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The regular meeting of the Petersburg City Council was held on Tuesday, July 2, 2019, at the Union Train Station. Mayor Parham called the meeting to order at 6:30p.m.

**1. ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr.  
Council Member Annette Smith-Lee  
Council Member Treska Wilson-Smith (arrived meeting at 6:54pm)  
Council Member W. Howard Myers  
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 City Council Nykesha D. Jackson

**2. PRAYER:**

Mayor Parham stated, "Next Pastor John Conwell of Oak Street AME Zion Church will lead us in our opening prayer."

Reverend Conwell led the council meeting in prayer.

**3. CLOSED SESSION:**

City Attorney Anthony Williams stated that the Mayor will entertain a motion to go into closed session and the purpose of this meeting is 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 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 Petersburg Circuit Court Civil Case No. CL19-498.

Council Member Hill moved that the City Council go into closed session for the purposes noted by the City Attorney. The motion was seconded by Council Member Myers. 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 6:32 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 §2.2-3712 that the Code of Virginia that only those matters lawfully identified in the motion for which the closed session was called were discussed during the closed session. If any member believes that there was a departure from the foregoing, he should so state for the record

\*Audio available upon request.

identifying the substance of the departure for which he believes occurred. This requires a roll call vote.”

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 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, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

**19-R-37 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 7:13pm.

Vice Mayor Hart made motion to table “Item 14a” and instruct staff to move forward with a floriation of City occupancy of the facilities and if an agreement cannot be made on or before July 16<sup>th</sup>, 2019, and no inventory shall be removed from the facility during the pendency of the approval of this agreement. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

**4. MOMENT OF SILENCE:**

Mayor Parham led council and the audience in a moment of silence.

**5. PLEDGE OF ALLEGIANCE:**

Mayor Parham led council and the audience 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, “Throughout the month of June, our Petersburg City administration has offered free hands-only CPR and AED training for all City Employees. This was made possible by our Risk Management office and our Petersburg Fire Department. Training went on for nine days all throughout June, with multiple sessions being offered per day. To date, 325 Petersburg employees have completed the training and 7 new instructors have been trained in the Police and Fire Department. This is an amazing undertaking by our Petersburg team, and I am happy that so many of our City team members have taken advantage of this opportunity to equip themselves with lifesaving skills. And also, on those lifesaving skills our fireman also pulled a guy out of a well two weeks ago. So, they have been real busy and we appreciate all the work that you have done in the City of Petersburg.”

**8. COMMUNICATIONS/SPECIAL REPORTS:**

\*Audio available upon request.

## a. City Assessor Report – Brian Gordineer, AAS, City Assessor

Mr. Gordineer gave a PowerPoint presentation on updates in the City Assessor Office.

## Key points:

- Sent four staff members to the Department of Taxation Advanced Assessor School in Fredericksburg.
- Next week the new GIS Analyst will join the City and revitalize the GIS System.
- Currenting appraisals on all properties in the City. They have processed \$1.8 million dollars in assessment corrections.
- Getting all property information correct so that everything will be correct on next assessment.

## b. City Manager Report – Aretha R. Ferrell-Benavides, City Manager

Mrs. Benavides stated, “Good evening Mayor and Council. We are going to do something a little different this time. I know that I gave you my report and you do have my memo, but I also wanted to make sure that the audience would have the opportunity to see some of the highlights that we are going to talk about for the report. I like to start by introducing Francis Poulin. I mentioned him, and he started, and he has been designated as our new FOIA Officer for the City of Petersburg. FOIA training for the new system which we are moving to an online system will be going on next week. We will also at the next council meeting be conducting FOIA training for not only council, but we are going to have some community training. One of the things that we find that is important is about what is and is not FOIA but also having a mechanism to track when they come in and when we respond. As you will see one of the things that we are moving forward with information is to put more information online. I mentioned that earlier and we will continue to see what type of information that we are able to put online so for example if someone request information that the general public ask for often then the best way to handle this is to make it available online for others. We are looking for items like that. The next thing I would like to talk about is our Community Affairs Office. Our summer program for City youth has kicked off and we have been busy as the summer month go and as we know Tami and her team work very hard to make sure that our youth have opportunities during the summer to actually grow. There are 150 youth residents that are enrolled in the program from July 1<sup>st</sup> to August 16<sup>th</sup>. Our summer breakfast and lunches are served. The summer feeding programs are very vital to our children and a healthy meal program are a very important part of our recreation. We are also happy for the second year in a row to have our Petersburg Job Shadowing Program. Participants will start their shadow host on July 8<sup>th</sup>. That is our summer internship program geared towards our high school students. And as we talked about last year the true importance of giving folks a valuable work experience but an opportunity that we start to groom our next generation of workers within the City of Petersburg. And so, we are very excited about that. Our links for all community are available summer programs is on the website. Community Affairs, the move is complete. Social Services will begin operations at 3811 Corporate Road on July 1<sup>st</sup>. I went by there today and people are unpacking, and it looks very good and we are still moving along. There are some signage issues. I must bring up that when you come there we are working on signage, so people will know that once you get in the complex how to get there. But I believe that looking at the work space that it is giving employees an area that they can take pride in and be comfortable in. So, transit services had to be done to the new site and it is coming on a regular basis. Also, as we will talk about later on part of it is that the space there will also include our offices of human resources and risk management. There is a training facility there and one of the things that we realize is the first impression is the best impression. There is a space that is not part of the original lease and we will talk about it that we will be relocating our human resources and risk management. And I will talk some more about that shortly with you. Lots of things are happening in the community that I am excited about. Bopper’s Ice Cream is set to open in Petersburg on this Friday. I walked by there last night and we were excited. They are going to have ice cream and hot dogs and candy. And so, we need to celebrate that. We also know that Petersburg food tours began last week. It is a walking tour that not only talks about the history but highlight’s the restaurants. They moved from Butternut and I think they had pizza. Hopefully they will end up at the ice cream

\*Audio available upon request.

place. It is an opportunity for us to highlight in our tourism efforts. I want to thank Sergei and Darnetta and our team for starting to really focus on what is next. If you heard, we are also looking at Segway Tours moving to Blandford Cemetery as a way to get folks around. Tourism is our bread and butter and we want to continue to promote that in the City of Petersburg. Reminder, that the government offices will be closed on the 4<sup>th</sup> and 5<sup>th</sup> for the 4<sup>th</sup> of July holiday. Couple of things that we may have noticed is that the City Hall Annex is having work done. As you look at this building outside here we are going to be doing similar work to this building. The train station is in need of an update and repair. So, you will see crews working on the outside. Mr. Cuthbert said one day in the meeting that it is hard to tell people to take care of their property if we do not take care of our property. And that is something that we realize that we have to do. Preventive maintenance is very important. We have had crews going in and changing and working on the gutters and doing roof work, brick work and other repairs to it. And I am very happy at the work that is going on. But we still have work on buildings that we are focusing on in our City structure. Mrs. Wilson-Smith often asked have we checked on the fire hydrants. We are working on fire hydrant replacements for the City government. For the police department and the fire department there is a series of test that goes along and often times we have included in this list are some that were replaced along the way. This is our busy time of the season in billing and collections. And as we have looked at our numbers, we have looked at \$25 million dollars collected in real estate taxes. Personal property taxes are at \$6 million and water/sewer are at \$12.6 million. Delinquent collections in excess of \$200,000. I want to thank Jay Baxter and his team because the one thing that I can say compared to last year is that our team have really been working ensure that collections come in on time. The other thing that we know is customer service. Giving people a comfortable place that they can come and have treatment. We are going to be implementing customer service training throughout our City. We have also begin working on a new location that we talked about of the bank building where we will be locating billing and collection functions and finance functions in that building. Tangela Innis and her team has been working internally in doing repairs to the bank building for that relocation. And that will give us the opportunity to focus on making repairs to our buildings. As we talked about earlier, I know there has been a lot of questions on purchasing and travel cards. One of the things that we did is because it is the end of the year, we suspended service. We wanted to make sure that we reviewed all of the travel cards and the purchase cards. One thing that I think is inefficient is that we have two cards. It may have worked at one time, but I don't believe that it works for us. And we are moving towards a one card system. But we also are focusing on updating our policies and forms. That is something that has been missing and we are going to take a little break and we are going to come back to you with more information. You should have a memo addressing that issue in total. Also, in surplus property, one of things that we do is that sometimes we maintain things for so long that we lose the value in it. We have since 5-30-2019 have sold \$113,000 in surplus property. This is something that we are going to focus on because we have got to look at our yards and focus on the things that we see around and focus on getting the most out of what we invested in our community. Operation 'No Guns, Safe Street', 145 illegal guns have been removed the street in 2019 alone. As the chief said, public safety is one of our number one priority alone. We are working actively to remove those guns off the street. CPR Training, as the Mayor mentioned was offered to all employees. 325 Petersburg employees were trained, and a few departments are still scheduled for the training. We have about 530 total employees. So, over half of our employees have been trained with CPR. We invite council and we are also inviting citizens to go to this training. It is a very valuable asset to our community. On June 26<sup>th</sup>, the police and fire department successfully rescued one person who was trapped in a 35-foot abandoned hole. I want to thank them for their efforts and quick response and their actions to this effort is very important to our future. In community development, we talk about revitalization as a priority. Revitalization is something that we look at our assets and the Cameron Foundation on rehabbing a second house. We had a grand opening that the Mayor and I attended at 135 Liberty Street where they went through and not only revitalized the house but sold it to an owner. They are now moving to the next home. And so, we want to move towards those efforts and that our partnerships continue. That concludes my presentation and you do have a copy of it and if there are any questions, please feel free to ask."

There was discussion among City Council and staff.

\*Audio available upon request.

- c. Presentation on Water Meter Chang-Out: Standard Cost and Reimbursement

<http://petersburgva.gov/DocumentCenter/View/4609/Meter-Downsize---updated-002-TI> (PowerPoint Presentation)

Lionel Lyons, Deputy City Manager, stated, "One of the reasons that we are doing this as the City Manager eluted to I also think that it is important that we highlight one thing. Andrew Barnes came to us several months ago in a position as our utility director. The city manager through trying to maximize resources also looked at the fact that he has a skill set. He is the first registered professional engineer that we have had from some time. So, she took the opportunity as well to move from a recruitment that we had which was our city engineer's recruitment. So, now Mr. Andrew Barnes not only serves as our general the manager for utilities, but he has effectively as of July 1<sup>st</sup> also became our city engineer. He is a registered professional engineer so that adds a lot of credence and ability in what we are trying to do and what needs to be done. So, with that being said, I ask Mrs. Innis and Mr. Barnes to come up."

Tangela Innis, Andrew Barnes, Janell Sinclair and Jay Baxter gave a PowerPoint presentation on the water meter change out, standard cost and reimbursement.

There was discussion among City Council and staff.

Council Member Hill made a motion to authorize the water meter change out standard cost reimbursement program as presented this evening. The motion was seconded by Council Member Cuthbert. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

## **9. APPROVAL OF CONSENT AGENDA (to include minutes of previous meeting/s)**

- a. Minutes of the Regular City Council Meeting of June 4, 2019
- b. Minutes of the Closed Session Meeting of June 4, 2019
- c. Request to schedule a public hearing on an appeal by Robert F. Dance, owner of 227 St. Andrew Street, Tax Parcel 022-27-0016, on the decision of the Architectural Review Board (ARB). The property is located in the Poplar Lawn Historic District. **(July 16, 2019)**
- d. Consideration of the Virginia Foundation for Health Youth Grant – 1<sup>st</sup> Reading - \$30,000

Council Member Myers made a motion to accept the Consent Agenda with the scheduling of a public hearing on July 16, 2019. The motion was seconded by Vice Mayor Hart. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith- Lee, Wilson-Smith, Myers, Hill, Hart and Parham

## **10. OFFICIAL PUBLIC HEARINGS:**

- a. A public hearing of Christopher and Colleen Riggs to rezone the property from the R-3 (Two-Family) Residence District to B-2c (General Commercial) District to allow a commercial use (a small first floor office). The property address is 323 W. Washington Street, T.P. 023-12-0018.

**BACKGROUND:** The Zoning Ordinance requires that City Council must take action once a recommendation is forwarded from the Planning Commission. The Home Occupation would not allow the applicant to conduct business in the manner in which he wanted to conduct it; therefore, the applicant is seeking to have the B-2 zoning district boundary to extend west to include his property. The commercial use being sought is a first-floor small office with two staff persons. The rezoning of a property runs with the land and can't be tied to an owner. It was during the preparation of the Council agenda packets that staff recognized the issue with the conditions placed on the recommended approval by the Planning Commission.

\*Audio available upon request.

**RECOMMENDATION:** Following a duly advertised public hearing, council may affirm the planning commission recommendation, overturn the planning commission recommendation, table for further consideration, or return the item under consideration to the planning commission requesting further review. The recommendation of the planning commission was to approve the rezoning with conditions with a vote of 5-0. **The Planning Staff recommends that this case be referred back to the Planning Commission for additional review concerning the rezoning parameters.**

Michelle Peters, Director of Planning and Community Development, stated, "I stand before you this evening to ask that you would refer that case back to the Planning Commission for further review. In their deliberation they were given some information from myself, and it impacted the decision that they sent forth to you. Some of that information was not totally correct so I would request that you send that back to the Planning Commission for further review."

Council Member Myers made a motion to send back the rezoning request for property located at 323 West Washington Street back to the Planning Commission for review. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

- b. A public hearing on an appeal to repeal Article 27 §5 "Special Use Exception" of the Zoning Ordinance (Appendix A) of the Code of the City of Petersburg (2017) (as amended) and add a number (19) Height may be exceeded for certain Commercial uses, such as hotels, offices and other desired economic development proposals that meet a policy goal or objective. To add under Article 27 §6 "Special Yards and Height Exceptions", a number (5) to establish a waiver in height for commercial uses when deemed appropriate by the Board of Zoning Appeals.

**BACKGROUND:** The Code of the State of Virginia section § 15.2-2286 (7) whenever the public necessitate, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. This change is necessary to allow the City to meet a policy goal of encouraging and promoting sites for Economic Development opportunities. The text amendment includes overall height and stories, as required by Article 22 of the Zoning Ordinance. Height for the City of Petersburg also includes a maximum number of stories. The amendment would give authority to the Board of Zoning Appeals to waive the overall height and the number of stories that are required by the Zoning Ordinance. The Board of Zoning Appeals will evaluate each application based on the request. This is not intended to just provide a waiver for everyone who requests it, but to evaluate the proposal, the site and the existing built environment to keep development compatible and consistent.

The Board of Zoning Appeals heard a specific case twice concerning a request to waive the height (number of stories) for the development of a hotel. Since the case couldn't meet the hardship test the BZA was unable to approve a Variance. The Board of Zoning Appeals requested staff to consider an ordinance amendment so that desired Economic Development projects could move forward with a board or commission having authority to make an exception when the project is desired by the locality. There is no authority given to any other boards that can waive height to allow wanted economic development opportunities.

An ordinance change is necessary to give the Board of Zoning Appeals authority to evaluate applications that may meet a goal of the City, but not a feature requirement of the zoning ordinance by expanding their special exception authority.

**RECOMMENDATION:** Following a duly advertised public hearing, council may affirm the planning commission recommendation, overturn the planning commission recommendation, table for further consideration, or return the item under consideration to the planning commission requesting further review.

\*Audio available upon request.

The recommendation of the planning commission was to approve the proposed text amendment to allow the Board of Zoning Appeals to hear height waiver request under the Special Exception powers with a vote of 5-0.

Michelle Peters, Director of Planning and Community Development, gave a brief overview of an appeal to repeal Article 27 §5 “Special Use Exception” of the Zoning Ordinance (Appendix A) of the Code of the City of Petersburg (2017) (as amended) and add a number (19) Height may be exceeded for certain Commercial uses, such as hotels, offices and other desired economic development proposals that meet a policy goal or objective. To add under Article 27 §6 “Special Yards and Height Exceptions”, a number (5) to establish a waiver in height for commercial uses when deemed appropriate by the Board of Zoning Appeals.

There was discussion among City Council and staff.

Mayor Parham opened the floor for public comments.

Ron Flock, 1708 Pender Avenue, stated, “Couple of real quick things about this. I understand the need but why that doesn’t transcend into residential as well in my neighborhood of single-story houses. We just approved a single-story house to be built in the middle of all these single-story houses. That is a personal problem. Is in this ability to award a higher height part of that process determining if the fire department has that equipment in that area to reach those elevations that were adding to it. And then as far as you all two conversations, I think maybe having this body overseeing this makes it so that you do not have to look at every single issue. I think that it would be poor judgment to give that power to City Council. I mean City Council you all have enough on your plate to get straight without getting into all these zoning ordinances. I think that you are biting off more than you can chew. Thank you.”

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

Council Member Cuthbert made a motion to adopt the ordinance repealing Article 27 of Petersburg Zoning Ordinance. The motion was seconded by Council Member Myers. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Hill, Hart and Parham; Absent: Smith-Lee; Abstain: Myers

**19-ORD-36 AN ORDINANCE REPEALING ARTICLE 27 §5 “SPECIAL USE EXCEPTION” OF THE ZONING ORDINANCE (APPENDIX A) OF THE CODE OF THE CITY OF PETERSBURG (2017) (AS AMENDED) AND ADD A NUMBER (19) HEIGHT MAY BE EXCEEDED FOR CERTAIN COMMERCIAL USES, SUCH AS HOTELS, OFFICES AND OTHER DESIRED ECONOMIC DEVELOPMENT PROPOSALS THAT MEET A POLICY GOAL OR OBJECTIVE. TO ADD UNDER ARTICLE 27 §6 “SPECIAL YARDS AND HEIGHT EXCEPTIONS”, A NUMBER (5) TO ESTABLISH A WAIVER IN HEIGHT FOR COMMERCIAL USES WHEN DEEMED APPROPRIATE BY THE BOARD OF ZONING APPEALS.**

- c. A public hearing to consider adopting an Ordinance Creating a Commercial Property Assessed Clean Energy (C-PACE) Program & Guidelines.

**BACKGROUND:** C-PACE is a market-based financing tool that building owners and developers can use to fund energy efficiency, renewable energy, water saving property, storm water upgrades or other improvements as authorized by law without upfront cost. It can be used on commercial, industrial, multifamily and non-profit buildings. Unlike other project financing the borrowed capital is repaid over time via a voluntary tax assessment.

In 2015, Virginia enabled localities to implement local C-PACE programs but required each jurisdiction to enact its own ordinance. Though the legislation requires action by localities, localities are neither the lender

\*Audio available upon request.

nor guaranteeing the collection of funds. The City is facilitating a property rights transaction that carries with the land. Although State law mandates that the City levy the lien, private capital providers carry the risk if the property owner defaults on a loan. C-PACE repayments are collected through local property taxes and it is processed the same way as other local public benefit assessments.

**RECOMMENDATION:** City Council adopts the Ordinance Creating a Commercial Property Assessed Clean Energy and Resiliency Program.

India Adams, Assistant to City Manager, gave a PowerPoint presentation on C-PACE.

<http://petersburgva.gov/DocumentCenter/View/4608/CPACE-PPT-FINAL-20190702-002> (PowerPoint Presentation)

Jessa Coleman, Program Manager for PACE Financial Servicing -Washington, DC (Sub Contractor for the Virginia PACE Authority), gave a briefing on the program.

Mayor Parham opened the floor for public comments.

Gary Talley, 2323 Fort Rice Street, stated, "Did anybody else experience déjà vu hearing that. Didn't we have a presentation on this a couple of months ago and you all passed a resolution? It was all focused on the Ramada Inn so that the developer can get money for financing. I sure did not dream that. Isn't this the same program?"

Mr. Williams stated, "You had a presentation on the program and it was presented for information purposes to see if council had an interest. And now you are being presented with the actual program implementation."

Julian Greene, Jr., 1625 Blair Road, stated, "My concern with the program based on what I just heard is that in Petersburg we have a number of historic structures that are being preserved, renovated and improved and maintaining those historic structures on the national registry. Those historic structures on being preserved must retain as exterior work as far as windows and the material that is used even heating and cooling. We have that at First Baptist Church. We are going through as we speak. You have that at Battersea. You have that at the Railroad House. You have that at the safe house of Dr. Martin Luther King. I would like to know to know based on this program and the other question in that said context is then what is the lien of the City on the property. We have one that was bought recently which was the safe house of Dr. Martin Luther King. When he would travel and when he came here. Why would there be a lien? Is the City taking out the loan? I think what I heard from her is that the property owner would be responsible for paying. I just need a little bit more information on the historic structure that we have in Petersburg. There are a lot and dealing with faith-based organizations as well. The oldest Africa American church in America, then there is Stephen's and then there is Oak Street. All of these churches are old, 245 to 300 years old. How is PACE going to impact that?"

John Conwell, 2604 Homestead Drive, stated, "In reference to Mr. Julian Greene question, I did a lot of research on C-PACE. C-Pace is operated in 30 states here in the United States. I would hope that the program would have been looked when we built the public library here in the City. It is designed by the Department of Energy to allow us now to look at putting energy conservation, water and so forth material construction for energy use. Whether it be solar or water or maybe installation values. It does follow, and it is not forced by the federal government. It is state and local municipalities. It does give some leverage to investors or capital investors as far as the means of acquiring money to put a project together. Whether it is new construction commercially or residential, R-PACE or C-PACE. It allows contractors to cover certain guidelines very specific in the application form and the administrator to handle those that come in with time restraints and so forth. They are very particular. I think that it is a worth off project when we look at it from a standpoint of the

\*Audio available upon request.

properties that the City does own in their position that is just sitting there to look at for investment. It does attach a lien on the tax section of it and it is transferable to the new owner that will carry on until it is paid for. So, it is a going thing in this day and time and it makes good business practice as far as acquiring money and putting the project together that is not tying the City up in its own fines with putting in a partnership type of goal.”

Brandon Martin, 1546 Berkeley Avenue, stated, “I have got a question for each of you on council. Have you done your personal due diligence on this. Just what have you come up with on your own personal research? I have not heard anything on this yet and hopefully there will be some discussion once this public hearing closes. I took a few minutes to wander around the web to come up with some stuff on this. I saw that there was a nice big article about it in the Progress-Index just a few days ago that pretty much reiterated what was here just a couple of weeks ago. Looking over the globe for stuff on PACE, a couple of things come to mind in the Washington Examiner. And some of it also from the National Consumer Law Center on concerns about default on PACE Loans in California are up 78% in the last year. Loans are not subject to the truth in lending act requirements. PACE puts a hurdle on property. PACE goes much further than other things because it puts local, state and tax payers potentially on the hook for what the homeowners done. Unaffordable loans without screening for the ability to pay. Contractor fraud is enabled. There is potential for elder financial abuse. There is a high cost laying in the weeds for homeowners. So, in other words, I have taken a quick look and I have come up with some red flags. What have you all done? We don’t need to be saddled with more snake oil. I suggest that you take another look somewhere else. It is called the Maggie Walker Community Land Trust that deals with affordable house issues. Thank you.”

Mayor Parham closed the public hearing.

There was discussion among City Council and staff.

Council Member Myers made a motion to adopt the C-PACE program that has been presented with “Option A.” The motion was seconded by Vice Mayor Hart. There was discussion on the motion.

Council Member Myers made a motion to amend his motion to adopt the ordinance creating commercial property assessed clean energy resilience program with “Option B.” The motion was seconded by Council Member Cuthbert. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

**19-ORD-37 AN ORDINANCE TO ADOPT CHAPTER 107 OF THE PETERSBURG CODE OF ORDINANCES ENTITLED “COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY FINANCING PROGRAM.”**

11. **PUBLIC INFORMATION PERIOD:** The Public Information Period is established by the Rules of Council to hear input from City residents or owners of businesses in the City. It will last for a maximum of 30 minutes. Speakers will be called in the order that they have signed up to speak. If there are ten or fewer speakers, each shall speak for a maximum of 3 minutes. If there are more than ten (10) people desiring to speak, the time allotted to each person may be adjusted or the number of speakers limited to meet the time limitation. A speaker may speak on items **except those that are listed on tonight’s Council agenda.** Any matter brought before the attention of the City Council during the public information period will not be acted upon by the City Council at this meeting.

Julian Greene, 1625 Blair Road, stated, “I would like to give some documents to the Clerk. For many times that I have come before you. There has been an area that my concentration is on. I want to say to you and this should not take all of the three minutes that I have. I want to say to you that today we had some communication and conversation on some major entities on people that want to partnership with us. The NBA

\*Audio available upon request.

Team, Philadelphia 76ers and we have had NIKE that want to be a part. We have an NFL team and golf organization. You have heard of the Tiger Woods program, First Tee. All of those programs are looking to come to Petersburg. Those conversations took place. And some time we don't hear each other when we say certain things. But sometimes music can bring that out. So, I want you to listen to something tonight. It is a little different. The lyrics you have, and I will play the music that talks about what we are trying to do. And I think that this will bring some things to your attention."

\*Audio was played from a device that Mr. Greene had.

Ron Flock, 1708 Pender Avenue, stated, "I just wanted to tell you all to have a Happy 4<sup>th</sup> and safe 4<sup>th</sup>. I am not going to bring up anything in my personal right tonight. It is a good time so let's celebrate. But I do have a question for the City Manager. I have been over the years trying to find out why I cannot get FIOS at my house. From what I am told the City had some contractual agreement with Comcast that would prohibit us in allowing anyone else to come into the City. Comcast is gone, and they are on Midlothian Turnpike. So, can we please do something about that to bring FIOS into our City and give us options. Thank you."

Willie Noise, 1508 Circle Drive, stated, "I was very interested in looking at the public information report, but I do not see any of my questions on there. And it has been a lot of construction work going on around in Petersburg where they have been closing up streets. And the last one they closed up was over by Mr. Patterson, whatever road that is. And it is a low spot with high water. I came off of Youngs Road onto. And it had a big sign up there that said closed. So, I went over on Halifax Street and whatever and on my way back I said let me go through there and looking for trees that had fallen down. And went on past the park and went by the lake and on up past Patterson place and there it was. A road block and sign saying road closed. Now I came all the way from the military place, which should have had a sign up there saying road closed so I wouldn't go all the way through there and run right up on the deep water and there is the sign. I mean come on you all. If you are going to close up a sign direct us. And you talk about tourist where are they going to go and how to get around. The next one is Councilman Mr. Hill. We are praying but some of us are not. We got to get us a central or a unity prayer and limit it down to one subject. All of us praying is not unity. We have got to have a cause to pray and we need to get that together at least one time and see what God is going to do. That is about it. I was on vacation and I show up every time for this meeting and I just cannot rest."

Linwood Christian, 410 Mistletoe Street, stated, "There are a couple of things that I definitely would like to say. Thank you, Mr. Hart, again for having the forum that you did. As always it was very informative. And then to just let you know a lot of us that was there are waiting to see something brought to council and see some kind of action. And looking with action I am kind of glad that each year when we have some people that work with things. As I told Mrs. Smith-Lee before, she had mentioned it, for our young people and our seniors are really the ones in this City that are suffering because of a lot of things, especially our young people. I would hope that this City when they are looking at a lot of things, even if they need to go to Dinwiddie and look at the facility where Delegate Lashrecse Aird had her meeting on last night at the Enhancement Center. If we possibly can get something like that in the City of Petersburg. And I say that because I am tired of the neglect that the A.P. Hill community Center has continuedly got. And I am not saying that the 6<sup>th</sup> Ward City Council person is not standing up, but she needs some help. And we have too many young people in this City. We are talking about preserving history. Before Petersburg Annex and Dinwiddie and A.P. Hill moved the school to its current school location, that was a school. It even had a pool in the backyard. A lot of people in my family that even attended the church that my father pastored and worked at A.P. Hill. We have a picture where my older brother was back there at the pool. And we are letting that go. But yet, we are saving everything in Old Towne. That area of Petersburg, and like I said before Petersburg added Dinwiddie and the new A.P. Hill. When we talk about preserving this is the original Old Towne, where I live on Mistletoe Street. Everybody doesn't know that is originally not The Heights. But those are the original Old Towne's. Our young people are suffering. Everybody is saying that we are tired of them hanging on our streets. But yet we are those same people saying that we need to do something. I am imploring you, although I am in the 5<sup>th</sup> Ward, if nothing else please you all

\*Audio available upon request.

get behind Mrs. Lee and let's do something for our young people with that A.P. Hill Community Center. Because Ramada Inn is not the only eyesore in this City. Thank you."

Richard Stewart, 129 Rolfe Street, stated, "I would first like to thank the police department for patrolling Pocahontas. Now that they have opened that park over there we have unusual guest coming over there and I thank the police department. And also, the fire department for coming in that area. Over the last couple of weeks, William & Mary, VCU and University of Richmond is concentrating on Pocahontas. They want to know the history of the oldest black community in the USA. But they have a lot of students that ask me this question, 'Mr. Stewart, why does Petersburg seem to be the murder capital of the state.' What do you mean? They say that they read in the Richmond Times that they had 17 murders in Petersburg. I said the chief and the police department is doing everything that they can to solve it with what they got. 'Well, Mr. Stuart, you all have church on every corner in Petersburg. Mr. Stewart, have City Council and the churches and the citizens got together to talk about murder in the City of Petersburg?' I don't know but I am going to go to City Council and ask them anyway. With the murder rate in Petersburg why have they not had a crime summit dealing with the 17 murders that they had last year. That is all I can tell them. Something needs to be done in this City to help the police department. City Council and the citizens, we need to get together and come up with a solution. Thank you."

Gary Talley, 2323 Fort Rice Street, stated, "One quick question. Where are we on the Ramada Inn project? Now back in June we were told that it would be boarded up at the end of May and that didn't happen. When I drove by today and this is July there is still all open. Whatever damages are happening is just continuing to happen and making a bad situation worse. Don't we have a developer that is working on this project? Where are we on that? Thank you."

## **12. BUSINESS OR REPORTS FOR/FROM THE MAYOR OR COUNCIL MEMBERS:**

Council Member Cuthbert stated, "Thank you, Mr. Mayor. I want to talk about stop signs in residential areas. I want to thank council for approving the addition of two stop signs on Grove Avenue. They have certainly made the situation better although we still have drunk drivers that careen down the street. But the stop signs have definitely made a difference for the better. I asked the City Attorney whether other areas of Petersburg that are plagued by speeding might also benefit from the addition of stop signs and whether we would have to go through a traffic study before we put up a stop sign. And my takeaway from that discussion with the City Attorney, which I would like the City Attorney to help me with. My take away was that a speed study was not required before we put our stop signs and I do remember that during the discussion on the Grove Avenue issues that other members of council pointed out that they also have problems with speeding in their wards. I am very sympathetic to their plea for stop signs and would invite other members of council to submit request before this council if they thought that it would help address and minimize speeding problems in their wards and neighborhoods. I think we all want our City to be safe for our residents and I do not care what part of the City has a speeding problem, I certainly will listen sympathetically if another member of council brings a request for stop signs authorization before this City Council. If there are speeding problems in other areas of Petersburg and a member of council believes that a stop sign will help to address that, I would invite that member of council to bring that issue before this council. I think we made a real dent in the problem, you might say on Grove Avenue. And I would like to share that success with other areas of Petersburg. Thank you, Mr. Mayor."

Council Member Wilson-Smith stated, "Enjoy your 4<sup>th</sup> of July weekend. Please be safe and look out for other people, remember your neighbors and I have nothing else for tonight."

Council Member Myers stated, "I would like to suspend the Rules of Council to put a motion on the floor and recommend that the City Council approve and instruct the City Manager to execute a commercial lease

\*Audio available upon request.

agreement for the City space located at 3811 Corporate Road for two years with a one-year option in the amount of \$1 per month.”

Council Member Myers made a motion to suspend the Rules of Council to put a motion on the floor and recommend that the City Council approve and instruct the City Manager to execute a commercial lease agreement for the City space located at 3811 Corporate Road for two years with a one-year option in the amount of \$1 per month. The motion was seconded by Council Member Hill. There was discussion on the motion among City Council and staff. The motion was approved on roll call. On roll call vote, voting yes: Smith-Lee, Myers, Hill, Hart and Parham; Voting No: Cuthbert and Wilson-Smith

**19-ORD-38 AN ORDINANCE TO INSTRUCT THE CITY MANAGER TO EXECUTE A COMMERCIAL LEASE AGREEMENT FOR THE CITY SPACE LOCATED AT 3811 CORPORATE ROAD FOR TWO YEARS WITH A ONE-YEAR OPTION IN THE AMOUNT OF \$1 PER MONTH.**

Council Member Hill stated, “Good evening. I want to wish everyone a Happy 4<sup>th</sup> and everybody be safe. It is ironic that Mr. Christian would bring that up about A.P. Hill because I did speak to one of the church pastors in the community and we were having a conversation about A. P. Hill Community Center. And then I found out that two of my colleagues had a meeting with them and some of the faith-based people in the community. So, prayerfully we can come up with an agenda for staff to see how we can get A. P. Hill Community Center back online very soon. So, prayerfully we can do that in the near future. Also, I would like to ask the administration what we are doing about the burn houses that have been burned and the rubberish is still there. Can we address that? We have about three or four homes in the community. I do not know if it is on the owner or on us. It is an eyesore.”

Mrs. Benavides stated, “My team had a meeting on this. Mr. Lyons lead it with the code officials to talk about it. There are a number of reasons behind this is that some of them are insurance claims. I think there was a business on Crater Road that stayed up for a very long time because of an insurance claim. But if you would like for Mr. Lyons to give an update on this during the meeting.”

Mr. Lyons stated, “We have been working and we are developing a plan right now to come back to you clearly explain to you in great detail how we got to where we are and what is our plan moving forward. There was a collective meeting last week with the fire marshal, police, Mr. Miller and all of the people from building safety and we want to make sure that we got the comprehensive list of information before you and a plan of action moving forward. And also, how do we address these buildings if we are to move towards demolition. The cost of the average house to take down, since we took down eight houses, are roughly \$5,000 to \$7,000 per house. There is some dedicated dollars and cents that has been set aside as our demolition budget which is controlled through our planning and zoning department that is a part of code compliance. So, we are endeavoring to have a hot spot list and come back to you all with council to get full direction in terms of where we are going. Some of the things that the City Manager eluded too, is one that insurance elements are associated with it and secondly getting in touch with the rightful owners and thirdly we have to be very sensitive to a multitude of other issues. Because as we have moved in the past, we want to make sure that we have all of the documentation to move forward. But it is our goal, hopefully in the next 30 days, to come back with you of a full list to get clear direction from you all as to how you would like for us to proceed. But we are working to get all of those facts in order.”

Council Member Hill stated, “Thank you. And while you are still at the mic, another issue. I spoke with Mrs. Innis today and she said that she was going to try and expand the contract. I know we have contractors working in the Old Towne area as far as cleaning vegetation. But as far as like on Crater Road and different places throughout the City on our street curbs. I keep on talking about this. And it is getting kind of frustrating that we need an all-out list like the way we did it with the potholes. That we need to cut our curb areas. It is getting out of hand. We need a plan for that. And I don’t think that it should be primarily that we contract. I am

\*Audio available upon request.

pretty sure that we have some people in public works. And basically, it needs to be weed wacked. We have a lot going up Crater Road, Washington Street and right here in on the corner coming across the bridge. I am talking about the sidewalks. And I am not talking about just spraying it and waiting for it to die. We need to go ahead and cut that and blow it off and then spray it. That needs to be done immediately. I have been saying this for too long for us to do this. And I do see the workers in Old Towne working with the green vest on and they are not City workers. But at this time, it is getting to point that it is getting out of control. I did speak to Mrs. Innis earlier today. So, that is one of the things that I would like to see this week if at all possible. And the last thing is street lights, I know you cannot see all the street lights, but we have a lot of street lights that are out. So, those are the two to three items that I have concern about.”

Mr. Lyons stated, “They are at the top of our agenda list. I had talked about that earlier tonight as well. One of the things sir that I wanted to keep in mind is that when you head down Bank Street at the stop light headed towards Puddledock Road, as you get to those intersections, one of the things that I have been going out personally with staff and others, is that in those medians that you saw overgrown trees and hedges we have a challenge. One of those challenges that we have is that we do not have enough staff to prune trees and that nature. So, what you have seen is massive cleanups and also, we have cut some of the vegetation down to clear some of the issues that you are talking about. Secondly, we are moving forward to try and start this blitz and go back to a ward and community sweep to have individuals to help us. One of things that I want you to take into consideration here, is that this is my second summer here and this is the first summer that I can say to you of the work that we are doing in the cemetery. The challenges that we had as we move staff from their traditional plans and staying on top of grass and weed areas, that when we move them to take care of other things that when you go back over here you have a bigger problem. And so, what we are trying to do is that we spent \$65,000 on a contract for downtown. I was out there with them today as they were cleaning around City Hall and other places. We talked to Mrs. Innis yesterday, and we will be coming back to you on part of what you are talking about with a plan to try to develop a way to get staff people assigned to each of your ward areas and downtown. We will try to keep the cost down. But people that are dedicated to just clean up on an ongoing basis, the proliferation of grass and rain and moving people from one area to another without coming up with some dedicated staff, all you are doing is robbing Peter to pay Paul. We are on top of that piece and I think that with the other issue that you raised we will do everything as well to make sure that we are on top of that too. We are working that plan.”

Council Member Hill stated, “Thank you. I have no other items.”

Council Member Smith-Lee stated, “I appreciate all the calls that I received when I was out sick. I am still trying to recuperate. But thank you. I want to say thank you to Mr. Christian for your support. We are on a mission to get A. P. Hill Community Center back and up to pare so that our youth and seniors will have a safe haven to turn to. We need something here for the youth. And thanks to Vice Mayor Hart and also Reverend Hobbs. We are truly on a mission. Also, I want to thank Mrs. Innis and Mrs. Sinclair for helping our seniors out. They have done some outstanding things that they do not talk about. But they truly have helped our seniors. Also, I want to thank the W.H.O.P City for cleaning up the Farmer Street area, where the now the kids are at swimming pools. I appreciate that. Also, to you Mr. Christian, so many people do not know the history about the City of Petersburg. The history of Virginia was taught at Virginia State University. I do not know if it is being taught now but I took that course and most of the course related right here in the City of Petersburg. And some of the things that you spoke about today is in the history books so, I appreciate your knowledge about the history. And also, on August 7<sup>th</sup>, Ward 6 will have a ward meeting. So, please come out and join us at 6:00pm at Cool Springs Elementary School. That concludes my report.”

Vice Mayor stated, “Just a few things. Just want to say a big thank you to all of those that have come out to one or the other community forums that was held here at the train station. Last week was the second. And that information had been shared with the administrative staff along with the Planning Department. We look to moving forward with planning with the City. Second item is congrats to Social Services and their

\*Audio available upon request.

opening on yesterday. I was able to spend about three hours with Ms. Tyus and her staff to not only to meet the staff and welcome them to the new building but to see all of the great things that are going on. Ms. Tyus, Mr. Stevens, Ms. Johnson, Ms. Oliver along with Mrs. Innis and her staff, they did a great job putting that building together on last weekend. I cannot say how great it is to everyone. But if you get the chance to stop by there and see what is going on and the great things that they are doing. Question to council, where are we as it relates to the advance? And finally, Mr. Lyons, if you need me next week I will help you cut grass in Ward 7. Thank you.”

Mrs. Benavides stated, “In response to the advance, we have talked about location as far as coordination. I have been working with the University of Virginia with help in facilitating this. There have been a number of conversations that we have to have. One is economic development and the other is on strategic visioning. And so, in working with Dr. Larry Terry, who is the Executive Director, he and I have been working on dates based on your availability to facilitate this retreat. I think we have done a couple of in house with our staff, but I think that we have got to have a true extensive conversation to move beyond what we have done and what staff has done and talk about our strategic vision as well as our economic development, land use planning program. And so, I have mentioned to him three different months because I need to make sure that we have full participation. We have the end of July, August as well as September. And so, I will continue talking to Dr. Terry this week and next week to make sure that we can send out some options that the school has available.”

Mayor Parham stated, “Good evening everyone. I would just like to touch on what was a great celebration of the Unveiling of the Virginia Voter League Historical Marker. Council Member Cuthbert and I was there on the 23<sup>rd</sup> for the unveiling of the marker along with Mr. Julian Greene and First Baptist Church. We had an awesome ceremony there and just want to let everyone know that Virginia’s Voting League was founded in 1941 and head quartered in Petersburg was a federation of local organizations that advocated for African American voters. Professor Luther P. Jackson of what is now Virginia State University, together with attorney’s Robert H. Cooley, Jr. and Raymond J. Valentine and educator, James P. Spencer, organized the league which allied itself with the NAACP and other civil rights organizations. The group educated its constituents about the rights of citizenship, promoted poll tax payments and voting registration leading to an increase in voter participation among African Americans. Most of the family members from these late great men came to the ceremony and it was very humbling to see the people that made the way for a lot of us to be able to serve in these seats that we have on council. And along with Dr. Davenport and Dr. Farley saying, ‘where is the rest of council, Mayor? Do they know they are only here because of us? You make sure you take that message back.’ Along with Mr. Cooley saying, ‘I went to school with Council Member Treska Wilson-Smith. You tell her to call me because she did not come here to see me.’ He wants to get involved in organizing what is called a civil right round table. So, when you get a chance you give your classmate a call. He wants to talk to you. It was a great ceremony to really reflect on how far we have come here in the City of Petersburg. Thank you, Council Member Cuthbert, for being there with me for that remarkable event.”

**13. ITEMS REMOVED FROM CONSENT AGENDA:**

No items for this portion of the agenda.

**14. UNFINISHED BUSINESS:**

- a. Consideration of MOU with Petersburg Preservation Task Force

**BACKGROUND:** The PPTF entered into a Memorandum of Understanding with the City on March 20, 2018 for a one-year period. Currently, PPTF manages the Blandford Church and Reception Center, Centre Hill Mansion and The Exchange Building (formerly The Siege Museum).

\*Audio available upon request.

**RECOMMENDATION:** Recommend City Council extends the MOU with the Preservation Task Force until April 17, 2021, with an option at the City's sole discretion to extend for an additional one-year period.

\*This item was tabled prior in the meeting.

b. Consideration of Stabilize to Revitalize Program

**BACKGROUND:** The city owns over 200 vacant lots, and 8 lots with improvements. The comprehensive plan and the strategic plan for the city is to get these vacant lots back on the real estate roles of the city and in the hands of citizens. In addition, there are lots of private property decaying our communities because they are not stabilized and have several property maintenance violations. This initiative allows the City to stabilize these properties and placing a tax lien to recover the monies spent; and to abate many of the property maintenance violations. This is a strategy to aid the Property Maintenance staff in achieving compliance, its implementation allows neighborhoods to be restored one house at a time.

**RECOMMENDATION:** Recommend City Council identify the funds to be allocated, review a list of potential properties, review how the funds will be shared amongst the properties, and to discuss how the money invested in the repair of the houses be returned to the City.

Vice Mayor Hart stated, "At the last meeting if you recall I asked that certain questions be answered. As it relates to how do we fund this project and who gets it and how the selections will be made as far as housing. And more importantly, how do we get this money back as a guarantee. Those were my three major questions for bringing this back to council."

Mrs. Peters showed a PowerPoint regarding the information on the project.

<http://petersburgva.gov/DocumentCenter/View/4611/Stabilize-to-Revitalize-Powerpoint-presentation-July-2-2019-final> (PowerPoint presentation)

Mrs. Peters stated, "To answer the questions, we started off with a Stabilize to Revitalize criteria. You asked if we could come back with some ideas and suggestions of properties that would be eligible for the program based on these criteria. And so, we have done that. The Code Compliance staff looked at the wards and the areas in which they cover, and they have presented the following properties in their opinion that would be eligible. So, it is one- or two-family homes. The address is 610-612 on West Wythe Street. This would be eligible based on the criteria. Also, 256 Grove Avenue, and let me give a full disclaimer. They sent the pictures to me and it was hard to fit all of the issues on why this property was eligible. So, this is the only property that has multiple pictures. So, it is not for any particular reason other than being able to show you all that the property would be eligible to become stabilized and would be beneficial to the neighborhood. The property on Liberty Street is unique as there is private investments already occurring along Liberty Street. There is a partnership that the City is part of where it has some Cameron funds in it and CDBG monies in it. And you have Project Homes and Rebuilding Richmond as well as First Baptist Church and the two historic preservation organizations and LISC are already doing investments on the street. And the City Manager had in her report today of the second phase that Cameron is moving into with purchasing homes and totally gutting it and rehabbing to put it on the market to sell just as they did with the first property. So, this property is at the corner of that block. And 109 Marshall Street was another example of a property that is eligible to participate in the program. And so, the funding for Stabilize to Revitalize in the very first presentation that was given to City Council it was stated that City Council is asked to determine the source of funding for the initiative and that this was not something that staff is taking on or assuming the responsibility. We look to you for your guidance and advisement on where the money would come from for the pilot. We did request that it be a \$50,000 pilot but you can allot what you so desire to allot or not to allot to the program. And then how the funds are distributed is

\*Audio available upon request.

one of your questions. And with the houses that we showed you it is really difficult for me and the staff at this point to tell you what exactly the cost would be of the work that would be required in order to stabilize the property. So, the funding distribution would depend on whether we select a house and it takes the entire amount that you allot or whether we select the house and take only a portion which would leave remaining money that you could distribute to another house that is selected for the same pilot. Again, if the initiative is approved staff would select the properties based on the criteria that has been established. And then those houses that would have the greatest impact, this is to stabilize and be a part of restoring that community. And so, will the money be guaranteed to come back to the City? So, my answer to that is that there is not a guarantee. There will be a lien that will be placed on the property and the lien is second to the taxes and it takes precedence over other fees and charges. And so, those are the answers to the questions that you asked staff to bring back to you."

There was discussion among City Council and staff.

Council Member Cuthbert made a motion to approve the concept of the Stabilize to Revitalize Initiative and authorize the pilot program which will allow one or more homes to be selected by City staff to be stabilized with a total cost of the FY2019-20 not to exceed \$50,000 with the understanding that the funds will come from the money in the budget earmarked for demolition. The motion was seconded by Council Member Wilson-Smith.

Vice Mayor Hart made a substitute motion to table this until there is clarity on the whereabouts on the money along with a reasonable way of payback until the first meeting in September. The motion was seconded by Council Member Myers. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill, Hart and Parham

- c. Consideration of the expansion of local historic districts – historic landmarks in National Register of Historic Buildings.

**BACKGROUND:** The City's local historic district does not include certain buildings which have been designated as historic landmarks in the National Register of Historic Buildings. These are valuable historic assets to the City. Expansion of the local district to include these structures will aid in the preservation of these valuable properties.

**RECOMMENDATION:** Adopt resolution.

Council Member Cuthbert stated, "Thank you Mr. Mayor. Let me begin by saying I have an ownership interest in the building that is called the 'Cohen House' on the list of properties that I distributed before this council meeting started. There are 11 parcels there itemized. These are properties on the National Register that are not now in local historic districts. I have an ownership interest in number 6, 'The Charles Cohen House.' I call it the 'Adams Wythe House.' That's the Victorian house that is diagonally across from the J.T. Morris Funeral Home. With that said, I believe I am able to participate in the discussion to vote on this agenda item fairly and objectively and in the public interest. Let me turn to the other pages, two and three of the pages that I put before council. We have already talked about the first page and it includes 11 buildings. There are three which are of special interest to the African American history of Petersburg. One of those three is the Peabody Building of the Peabody Williams School. A second one is the People's Memorial Cemetery. And the last one is the Trailways Bus Station. Maybe there are important connections with the other structures as well. I am not familiar with them but that could well be. Let me go to page two and three of what I gave council. Page two shows the iconic photograph of the Trailways Bus Station and page three explains in two sentences the significance of that bus station. It reads, 'The Trailways Bus Station in downtown Petersburg was the site of civil rights protests and sit-ins that occurred during 1960 and 1961. As one of the stops on the historic Freedom Ride civil rights campaign, the bus station witnessed events that were a critical part of the Civil Rights Movement in Petersburg and the Commonwealth of Virginia.' I know that later on in our agenda there is a

\*Audio available upon request.

discussion or an agenda item dealing with the sale of Trailways Bus Station and there is a development agreement that is part of that agenda item. Mr. Williams does that development agenda in that agenda item of 16, does that development agreement prevent the proposed purchaser or any future owner from giving the bus sign to the City and then demolishing the building?"

There was discussion among City Council and staff.

Council Member Cuthbert made a motion that council follows the recommendation set forth in the agenda to adopt a resolution as attached to the agenda item "14c", and that this is not a final decision, but it does start the process for putting these 11 buildings in a local historic district and thereby protecting them from demolition without public input.

There was discussion on the motion among staff and City Council.

The motion was seconded by Wilson-Smith.

Council Member Myers made a substitute motion to strike entire item until they receive some narrative to all of these items that were verbally listed and not included in the packet. The motion was seconded by Council Member Hill. There was discussion among City Council Members. The motion was approved on roll call. On roll call vote, voting yes: Smith-Lee, Myers, Hill, Hart and Parham; Voting No: Cuthbert and Wilson-Smith

#### **15. STANDING COMMITTEE REPORTS:**

No items for this portion of the agenda.

#### **16. NEW BUSINESS:**

- a. Consideration of a resolution for Petersburg Area Transit Title VI Program

**BACKGROUND:** In order to receive federal assistance through the FTA, Petersburg Area Transit (PAT) must comply with the guidelines of the Title VI of the Civil Rights ACT of 1964 and carry out the U.S. Department of Transportation ("DOT" or "the Department") Title VI regulations (49 CFR part 21). PAT's Title VI document is intended to integrate programs and activities, based on the considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005). PAT will as a commitment to civil rights ensure that "No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

**RECOMMENDATION:** Recommend City Council adopt the attached resolution approving Petersburg Area Transit's updated Title VI Program.

Koonce, Director of Mass Transit, read the background information out loud.

Council Member Myers made a motion to adopt the resolution approving Petersburg Area Transit's updated Title VI Program. The motion was seconded by Vice Mayor Hart.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

\*Audio available upon request.

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

**19-R-38 A RESOLUTION ADOPTING THE PETERSBURG AREA TRANSIT TITLE VI PROGRAM.**

- b. Resolution approving signatories for City of Petersburg Bank Accounts at SunTrust.

Mayor Parham stated, "I will entertain a motion to table."

Council Member Myers made a motion to table action on the resolution approving signatories for City of Petersburg Bank Accounts at SunTrust. The motion was seconded by Vice Mayor Hart. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith- Lee, Wilson- Smith, Myers, Hill, Hart and Parham

- c. Consideration of approval of occupancy of City space at 3811 Corporate Road.

\*Item has already been done prior in the meeting.

- d. Consideration of a resolution of the City of Petersburg supporting the Appomattox River Trail through the Tri-Cities Region and Memorandum of Understanding (MOU) between the City of Petersburg and Friends of the Lower Appomattox River (FOLAR).

**BACKGROUND:** The Appomattox River was designated a State Scenic River in 1977 and the designation was extended in 1998 and 2011 and to include 19.2 miles of river from 100 feet below the Brasfield Dam to the confluence with the James River, passing through the jurisdictions of Chesterfield County, Dinwiddie County, the City of Petersburg, the City of Colonial Heights, Prince George County and the City of Hopewell. The State Scenic River designation recognizes the natural beauty and the historical significance of the Appomattox River. In 1997, the National Park Service and the Crater Planning District Commission convened a series of meetings to develop the Appomattox River Corridor Plan funded by the Virginia Coastal Zone Management Program that recommend the river corridor should be used as both a land and water trail and in 2002 a study by the Virginia Tech Community Design Assistance Center further refined the concepts.

The Friends of the Lower Appomattox River (FOLAR) was established in 2000 in partnership with the Crater Planning District Commission and all 6 jurisdictions of the Lower Appomattox River with the mission of working in partnership with communities to conserve and protect the Appomattox River for all to enjoy. The Cameron Foundation funded the development of the Appomattox River Master Plan and Signage Plan that was completed in 2017 and adopted by FOLAR and the Crater Planning District Commission in the same year.

The Appomattox River Trail will be a 22-mile shared use path serving walkers, bicyclists, the physically challenged and other non-motorized users. The Appomattox River Trail system will also provide river access for paddle craft, swimming and wading as well as places for fishing, picnicking and other passive recreation pursuits. When complete, the Appomattox River Trail will provide connection to other nationally and regionally significant trails such as the East Coast Greenway, the Ashland to Petersburg Trail and the Capital Trail.

As an education asset, the history and habitat of the Appomattox River will be preserved and interpreted serving as an outdoor classroom for students of all ages and when completed. As a transportation asset, the Appomattox River Trail will link the 6 jurisdictions along the river and increase transportation options while improving air quality, reducing roadway congestion. As a tourism asset, the Appomattox River Trail will offer boating and fishing access and encouraging ecotourism. As a health and wellness asset, Bicycle and pedestrian facilities can help curb a national epidemic of chronic obesity and weight related diseases by providing a safe alternative than travel by car.

\*Audio available upon request.

Bicycle, pedestrian and water activities will be marketed as a unique quality of life feature to promote economic development and create jobs, attract events and visitors to our region, connect communities and encourage a better and more enjoyable and equitable quality of life for all citizens.

Five miles of the Appomattox River Trail will run through the City of Petersburg and the Appomattox River Trail will provide pedestrian and bicycle transportation options and healthy recreational opportunities for the Citizens of Petersburg.

**RECOMMENDATION:** It is recommended that the City Council considers adoption of a Resolution supporting the Appomattox River Trail through the Tri-Cities Area, which includes the City of Petersburg, and the MOU expressing intent to work together to implement the Plan.

Mr. Tabor stated, "This evening we have Wendy Austin and Heather Barrar of FOLAR to make a brief PowerPoint presentation.

Council Member Myers made a motion that City Council adopts a resolution supporting the Appomattox River Trail through the Tri-Cities Area, which includes the City of Petersburg, and the MOU expressing intent to work together to implement the Plan. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Willie Noise, 1508 Circle Drive, stated, "The last time we talked about the trail public hearing we did not get a chance to comment on it. My question tonight is that I have been going down to that river for quite some time now. And when I first caught on to what is going on I was over in Colonial Heights behind Wal-Mart. And I looked around and the touches that they have on there were so nice and I just enjoyed and loved myself. I walked it and I am trying to see how they are going to get from over there all the way up to Matoaca. Now, my question is that the founders, where did they start and where are they planning on ending? And are they going to take both sides of the river as they go together. Because the way that it looks to me now is that they are doing more on the Colonial Heights side then they are on Petersburg side. The little thing that they just did in Pocahontas Park and all the little benches have been so bad off and broken down and everything that they are putting a little touch on it. I have not walked it lately. Just spotting pure spotting. The storm has knocked down a few trees and stuff and the only thing that I want to see is that this organization bring both sides of the river up the river on the trail at the same time. And let's not concentrate solely on the Colonial Heights side. Thank you."

Richard Taylor, 828 W. Tuckahoe Street, stated, "I appreciate your consideration of what we asked for tonight. And Mr. Myers thank you for the compliment. It has been 16 years and I never in my wildest dreams that we would be where we are today. Mr. Noise we are going to connect both sides of the river. It just so happens that Colonial Heights has a separate organization that has gone out and gotten a lot of taxpayer's dollars to do what they have on their side. Where as to what we have done on our side, I have not come to council to ask for money. What have gotten it by raising businesses, industries and individuals and through a whole lot of hard work of these two individuals that are here tonight to bring you this information. And Mr. Noise we started in Petersburg going towards Dinwiddie and now we have actually got stuff done in Hopewell. So, the trail will actually go 23 miles all the way from Hopewell to the dam in Dinwiddie County. One of the obstacles that we have come across is the fact that we have got a sewage treatment plant in Petersburg that is hard to get around. So, one of the ways that we can avoid that is to build a bridge from Pocahontas Island to Colonial Heights. Hopefully, that will occur one day. And we are working on that. So, again thank you for your support and I think that you will see that the trail will line from Pocahontas down to Grove Avenue through our historic area bringing businesses to restaurants and the stores down there. And then it will go back out and go

\*Audio available upon request.

to Dinwiddie. I hope everyone of you will come with us one day and walk through what we have done. It really is beautiful asset to my City. Thank you.”

Brandon Martin, 1546 Berkeley Avenue, stated, “I too commend council to adopt this MOU and resolution. I am not a native of Petersburg but shortly after I moved here I got involved in the scenic river activities. I worked for Tom Miller to get that destination accomplished. So, I go back a few years on this river but not like some of the other folks that have been up here though. That river has got a lot of history. It is a wonderful resource and curiously there is the remains of a five-foot railroad cart on the river just past the park out in Dinwiddie County. Tom pointed that out to me and I have seen it a number of times and there was not much left. Unfortunately, I suspect that it will become a casualty. Everything else along that river has gotten great potential and FOLAR has made it happen. Let’s move forward with it. Thank you.”

Seeing no further hands, Mayor Parham closed public comments.

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

**19-R-39      A RESOLUTION OF THE CITY OF PETERSBURG SUPPORTING THE APPOMATTOX RIVER TRAIL THROUGH THE TRI-CITIES REGION.**

- e. Consideration of resolution approving the development agreement between the City of Petersburg and Griffin Cigar, LLC for adaptive re-use and development of 108 E. Washington Street, Petersburg, Virginia, former Trailways bus terminal building.

**BACKGROUND:** The City of Petersburg City Council approved 19-ORD-14 an Ordinance authorizing the City Manager to execute documents related to the sale of city-owned property located at 108 East Washington Street on February 5, 2019. Following a due diligence period, a Development Agreement has been drafted that requires, in consideration of the City’s conveyance of the Property to Cigar Dispatch, Cigar Dispatch shall perform the redevelopment or the Property strictly in compliance with the project summary documents and in accordance with terms defined in the Agreement. The Development Agreement shall be referenced as if set forth fully in the deed of conveyance of the Property from the City to Cigar Dispatch. The deed shall include provisions for the reverter described in the Development Agreement.

**RECOMMENDATION:** It is recommended that the City Council considers adoption of a resolution approving the Development Agreement and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City-owned property in accordance with applicable legal requirements.

Council Member Hill made a motion to adopt a resolution approving the Development Agreement and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City-owned property in accordance with applicable legal requirements. The motion was seconded by Council Member Myers.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comment period.

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

**19-R-40      A RESOLUTION APPROVING THE DEVELOPMENT AGREEMENT FOR ADAPTIVE RE-USE AND DEVELOPMENT OF 108 EAST WASHINGTON STREET, PETERSBURG, VIRGINIA,**

\*Audio available upon request.

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**TRAIL-WAYS BUS TERMINAL BUILDING BETWEEN THE CITY OF PETERSBURG AND GRIFFIN CIGAR, LLC.**

**17. REPORTS/REPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:**

Council Member Hill stated, "Madam City Manager, can we get this right here done earlier in your report. Not now, I am talking about in the future."

Mrs. Benavides stated, "I believe that the time for it is set by council. But if you want to move it up in my report."

Council Member Hill stated, "When you do your report can you have her do this. Because a lot of what she is talking about she is answering questions that the citizens have asked. It makes it seem like we are not answering their questions. And of course, you see that nobody is here. So, in the future, like at the beginning of the City Manager Report, can you have her to come up and do it. And then you come back and do whatever it is that you want to do."

Mrs. Benavides stated, "I think that the agenda is set at your organizational meetings."

Mayor Parham stated, "Council Member Hill you would need to make a motion to make an amendment to the Rules of Council to move this item up. Am I correct Mr. Williams?"

Mr. Williams stated, "Yes, sir."

Council Member Hill stated, "Well, I am looking at it and it says City Manager Report and this one says City Manager Agenda."

Mrs. Benavides stated, "So, this is actually an agenda that is set on your agenda on 'Item 17 – Reports/responses to previous public information period.' What you would do is that you all would need to make a motion to move it up. But we are perfectly comfortable with doing it earlier."

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

Kemi Osoba, Public Relations Officer, read comments and responses from previous public information at the June 18, 2019, regular council meeting.

1. Concerning the EDA Lawyer, why is our City Attorney not sitting in?

**Answer:** Although City Council created and appoints Members to the Economic Development Authority (EDA), it is not a "council appointed board or commission." Instead it is an independent political subdivision of the Commonwealth of Virginia as described in §15.2-4903 of the Code of Virginia which has specifically enumerated powers including the power to employ its own attorney as described in §15.2-4905(9) of the Code of Virginia. In short, the EDA would have to vote to agree to appoint the City Attorney as its counsel with consent from City Council to allow their attorney to serve in this dual role. This was discussed with the EDA Manager when the City Attorney took office, but at this time, the EDA has chosen to continue to utilize its own separate counsel which is within the EDA's legal authority under the provisions of the State Code.

2. What is the status of the Jarratt House?

**Answer:** At this time, the City has received the 100% completed plans from McPherson Design Group for the stabilization of the Jarratt House. We have also received an environmental review from Timmons Group, and a conditional approval of no adverse effects from the Department of Historic

\*Audio available upon request.

Resources (DHR); which permits the project to move forward to the construction phase. DHR needs to see the construction schedule which would be made available after the award of the contract to a contractor. Staff has sent a letter of intent to the National Trust for Historic Preservation and was selected to be one of 52 applicants to apply for the grant. A total of 462 letters of intent were received and reviewed by the National Trust for African-American Cultural Heritage Grant. Notification of grant award or rejection is sometime in early July. Department of Public Works has secured window boards that were falling and patched a portion of the roof that was coming up. The Planning staff conducts bi-weekly field inspections of the property. Staff is in the process of getting an RFP for bids for construction and are working closely with Purchasing through the PO process as we move toward bidding.

3. What is status of the Old library on Sycamore street?

Answer: The building has been assessed by the City's Facilities Maintenance Department and has been determined to be in unfavorable shape. The Petersburg Facilities Maintenance Team has recommended the consideration of having an analysis completed by a structural engineer to determine next steps.

4. What is the status of South Side Depo?

Answer: A plan has been developed to outline the completion of the project. Staff is awaiting cost estimates for the abatement process and has accepted the proposal from Enteros Designs to receive the plans and bid documents needed to finish the project.

5. Updates concerning the VSU Gateway Project and the Cameron Foundation grant?

Answer: The name has been changed to the Appomattox River Trail Way Project. The plan has also recently been reworked to include the removal of the bridge and shifting the primary focus to the trail way. The City is working on the CSX land acquisition.

6. What is the status of the Westview Roof Project?

Answer: The project has been advertised again, as no bids were received after the first advertisement. A pre-bid conference has been held and the City is awaiting bids to come in for the project.

7. What is the count of unoccupied dwellings throughout the City? How many of these are red tagged?

Answer: There are 363 properties in the vacant database. Properties must be vacant for more than 12 months consecutively in order to be registered and maintained in the database. The red tag list has a total of 205 properties tagged.

8. What is the count of unoccupied dwellings compared to total number of dwellings?

Answer: to the U.S. Census, there are 16,349 housing units. There are 363 vacant units.

9. Will the Police be enforcing the City curfew this summer?

Answer: The Petersburg Police will continue enforcing the curfew should they encounter any violations. The curfew can be found in City Code section 74-1.

**18. CITY MANAGER'S AGENDA**

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

**19. BUSINESS OR REPORTS FROM CLERK:**

\*Audio available upon request.

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

**20. BUSINESS OR REPORTS FROM THE CITY ATTORNEY:**

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

**21. ADJOURNMENT:**

City Council adjourned at 10:43 p.m.

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Clerk of City Council

APPROVED:

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Mayor