

The Special Called Closed Session Meeting of the Petersburg City Council was held on Monday, July 22, 2019, at City Hall in Council Chambers. Mayor Parham called the Special Called Closed Session Meeting to order at 5:00p.m.

1. ROLL CALL:

Present: Council Member Charles Cuthbert
Council Member Annette Smith-Lee
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member Darrin Hill
Mayor Samuel Parham

Absent: Vice Mayor John A. Hart, Sr.

Present from City Administration:

City Attorney Anthony Williams
Deputy City Manager Lionel Lyons
Clerk of Council Nykesha D. Jackson

2. CLOSED SESSION:

Mayor Parham stated, "And at this time I want to jump to item '3', which is the consideration of a resolution authorizing fees for the Commercial Property Assessed Clean Energy (C-PACE) Program and authorizing the City Manager to execute a cooperative procurement agreement."

Council Member Myers made a motion to move to item 3a first prior to closed session. The motion was seconded Council Member Hill. There was no discussion on the motion, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill and Parham; Absent: Hart

- a. A resolution authorizing fees for the Commercial Property Assessed Clean Energy (C-PACE) Program and authorizing the City Manager to execute a cooperative procurement agreement.

BACKGROUND: The loans are secured by a voluntary special assessment lien placed on the real estate on which the improvements are constructed, and the City bills, collects, and enforces the special assessment lien. C-PACE will require considerable administrative review loan applications in addition to the services of the City's staff for billing, collecting, and remitting payments, and for the enforcement of the voluntary special assessment lien.

All of the costs incidental to financing, administration, and collection of C-PACE loans are required to be borne by the Borrower. C-PACE is intended to be self-financed through fees that are designed to cover the costs to design and administer the program, including the compensation of any third-party administrator. The ordinance states that the City Manager shall collect a non-refundable program application fee from the Borrower upon receipt of an application for C-PACE funding. In addition, the City shall impose a fixed fee to be collected with each loan payment. The ordinance provides that these fees shall be established by City Council by resolution from time to time. Application review will require City resources, including such tasks as the review of property title commitments, review of proposed Qualifying Improvements, and review of loan terms for conformance to the C-PACE underwriting and program requirements. City Staff estimates that a program application fee of 1.25% of the project cost with \$150 per application paid at the time of the application submission, with a minimum project fee of \$3,300 and a maximum project fee of \$50,000 is sufficient to cover costs associated with the services of billing, collecting, and remitting payments.

*Audio available upon request.

RECOMMENDATION: Staff recommends adoption of the C-PACE fees as proposed and granting the City Manager the authority to execute an agreement for third-party administrator using cooperative procurement, as authorized in Code of Virginia (2.2-4304).

Mr. Lyons and India Adams, Assistant to the City Manager, gave a briefing on the C-PACE Program.

There was discussion among City Council and staff.

Council Member Hill made a motion adopt the C-PACE fees as proposed and granting the City Manager the authority to execute an agreement for third-party administrator using cooperative procurement, as authorized in Code of Virginia (2.2-4304). The motion was seconded by Council Member Myers.

Ms. Jackson opened the floor for public comment.

Seeing no hands, Ms. Jackson closed the 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; Absent: Hart

19-R-48 A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENGAGE A THIRD-PARTY ADMINISTRATOR AND FOR THE ADOPTION OF FEES FOR ADMINISTRATION OF C-PACE PROGRAM.

City Attorney Anthony Williams stated that City Council will now move to go into closed session for 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 discussion of evaluations of City Council appointees.

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, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart

City Council entered closed session at 5:12p.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 heard, discussed or considered. If any member believed that there was departure forgoing should state for the record the substance for departure that his judgment has taken place."

Council Member Myers made a motion to return City Council into open session and certify the purposes of the closed session. The motion was seconded by Council Member Smith-Lee. 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, and Parham; Absent: Hart

*Audio available upon request.

19-R-49 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 6:47pm.

3. ADJOURNMENT:

City Council adjourned at 6:48 p.m.

Clerk of City Council

APPROVED:

Mayor