

The Special Meeting of the Petersburg City Council was held on Wednesday, March 8, 2023, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 12:02 p.m.

1. ROLL CALL:

Present:

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

Absent: Council Member Marlow Jones (present on phone)

Present from City Administration:

Clerk of Council Nykesha D. Lucas
City Manager John March Altman, Jr.
City Attorney Anthony Williams

2. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing and consideration of an ordinance approving an amendment to proffers previously adopted with the zoning for the properties located at 1200, 1220, 1225, and 1255 Harrison Creek Boulevard.

BACKGROUND: The City of Petersburg received a request from PBFL, LLC represented by C. Burton Cutright, to amend the proffers previously adopted with the rezoning for the properties located at 1200, 1220, 1225 and 1255 Harrison Creek Blvd, Tax Parcels # 040030805, TP# 040030806, and TP# 04003080. The purpose is to permit the construction of five (5) structures with a total of 120 units of housing, designed like the existing Aqua Luxury Apartment multi-family development on the parcels addressed as 1220, 1225 and 1255 Harrison Creek Boulevard.

History

The City Council adopted 08-Ord-20, February 19, 2008, which approved the rezoning of the Harrison Creek Boulevard properties to PUD with proffered conditions. The subject property was rezoned from M-1, Light Industrial District, with conditions, to Planned Unit Development (PUD) with proffered conditions. The purpose was to permit a PUD to be known as Harrison Creek, on a 36.216+/- acre parcel of land addressed as 2470 County Drive, further identified as Tax Parcel 040-03-0801. The Harrison Creek development proposal included "upscale office, commercial and lifestyle residential apartments in a mixed-use community. The proposal included Office/Retail (3.97+/- acres); a Commercial Mini-Storage site (2.02+/- acres); Community Center/Pool, Multi-Family residential complex, containing 336 dwelling units within fifteen (15) structures on 28.47+/- acres.

In 2021, the petitioners proposed an amendment to the proffered conditions that would allow the construction of up to 65 single-family detached rental homes on 6.26+/- acres of land located along Harrison Creek Blvd between Route 460 and Acqua Luxury Apartments.

The Planning Commission considered the petition to amend the proffered conditions previously approved with the rezoning of the property and voted unanimously on November 4, 2021, to recommend approval of the

*Audio available upon request.

proposed proffer amendments.

The City Council subsequently considered the petition and referred it back to the Planning Commission.

The Planning Commission considered the petition during the January 20, 2022, meeting. During deliberations, the Commission asked about the impact of the proposed change to the proffered conditions on the City's sewer system capacity.

The Interim Director of Public Works at the time stated that while the current water/sewer system could support this development, the new development would limit future development in the area.

The Commission expressed concerns regarding a lack of home ownership, aging infrastructure, the capacity of the Poor Creek system, and the potential impact of the proposed change on the pharmaceutical cluster development.

A representative of the Developer stated that the developers originally invested \$228,000 in a pump station to create capacity. This capacity was then thought to be more than enough for the apartments and the retail space. They further stated that in the past 11 years, there has been active promotion in trying to bring in a grocery store, office establishments, and other commercial development, but there has not been any interest from any retail or grocery store in the location. There is, however, demand for off-base housing from Fort Lee. They stated that they believe that they have developed the capacity for the sewer on this site through the previous investment.

The Interim Director of Public Works stated that Petersburg has plenty of drinking water capacity, but not sewer capacity.

The Commission voted to recommend denial of the petition.

The Developer requested that the item be presented to the City Council for consideration on December 13, 2022.

Request

The Developer submitted an amended development plan that replaces the proposed cottage-style residential units with structures like those in the existing development. The proposed new development would include the construction of five (5) structures with a total of 120 new units including 60 1-bedroom units and 60 2-bedroom units. Residents will have access to the amenities and facilities of the existing Aqua apartment community.

The City Council referred the item to the Planning Commission for review. The Planning Commission considered the item during the January 5, 2023, Planning Commission meeting. During the Public Hearing, the representative of the Developer spoke. Also, during the Public Hearing, the Acting Director of Public Works spoke, and he provided correspondence that includes a recommendation on the item. Following the Public Hearing, the Commission voted to recommend denial of the request.

RECOMMENDATION: It is recommended that the City Council holds a Public Hearing and considers an amendment to the zoning designation of the Harrison Creek Properties and related proffered conditions.

Mayor Parham opened the floor for public comments.

Chip Dicks, representative for petitioner PBFL, LLC, stated, "For the record, I would ask for the record of February 21, 2023, be put into the record of this meeting."

*Audio available upon request.

Mr. Dicks gave a brief summary of the request.

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

Council Member Cuthbert stated, "Mr. Mayor, I would like to incorporate by reference the letter dated February 21, 2023, that I read at our meeting on February 21, 2023. If anyone wants to see that letter it is on file with the Clerk of the City Council. And the just of it is that I have no conflict under the Virginia Conflict of Interest Laws, and I explained that in the letter. And I do go on to say that even though I own an undeveloped lot that is two miles away I feel that I can vote on this proposal objectively, fairly, and in the public interest. With that said, in order to make sure that everyone knows that I am feeling fairly with the public interest I am going to abstain from this vote."

Vice Mayor Hill made a motion to approve the ordinance approving the amendment of zoning designation of the Harrison Creek Properties and related proffered conditions. Council Member Myers seconded the motion. There was discussion among the City Council. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Myers, Westbrook, Hill, and Parham; Absent: Jones

23-ORD-12 AN ORDINANCE AMENDING THE PROFFERED CONDITIONS PREVIOUSLY ADOPTED WITH THE REZONING OF THE PROPERTIES LOCATED AT 1220 HARRISON CREEK BLVD, TP# 040030805, 1225 HARRISON CREEK BLVD, TP# 040030806, AND 1255 HARRISON CREEK BLVD, TP# 040030807.

Council Member Cuthbert stated, "Mr. Mayor, point of order. Are we counting Mr. Jones vote or not?"

Mayor Parham stated, "Right now he is on the phone, and the emergency order is over. So, we cannot tally his vote, so he is just on listening."

Council Member Cuthbert stated, "Understand. That is what I thought the law was, but I did not want us to get in the habit of voting by telephone. At some future date, people will say that you let Councilman Jones vote on March 8th by telephone. And I just wanted to make it clear that we are not setting a precedent that we can vote that way. Because we cannot make that law. It is a state law."

Mayor Parham stated, "Exactly."

Council Member Cuthbert stated, "Thank you."

There was further discussion among council and staff regarding voting via phone.

- b. A public hearing and consideration of an ordinance authorizing the vacation of Right of Way along River Street between 3rd Street and 5th Street.

BACKGROUND: The City Council of the City of Petersburg adopted an ordinance authorizing the sale of property along River Street and the Appomattox River to establish green space and a location for outdoor events. The sale of the property has been closed, and the property was transferred to the new owner.

The vacation would result in closure of the roadway along River Street between 3rd Street and 5th Street. The property owner owns property located at 240 River Street to the South of River Street, and 277 River Street to the North of River Street.

*Audio available upon request.

The owner is requesting the vacation of City Right of Way on River Street, between 3rd Street and 5th Street, to facilitate use of the recently acquired property along River Street and the planned event space use.

RECOMMENDATION: It is recommended that the City Council schedules a Public Hearing and considers an ordinance authorizing the vacation of Right of Way.

Dave McCormack, petitioner, gave an overview of his request.

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 ordinance and request.

Motion dies due to lack of second.

There was discussion on closing off the streets among the city council, staff, and the petitioner.

3. DISCUSSION AND/ CONSIDERATION:

a. Consideration of a resolution for Congressional Directed Spending for FY24 Grant.

BACKGROUND: The City of Petersburg is submitting two Congressional Directed Spending grant applications to Senators Warner and Kaine. A resolution is required from the city for a commitment of match funding up to 20% (if required) on the total amount of the awarded grants.

RECOMMENDATION: It is recommended that the City Council adopts the resolution authorizing the City Manager to execute the Warranty Deed.

Joanne Williams, Director of Communications, Tourism, Marketing and Government Relations, gave an update on the request.

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

23-R-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETERSBURG, VIRGINIA COMMITTING SUPPORT AND FUND MATCH REQUIREMENTS FOR POOR CREEK COLLECTION SYSTEM REHABILITATION AND POOR CREEK FORCE MAIN CAPACITY IMPROVEMENTS IN SUPPORT OF ALL PETERSBURG CITIZENS AND BUSINESS.

4. ADJOURNMENT:

The City Council adjourned at 12:26 p.m.

Clerk of City Council

APPROVED:

*Audio available upon request.

Mayor