Member Westbrook stated, “Good evening. I am going to keep my short and sweet. It has been a great and exciting journey these first two months. I have learned a lot and soaked in all the information and still have a lot to go. I am just thankful for everybody that has poured their knowledge into me and supported me. Happy 2022 to everybody. To close out 2021, I am just in the sake of giving reference to those that are no longer with us. I am just going to call out 10 personal celebrities that I know died last year that you may know their names. It is Leon Spinks, Larry King, Betty White, Paul Mooney, Cicely Tyson, John Madden, DMX, Biz Markie, Hank Aaron, and former secretary of state, Colin Powell. And the reason that I just called out 10 famous people is that most people know their names. I am sure that many of us may have lost a loved one last year, so if you just indulge with me maybe a ten second moment of silence. Thank you very much for that. We are in the new year, and I hope that we can go forward. Welcome back VSU. Our classes are going back today. The students are protected. I thank VSU for allowing us their service of helping with testing and vaccinations. I know that they did come over and help out the City of Petersburg. I thank them for their consideration in helping out the city. I hope that our partnership would continue to grow under this leadership. And again, thank you all very much and hope that you all have a safe and Happy New Year. Thank you, Mayor.”

Council Member Myers stated, “Happy New Year. Excuse me for my appearance I am not feeling well. I just want to say thank you for all that everyone does in the City of Petersburg. My question is for Mr. Turille, Mr. Mayor, and Tangela. We discussed last year about tourism and where it should be and which department it should be in. I am asking if you all would consider transferring that particular item under your communications officer and bring it back to City Council on the next work session meeting. And that is all that I have Mr. Mayor.”

Council Member Hill stated, “Good evening, everyone. I pray that all is well. I want to wish everyone a Happy New Year. I hope everyone had an enlightening MLK, Jr. Day. I looked at a lot of documentaries and things of that nature. I am going to wait until probably this spring and wait for the COVID to die down. I am probably going to have an outdoor ward meeting probably in the spring some time. I am going to see how the virtual aspect goes. I think Council Member Cuthbert has a virtual meeting coming up and I will see how they go. But I am looking at to do a ward meeting as soon as the weather breaks. It will more than likely be outdoors like the way that I have done in the past. I congratulate those newcomers that came on to the city. Our new economic developer, our new fire chief, our new director of parks and rec and our new neighborhood services. We are moving in a great direction at a fast pace. And I was talking to the mayor earlier today and we were talking about how much stuff that we have on our agenda. It is refreshing because we are doing things. I do not know if this form of the way that we have done with these work sessions to be honest with you and then voting on this meeting. We may have to relook at this because it seems like, I believe in having work sessions, but it seems that we have more on this meeting because we have to vote everything in. So, we may want to take a look at maybe doing some things different. I know that after you have been in a meeting sitting down for three or four hours, I think everybody's tensions get a little high. You have to realize that the public is seeing us debate one another. I just do not want the wrong signals going out. You can get your free COVID test kit from the government. If you go to covidtest.gov, you can get your free test. I think that they give up to four units per household. Lastly, I would like for us to look beyond the normal because so much is coming for us. If you look at what Mr. Gordineer is presenting with all the different businesses and homes in Berkeley Estate. I ride through there at least once or twice a week. And all the units in front of the houses have sold on them already. They have for sale signs for houses that are not even built. If you get a chance you should ride through there. There are a lot of people coming and moving to the city and I just want us to be ready for the influx of people. I do agree that we do need some type of retreat. Retreat means to get away. To go back in the past, we were here for each director. But if we design the retreat ourselves, I think that everyone would be satisfied with how we do the retreat. We would hear from each department and see exactly what they are working on. They would ask us questions and we would ask them questions and things like that and get into the weeds of

*Audio available upon request.

everything. Other than that, I just want everyone to be safe. This COVID is real out here and people are still catching it and keep you mask on and do your social distancing and get your shots. Thank you, Mr. Mayor, council and citizens.”

Vice Mayor Smith-Lee stated, “Good evening, everyone. Can I have a moment of silence for the two families that had the fire in the City of Petersburg. And both of those were in my ward and there was a lost in one of them. Thank you. Also, I just want to also remind everyone to please check your smoke detectors. I know that we normally do it when we turn back the time. But it is a must. Please be careful of the space heaters. I know that it is cold but just be careful. I just wanted to say that mayor. Also, MLK Day was a day of service for so many people. They got out and they did some things. And I want to thank the members of Delta Omega Chapter of Alpha Kappa Alpha Sorority Incorporated, that donated almost a thousand pounds of perishable and nonperishable items to The Hope Center. Darrin stole my little thing that I wanted to say about the free COVID test, but it is for everybody. Thank you, Darrin. And like he said covidtest.gov. Also, I just want you to know that Legislative Day for the State of Virginia is February 7th. So, you can put that on your calendar. Mayor, that concludes my report.”

Mayor Parham stated, “Next, I am going to be brief because I know for the sake of time. I am having my Joint Ward 3 Meeting Virtually with school board chairman, Kenneth Pritchett. So, it will be 6pm on Monday. It is going to be virtual, and I will be sending out a link for those who would like to join us. Also, Ken will have the superintendent, Dr. Pitre-Martin there and I will have City Manager, Mr. Stewart Turille on the city side. So, we ask everyone to come out. I just want to thank Dominion again. That was a great donation that they made to us in giving us the Dominion building. And it is a great place for our city staff. They desperately needed it and it is better office space and facilities for them to work out of. Next thing is that I want to thank Ms. Sanders of Virginia State University for doing the testing and vaccinations. It has been a collaboration with the City of Petersburg and the Virginia Department of Health and Virginia State. We are going to be going through all the wards to do vaccinations. Because this pandemic is still raging stronger than ever. Right now, I know that I have heard a lot of talk about doing retreats and things of that nature, but we have to be vigilant and keep everybody safe. And hopefully by that time coming this summer, it will be the retreat coming up in the future. I just cannot hold this because I am excited to have our new fire chief Ms. Tina Watkins. She is a tremendous person. I am so happy to have her coming to the Peterburg Fire Department. I have talked to several of our firefighters, and they are delighted to have her there. They are ready to get to work and she has worked her whole life to do so much to get to this point. I am just happy to have her in Petersburg and thankful that she chose Petersburg to be her destination. So, at this time this concludes the reports from council.”

11. ITEMS REMOVED FROM CONSENT AGENDA:

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

12. FINANCE AND BUDGET REPORT:

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

13. UNFINISHED BUSINESS:

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

14. NEW BUSINESS:

- a. Consideration of FY2021 carryover (\$3,974.98) of Virginia Department of Emergency Management – Radiological Emergency Preparedness Fund– 2nd Reading.

*Audio available upon request.

BACKGROUND: The City of Petersburg receives the Radiological Preparedness fund annually to assist with training and hazardous materials response equipment. These funds are currently programmed for purchasing radiological monitoring equipment, personal protective equipment, tools, and decontamination equipment.

RECOMMENDATION: Recommend that City Council appropriate the carryover amount of \$3,974.98 from the Virginia Department of Emergency Management – Radiological Emergency Preparedness Fund from FY2021 to FY2022 budget of the Department of Fire, Rescue and Emergency Services.

Council Member Myers made a motion to approve the attached appropriation for \$3,974.98. 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, Westbrook, Hill, Smith-Lee, and Parham

22-ORD-5 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022, FOR THE GRANTS FUND IN THE AMOUNT OF \$3,974.98.

- b. Consideration of FY2021 carryover (\$106,079) of Virginia Department of Fire Programs Fund – Aid to Localities funds – 2nd Reading

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 vehicle extrication equipment, personal protective equipment, fire hose, and other related equipment.

RECOMMENDATION: Recommend that City Council appropriate the carryover amount of \$106,079.00 from the Virginia Department of Fire Programs – Aid to Localities (ATL) from FY2021 to FY2022 budget of Department of Fire, Rescue and Emergency Services.

Council Member Myers made a motion to approve the attached appropriation for \$106,079. 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, Westbrook, Hill, Smith-Lee, and Parham

22-ORD-6 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022, FOR THE GRANTS FUND IN THE AMOUNT OF \$106,079.

- c. Consideration of Edward Byrne JAG Grant Acceptance and Appropriation for \$31,219 – 2nd Reading.

*Audio available upon request.

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 \$31,219. There is no local match to these funds.

RECOMMENDATION: Recommend that Council accept and appropriate the grant funds to be spent in FY2021-2022.

Council Member Myers made a motion to approve the attached appropriation for \$31,219. The motion was seconded by Vice Mayor 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, Westbrook, Hill, Smith-Lee, and Parham

22-ORD-7 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2021, AND ENDING JUNE 30, 2022, FOR THE GRANTS FUND IN THE AMOUNT OF \$31,219.

- d. Consideration of a resolution for the removal of 72 parcels of city-owned property from the city-owned real estate property list for disposition.

BACKGROUND: On March 19, 2019, approximately 269, were identified for disposition. As the Department of Economic Development receive proposals to purchase properties, staff have identified issues associated with development.

To address these issues, staff requested a review of these properties by the Storm Water Manager and Zoning Administrator. What was discovered is that 72 of the 129 properties currently available for disposition had issues ranging from floodplains, right away, deficient lot dimensions, and other site conditions that will impede development.

To ensure no environmental issues arise from the disposition and development of these properties, Economic Development staff, stormwater manager and zoning administrator recommends to the City Council that 66 parcels be removed from consideration for disposition.

RECOMMENDATION: Economic Development recommends that the City Council remove 72 parcels of City Owned Real Estate Property from the property surplus list for disposition.

Council Member Myers made a motion to approve the resolution removing 72 parcels of City Owned Real Estate Property from the property surplus list for disposition. The motion was seconded by Vice Mayor Smith-Lee

There was discussion among City Council and staff.

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

*Audio available upon request.

22-R-7 A RESOLUTION FOR THE REMOVAL OF 72 PARCELS OF CITY OWNED PROPERTY FROM THE CITY-OWNED REAL ESTATE PROPERTY LIST FOR DISPOSITION.

- e. Consideration of a resolution authorizing the City Manager to Execute the Performance Agreement between the City of Petersburg, City of Petersburg Economic Development Authority and Tabb Street Development, LLC.

Ms. Boone stated, “Dr. Cuthbert had asked us to remove this performance agreement from the consideration of City Council at this current time. Mr. Moore and I will bring it back before the City Council when Dr. Cuthbert is ready to re-present it.

Council Member Myers made a motion to table action on this item and bring back at the second meeting in February. 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: Wilson-Smith, Myers, Westbrook, Hill, Smith-Lee, and Parham; Abstain: Cuthbert

- f. Discussion and consideration of referral to the Planning Commission for a recommendation as to whether to rezone the former site of Southside Regional Medical Center to MXD-3.

Council Member Myers stated, “Tell me what MXD-3 mean.”

Council Member Cuthbert stated, “It is the mixed-use district that we created at our last business session.”

Council Member Myers stated, “Okay. I got. It is mixed used development.”

Council Member Cuthbert stated, “Yes.”

Council Member Myers made a to refer to the Planning Commission the recommendation as to whether to rezone the former site of Southside Regional Medical Center to MXD-3. The motion was seconded by Council Member Cuthbert. 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, Westbrook, Hill, Smith-Lee, and Parham

- g. Discussion on the consideration of revised City Council Ward Maps following population changes identified in The 2020 Census.

BACKGROUND: Article VII, Section 5 of the Constitution of Virginia specifically requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one. Districts must be drawn using U.S. census data.

The United States decennial census is the primary data source on population, age, and race used in redistricting. The 2020 census, conducted by the U.S. Department of Commerce through the Census Bureau, is the twenty-fourth census in U.S. history, and it will also be used to redraw congressional, state legislative, and local election districts.

There are two basic pieces of information needed to redraw election district lines: population data (Section 4.2) and maps (Section 4.3). The Census Bureau provides both.

The Constitution of Virginia Article VII. Local Government, Section 5. County, city, and town governing bodies, requires that the governing body of each county, city, or town shall be elected by the qualified voters of such county, city, or town in the manner provided by law; If the members are elected by district, the district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district; that when members are so elected by district, the governing body of any

*Audio available upon request.

county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law; that whenever the governing body of any such unit shall fail to perform the duties so prescribed in the manner herein directed, a suit shall lie on behalf of any citizen thereof to compel performance by the governing body.

The 2020 Census population is 34,013, and the average Ward population for each of the seven (7) wards is 4,859, with a 10% range being 5% above (5,034) - 5% below (4,905). Wards 1 and 2 are above the range, and Wards 6 and 7 are below the range. To establish Wards that are within the range, all Ward boundaries and populations will need to be adjusted. The Wards must be contiguous and compact. Additionally, observable boundaries should be used (roadways, waterways, greenways, etc.), and a goal of maintaining intact neighborhoods has been identified.

The most recent decennial population figures for each locality, as adjusted by the Division of Legislative Services, are to be used. Beginning with the 2021 redistricting, any person incarcerated in a federal, state, or local correctional facility within the Commonwealth is to be counted as a resident of the locality where his address at the time of incarceration is located.

A new requirement for the 2021 redistricting is that a Geographic Information System (GIS) map that shows the district boundaries must be sent to the local elected board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services.

RECOMMENDATION: It is recommended that the City Council holds a public hearing and approves an amendment to the City's Ward Map.

There was discussion among City Council Members and staff.

Mayor Parham stated, "Alright. We have a meeting scheduled on the 25th. So, we will use that meeting just to work on the maps and then from there do another meeting after that before we approve it. Let's make the meeting on the 25th a work session on the redrawing of the maps and everyone can present their suggestions or concerns."

There was discussion among the members of council.

Mayor Parham stated, "Let's take a look and get with Mr. Brebner. We will take a look at all of them and then we will go over them on the 25th. Whomever map gets the support to move forward is who we will move forward with. This is just for discussion right now. We do not need a motion, but this meeting will continue on the 25th. I ask everyone please meet with Mr. Brebner and try to ask for whatever type of changes you may require before we present it to the public."

There was continued discussion among council.

15. **CITY MANAGER'S AGENDA:**

a. City Manager's Report

Key points:

- City of Petersburg hired a new Fire Chief, Tina Watkins. She is a former battalion chief at the Richmond Fire Department. She has a master's degree and 34 years of service in the fire department in Richmond.
- The City of Petersburg also hired a new Economic Development, Brian Moore.
- The new budget is underway and budget submissions are in.

*Audio available upon request.

- Non-profits will present at the work session on February 1st.

Mr. Turille stated, "Let's hear from the work staff on speeding mitigation plan."

Mr. Barnes gave a PowerPoint presentation on speeding issues.

Key points:

- Installed Speed Indicator Signs at Holly Hill Drive/Merryoaks Avenue
- Installed on S. Sycamore Street at I-85.
- A consultant has been hired for N. Sycamore Pavement Marking. Schematics are expected mid-February and work is expected to be completed June 2022.
- A consultant performed a signal optimization study in 2013. The study indicated that a signal is not warranted for Bollingbrook and N. Sycamore Street.
- Speeding can come from personal schedules, being late, traffic congestion, they are distracted, lack of enforcement and police presence.

There was discussion among City Council and staff.

Council Member Cuthbert stated, "My constituents are demanding stop signs. Mr. City Manager, when will you present an action plan with deadlines for putting up stop signs and addressing the adequate funding of traffic enforcement within the police department?"

Mr. Turille stated, "February 1st. I hear what you are saying Council Member Cuthbert. It is a deeper problem than just public works. The root of the problem is not distracted driving and all that. It is disregard for law and what I observe of a culture of disregard of law. It cannot be stopped by signs or education. This is a bigger problem than public works can solve. I suggest that the only way to put teeth into this is two methods. Infrastructure that results in speed mitigation such as humps, bumps, cross strips and stop signs. Infrastructure will slow people down because they have no choice. The other aspect is out right speed traps and enforcement. Because once they get fined than behavior stops. It is just human nature until there is a restriction no one will stop."

Mrs. Innis stated that she knows that he said February 1st, but she would like this to be included with the budget. She would like to request a timeline for the projects that they are currently working on to complete the process for the problem with speed.

Council Member Cuthbert asked Mr. Turille can he come back with the information at the first meeting in March.

Mr. Turille responded yes.

16. BUSINESS OR REPORTS FROM THE CLERK:

*No items for this portion of the agenda.

17. BUSINESS OR REPORTS FROM CITY ATTORNEY:

*No items for this portion of the agenda.

18. ADJOURNMENT:

City Council adjourned at 9:02 p.m.

*Audio available upon request.

Clerk of City Council

APPROVED:

Mayor