

The regular meeting of the Petersburg City Council was held on Tuesday, March 5, 2019, at the Union Train Station. Vice Mayor Hart 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
Council Member Darrin Hill
Vice Mayor John A. Hart, Sr.
Mayor Samuel Parham

Absent: Council Member W. Howard Myers

Present from City Administration:

City Manager Aretha R. Ferrell-Benavides
City Attorney Anthony C. Williams
Executive Assistant to City Manager Tanesha Flowers

2. PRAYER:

Mayor Parham stated, "At this time Reverend Leroy Evans of Metropolitan Baptist Church will lead us in our opening prayer."

Reverend Evans led the council meeting in prayer.

3. CLOSED SESSION:

City Attorney Anthony C. Williams stated that City Council will now move to go into closed session for one purpose pursuant to Section 2.2-3711.A (1) of the Code of Virginia, 1950 as amended, council will be in closed session to discuss and/or consideration of employment, assignment, appointment of specific public officers and employees of the City of Petersburg including but not limited to the performance of specific public officers or employees and under Subsection 7 for the purpose of receiving legal advice and status updates from the City Attorney and legal consultation regarding the subject of specific legal matters regarding the provision of legal advice by the City Attorney on matters of action and probable litigation specially including but not limited to matters requiring advice by the City Attorney.

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 Vice Mayor Hart. 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, Hill, Hart and Parham; Absent: Myers

City Council entered closed session at 6:34 p.m.

CERTIFICATION:

Mr. Williams stated that City Council now moves to come out of closed session and certify that only public business matters lawfully exempted from an open meeting requirement pursuant to the Virginia Freedom of Information Act and only such business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting.

*Audio is available upon request.

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 Smith-Lee. There was discussion on the motion.

The motion was approved on roll call vote.

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

19-R-14 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.

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:

All City Council Members were present except Council Member Myers

7. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS:

a. Proclamation for Girl Scout Week

Mayor Parham stated that the proclamation for Girl Scout's Week will be tabled until the next regular meeting.

8. COMMUNICATIONS/SPECIAL REPORTS:

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

Mrs. Benavides stated, "Mayor and Council given the length of our agenda tonight you have copy of my report. If there are any questions you can email me or ask questions and we will also put them online for the citizens to see. But I prefer to allow council to yield my time to the other agenda items."

b. City Assessor Report – Brian Gordineer, City Assessor

Mr. Gordineer stated that he does not have any items for his portion of the agenda.

c. U.S. Census Bureau Presentation – Kevin Krigsvold

Mr. Krigsvold stated, "I am going to try and keep this brief. So, we are about a year away from the 2020 Census. And what I want to talk to you mostly today about is help forming a complete account committee plus

*Audio is available upon request.

some job opportunities that we have available at the census. As a refresher we do a census every ten years that is roughly about \$675 billion dollars is distributed for the census numbers. So, it is vitally important that we make sure that every person in Petersburg is counted. We will talk a little bit more about that in a second. The main goal here is to talk about the census. For every person that does not fill out the census form in Petersburg has the potential to lose roughly about \$2,000 per person in federal dollars in the community. That is up to \$20,000 per person. That money is not coming back to the community. It is very important that we get everyone to fill out the form. The census bureau is going to do the count. What we are hoping for and get help from you to do is the socializing in the community. Especially the low response core areas. It is very important that everybody is counted. But we need help from the City to do that.”

Mr. Krigs vold provided a PowerPoint presentation with information on the 2020 Census.

d. Department of Historic Resources Presentation – Marc Wagner

Mr. Wagner stated, “I am an architectural historian at the Eastern Region Preservation Office. I am a little branch of the State Historic Preservation Office. This is my service area and I have to say that I love Petersburg. I love working here. I have met some of you at events on and off over time at highway markers and other meetings. Councilman Cuthbert has asked me to come and give you a brief presentation on what designation means and the different levels of designation. I am really here to answer questions about historic designations, tax credits, historic tax credits and project review.”

Mr. Wagner went over the handouts given to City Council Members.

There was discussion among City Council and Mr. Wagner.

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

- a. Minutes: Regular Meeting: February 19, 2019
- b. Request for a public hearing regarding an ordinance authorizing the City Manager to offer for sale the list of vacant City-owned real estate properties (March 19, 2019)
- c. Request for a public hearing to amend an approved Rezoning Ordinance 10-Ord-101, which permits the Planned Unit Development (PUD) dated December 14, 2010, by changing condition 3 (a): to say Multifamily, delete market rate rental apartments. 3(b): to say General commercial and delete Retail Type including restaurant services. Delete 3(c) which says office type uses, provided proposed square footage. 3(d) now becomes 3(c). Delete 12 (a-f). The property addresses are 214 Brown Street, T.P. 022-20-0001, 501 Farmer Street, T.P. 023-36-0004, 220 Perry Street, T.P. 023-32-0001, 304 Brown Street, T.P. 023-34-0002 and 023-32-0800 100-120 Perry Street. (March 19, 2019)
- d. Request for a public hearing to receive citizen comment on the street name change of High Pearl Street and Johnson Road to Moses Malone Boulevard and North Carolina Avenue to Roger Gregory Way (March 19, 2019 and April 2, 2019)

Council Member Hill made a motion to strike item “C” and “D” until proper procedure has been done to notify the residents in that area on Johnson and High Pearl Street.

There was discussion among City Council Members.

Mayor Parham stated, “Council Member Hill under the Rules of Council the consent agenda only has a short debate, so we debate this issue under item #13 ‘Items Removed from the Consent Agenda.’ So, Ms. Flowers can you list that as well ‘Item C.’ And a motion to approve those changes.”

Mayor Parham made a motion to approve the consent agenda with moving items “C” and “D” to items

*Audio is available upon request.

removed from the consent agenda. The motion was seconded by Vice Mayor Hart. There was discussion on the motion. The motion was approved on roll call. On roll call vote, voting yes: Cuthbert, Smith-Lee, Hill, Hart and Parham; Voting No: Wilson-Smith; Absent: Myers

10. **OFFICIAL PUBLIC HEARINGS:**

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

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.

Barb Rudolph, 1675 Mt. Vernon Street, stated, "I was going to make my comments real brief. I promise them for another week. But I do want to mention something Mayor Parham which I appreciate which was going over and talking about the rules and public information period. I noticed in the last meeting when there were 15 speakers that signed up there were way fewer than 10 that actually spoke but the Clerk of Council just announced summarily that everyone would have two minutes. But I think the procedure in the past that you followed is that when you have more than ten speakers you usually voted as a group to allow three minutes that would make your period exceed 30 minutes. And that did not happen in the last meeting and it sounded like some of the people had already been told that you have two minutes. But I appreciate that you returned to the prior practice but that was wrong two weeks ago. My other thing would be to mention that there are a few things that I hope that the City would report on soon. One of them would be the status of the landfill and the landfill operation under CFS. I recognize that they are still collecting our garbage, but they are not putting it in the landfill here. In my understanding from a few months ago in the contract that it would end at the end of June. And of course, they are under a lot of heat from the State, so I don't know if anyone from council or the City is getting reports on that. But I think that it would be important to know because it hasn't been exactly the best corporate neighbor to us in the City. The other item would of course would be the Ramada Inn Project. I have heard talk that maybe something you all are working with the developer on that. But we just saw something a couple of days ago that indicates that Mr. Harrison's project in Richmond seems to be proceeding right along, that's the model tobacco company. Which I think would be more of an exciting project to him to put his resources towards and maybe wait it out for the City of Petersburg to buy out the building back. But something has to happen. That building is not getting better. I am not telling you anything that you do not know. But please even if I know you are having a hard time getting in touch with the man but share with the City what is going on. Because it's really such an eyesore. I appreciate that. Thank you."

Annie Mickens, 1013 Melville Street, stated, "I stand before you for two reasons today. One is to be a constant reminder with regard to the need to invest ourselves in the preservation of our historic mark. And I am exceptionally appreciative of our preservation presentation with regard to the mention of Peabody. As a part of the effort to preserve Peabody I work with the Peabody Academic Development Center to do everything we possibly can to pull together the resources that will help not just our efforts but the City efforts. So, we are asking that you continue to work in our efforts of the preservation with regard to Peabody. The other piece is one that I did not come to talk about but since the census presentation was made tonight I feel a responsibility. I am being driven now by the health issues within Petersburg. And the Cameron Foundation has put out a service area health needs assessment. And if you have no knowledge of it at this point in time this is one thing that the council must invest itself in. The information that has been put out by Cameron is so important to us and the connection to the census is that the census tracks give the information that the people in this community need to have. I do not work for Cameron. But the Cameron Foundation service area needs

*Audio is available upon request.

assessments. The information and the connection to the Robert's Wood Johnson Foundation County Health Rankings ranked all cities and counties in Virginia on factors that shape health. And in the entire State of Virginia in all localities Petersburg is ranked last. If you take the time to look at the information from the Cameron Foundation Service Area Health Needs Assessment and the relationship to the census track information you will see the need to be able to support the census and anything that is necessary to pull together the involvement and the engagement of our citizens in completing a census that will work for us. And I cannot tell you how devastating some of the findings are. Everything from mortality to longevity. My only suggestion is that you would make this a major focus of council. And I thank you for the opportunity to share this information with you."

Julian Greene, 1625 Blair Road, stated, "The purpose for my being here tonight is on two-folds. The initial one deals with as co-director of Peabody Academic Learning and Development Center, and I appreciate Mr. Wagner being here to make that presentation. But since a question was raised by Councilman Hill let me go back and address that. Because I am a church historian for First Baptist Church. First Baptist Church is the oldest continuing African American Baptist Church in North America. When I say North America, I am talking about the entire continent of the United States. We came together for 263 years. We are organized for 245 years. Which states that before there was a George Washington President, a declaration of the Constitution, and a continental army there was a First Baptist Church. First Baptist Church is listed everywhere you can imagine on the internet. That sign that Mr. Wagner talked about is on me. I am the person that he mentioned that he would have to prefer. So, that is my responsibility to do that and I will so do that. I just fell short on it, but I will get on the subject matter. Now, moving on to Peabody. I want to site to you and also leave with the City Attorney what it states about the National Historic Preservation Act of 1966 that was developed by Congress. It says, 'this act be cited at the National Historic Preservation Act, the Congress finds and declares that the spirit and direction of the nation of founded upon and reflected in its historic heritage. The historical and cultural foundation of the nation should be preserved as a living part of our community life developed in order to give the sense of orientation to the American people. Historic properties significant to the nation's heritage of being lost are substantially altered often inadvertently with increasing frequency.' The preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, esthetic, inspirational, economic and energy benefit would be maintained for future generations of Americans. In the face of ever-increasing extensions of urban centers and highways and residential, commercial and industrial development the present governmental and nongovernmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich. Thank you."

Bo Tindall, 211 Marshall Street, stated, "I am representing the historic Poplar Lawn Neighborhood Association. I have two problems that we are facing. One we need to speed up code enforcement. I gave you four pictures of houses. Three of these are vacant houses. One has a rental to it. We met with code enforcement on 5/17 on these four particular properties. We are almost two years later, and they are in worst conditions then they were then. We are going to lose them if something is not done. Also, in regard to these delinquent taxes on these properties. 109 Marshall Street is behind 7 quarters for \$3,418; 137 Marshall Street is 11 quarters behind for \$2,652; 126 S. Jefferson Street for 28 quarters for \$16,450 and 126 Marshall Street for 12 quarters for \$9,660. That is \$30,000 on four houses in one neighborhood. You have got to do something about it. One suggestion that might help is that you have previously published delinquent taxes in the newspaper. I realize that cost a lot of money. Why not put it on the website? Everyone can look it up. It would not cost you a dime and the effect could be the same. Thank you."

Willie Noise, 1508 Circle Drive, stated, "Tonight we have about 20 things on my little piece of paper and I am going to read it right fast. Where at grass don't grow. The board of crossing. The President has been talking about the boarder this and the border that. And I like to confide it down to the boarders of Petersburg. The same thing he has mentioned about the border out there we can do the same thing in Petersburg. Now is the time and no one left behind. I am a veteran and I stick by it. And the country owes us. We were the best and we have some good ideas whether you want to listen to them or not. The agenda. What we have to do is come together. Mayor Samuel Parham, Petersburg Bureau of Police, Petersburg Sheriff Department, Delegate

*Audio is available upon request.

Aird House of Delegates, Senator Rosalyn Dance and Governor Ralph Northam. We have to support these people and call them, send them flowers and anything that you want them to do to let them know that Petersburg is backing them. Now I have been following all the stuff going on and the newsletter report. And our people are looking good. The things that they are saying is not emotional. Been in the storm to long and time to regroup. City of Petersburg has goals and core values that was already documented and stated. We need to revisit them. The Freedom Support Center speaks for veterans of Petersburg. Now we need an organization that can speak from what they experienced. And people need to listen and support that. Don't let that center get away from Petersburg. It is here, and it is centrally located. Don't look down on us it is only temporarily. Now I am going to tell you a story. I was on the corner and I looked across the street and there was four cars back to back in front of the church. Why hold onto the past if we are not going to learn to grow? Every garden growing to have some nonproductive seeds and plants. I would want it to spread all over the battle field. Public information period and residents being able to make a motion and have a vote from the council. And last, race relation forever. You cannot get around it. Its' what make us work. We have got to talk about. Thank you."

Ron Flock, 1708 Pender Avenue, stated, "FOIA, might be a new term to some of you people. But when I ask a question under FOIA I expect a response by law in five days. I don't expect no response in nine days with the expectation of, thank you Mr. Vice Mayor Hart. Our City Attorney seems to believe that FOIA has no place in his office. That was the response that I got from him. I think he needs a little education about FOIA because if I don't get my FOIA request answered it will be in court and it will be in your boathouse. You all need to get it in gear and get your act together. I do not care what you have to do to appoint somebody to get this taken care of. This is the second time in three years that I have done a FOIA request. And it's the second time that it has gone unanswered. And I am not the only person. You all have been sued over this before and it's going to happen again. Do you job. How many times do I have to ask you. Now this FOIA request is all about this special committee that supposedly and totally above board when there is not a single minute recorded in audio, video or on paper. That is illegal and that is against FOIA. You all need to something and get that man in check. Get yourself in check. Get these committees in check and do it the right way. We are not here to be combated. We want to work with you. But when you sit there and tell us that this is none of your business and go away there is a problem. Thank you."

Richard Stewart, 129 Rolfe Street, stated, "I am here tonight to speak about an event getting ready to occur in the State of Virginia. And I don't think the City of Petersburg is doing enough. That is the 400th Anniversary of the slaves that came into Jamestown in 1619. For the anniversary in Jamestown the City put together a committee with Virginia State University and went around and interviewed the last of the icons of the civil rights era, Mr. Fauntleroy and Wyatt Tee Walker. Something needs to be put together for the 400th Anniversary of Jamestown and the slaves. I know that Pocahontas is the oldest black community in the USA. If you go back and do the research as early as 1634 King Charles gave part of the land to Tensinaga called Tensinaga Henrico County. Later by 1660, free slaves was in this area trading with the Indians. The Bolling Family in 1732 was the first free negros in slaves to Pocahontas Island and we have been there ever since. Something can be done to speak about the rich history. Pocahontas was the oldest black community then the City of Petersburg must be the oldest black City in the USA. I just heard Mr. Greene talk about First Baptist Church but who attended First Baptist Church but the people of Pocahontas. Third Baptist grew out of Gillfield Church because of color. So, something needs to be done about the 400th Anniversary of the free slaves. I see the governor in the State of Virginia said something. Let Petersburg be the leader because black panthers came in last summer and said that they were coming back. They have not come back yet so you all be prepared. Thank you."

Linwood Christian, 410 Mistletoe Street, stated, "I am glad to hear about the census coming up because some of those issues are some issues that have been going on for a long time. And I would suggest to City Council that especially as we try to reach out to the Hispanic population and dealing with a lot of school information that you would utilize Ms. Janet DuHart. She works with the Petersburg Public Schools System. I had the opportunity when I served as the Citywide PTA President to work with her and she helped bridge a lot of gaps for our Spanish speaking community. Also, one of the things that we would like to know is that with

*Audio is available upon request.

these taxes with the cigarettes and all what is the monies being used for. We have not gotten a report. Mr. Cuthbert and others when you are calling for a report from these heads of agencies we need a report as to what this money is being for in this City. If monies are being pot hole blitz I congratulate you if not, then there is something wrong. Because we need to know why we are paying these higher taxes and we are not seeing a bang for our buck. Also, I would like to say this. Well, I cannot say too much because you have moved one of the items to another part of the agenda. But I would say this to members of council again. One thing even that Mr. Flock said is when you all get on citizens or get thin skin on something we said remember we put you in those seats. I don't care what ward you are from, we put you in these seats and we can take you out. Understand that we are the people who are trying to get somewhere better and when you all sit up here and bicker and carry on among yourselves do not get mad when we call you on it. And then last but not least when we are talking about being proud about our black history, although he is my older brother, many of you might not know that my brother when Mr. Hermanze Fauntleroy was alive my family came here to Virginia from New York was one of the first blacks to integrate D & Brown School. Which was once Petersburg Public Schools Headquarters Office, which is now a loft. Also, Mr. Parham might know about this part, in 1984 one of your Petersburg residents was the first black elected Virginia 4-H Cabinet President in 24 years in 1960. And in that year was the first black elected none other than yours truly, Linwood Christian. Thank you."

Warren Storrs, 1705 Johnson Road, stated, "Mr. Hill has answered my concerns regarding the name change on Johnson Road and High Pearl Street. I am hoping that council will take that protocol and do the right thing and get the input personally from residents on High Pearl and Johnson Road before this event goes any further. Thank you."

Michael Edwards, 409 Grove Avenue, stated, "You have a handout that I laid upon you. I come before you this evening to stress a great concern I have regarding the stagnant growth we are having as it pertains to economic development in Petersburg. We are at a standstill and I as a citizen, who is someone very involved, I see little to no conversations to address this. This concerns me greatly. The future of Petersburg relies on a strong economy and a vigorous pursue on economic development. Our neighbors across the bring, down in Hopewell and Dinwiddie are steadily attracting new businesses to their localities. There is a news article that you have up there from Channel 12 that has Hopewell said to become the new mini 'Carytown'. Council has voted over the past several months on some new projects. Mainly the Microtel, formerly the Holiday Inn site, and a new service station and restaurant of the old unemployment commission property. Since the vote was taken we have not seen any progress or groundbreaking on either project. My question is what is the hold up? Is the issue within the appropriate departments and the lag in moving this forward in a timely fashion? In my opinion Mr. Mayor, we should ask the City Manager to instruct staff in giving those developers priority who have their finances in order and push them through the process expeditiously as possible. We as a City must show them that we want their business. Sadly, Mr. Mayor there will come a time when this council will have no choice due to the stagnant growth of development but to address yet another tax increase due to this slow process. The history that we have seen from prior administration in attracting crooked and broken promised developers are not helping the City in securing its future. We see this issue with the Ramada Inn developer who now refuses to have any contact with the council and the City administration. These days can no longer happen. As we move forward I imply City Council and the City Manager to hire a strong economic development director or consultant to let businesses know that we are open for business and we want them here. Thank you."

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

Council Member Cuthbert stated, "Thank you Mr. Mayor and Ms. Flowers. I'd like use to put on our agenda for our next meeting the topic of employee evaluations. I think that we all agree that we need to be business like about this and in spite of that agreement we seldom do employee evaluations because it really isn't tasteless task for council. It takes a fair amount of time, but I think that it is an essential part of our management obligations. I am thinking that maybe we would designate the first meeting in a particular month in each year to do an evaluation and perhaps six months thereafter revisit the evaluations. But, the specifics

*Audio is available upon request.

are for another day. For right now, what I would like to do is simply raise the topic and ask that we prepare our thoughts to discuss this at our next meeting. Let me follow up on Mr. Bo Tindall's good points about the lack of code enforcement in the Poplar Lawn area. Those were very dramatic photographs that he gave us, and I would like the City Manager to advise if she knows now and if not at our next meeting whether 126 South Jefferson been sent to tax sale and if so when the tax sale will be held and if not what more needs to be done before that property is sent to tax sale. As Mr. Tindall pointed out that property owner has not paid taxes for 28 quarters. That is seven years and that's extreme and this building is really bringing down the Marshall Street and South Jefferson Street neighborhood. Less of a severe case is 126 Marshall Street. I believe that Mr. Tindall reported that there is substantial back taxes owed on that property as well. And if the City Manager would give the same information on 126."

Mrs. Benavides stated, "Mayor and Council we did not receive that handout. At the end of it can you just give me copy of the addresses that you want information on."

Council Member Cuthbert stated, "Yes ma'am. And thank you for that. I will do that as soon as I can put my hands on it. Let me go to the City Manager's report. On page three of the City Manager's report it refers to a boarding house illegal fire on the first floor. There were no reported injuries and four adults were displaced and so on. Mrs. Ferrell-Benavides can you email the address of that illegal boarding house. I appreciate you may not want to tell us in public at this point, but I would like to follow up on that."

Mrs. Benavides stated, "Yes, sir."

Council Member Cuthbert stated, "Thank you that would be great. Last point is on new business. There was a comment made during the public information session about how we don't have healthy growth in our businesses. We cannot advocate more and more low-income housing in Petersburg and at the same time expect to have a robust retail offering for the public. We cannot legislate where retail goes. They have to act from their own self-interest. If their own self-interest is not there then they are not coming. So, it's no surprise if we are having a hard time recruiting quality retail. The answer is our depressed disposable income. We are at approximately half of the state average. So, I wish the laws of economics were otherwise. I am simply the messenger, but I am not at all surprised that the problem exists when I see our disposable income numbers. Thank you, Mr. Mayor."

Council Member Smith-Lee stated, "Good evening. One of the first things that I wanted to say is that the black history festival that was held on last Saturday was outstanding. They had plenty of vendors and activities that was real fulfilling. Also, I just want you to know the reminder of Ward 6 & 7 Joint Ward Meeting at Stuart Elementary School at 6:30pm. This is March 12th. And that is all that I have. Thank you."

Council Member Wilson-Smith stated, "I just had one question. We had talked some time ago about having the City Council Meetings filmed by the City. Where are we with that?"

Mrs. Benavides stated, "I worked with Mr. Slovak in looking at a couple of options for it. And in consultation and in talking with the Mayor and Mr. Cuthbert in our discussion we discussed that we weren't ready for that right now. Because of the cost associated with it."

Council Member Wilson-Smith stated, "Can you say that again? I am sorry my ears are stopped up as well."

Mrs. Benavides stated, "So, what we have done is that we have looked at some options starting with the public information officer. She looked at a few options and one of the options came out was a streaming video service. So, in pulling that together and looking at the cost of being around \$30,000 to \$40,000. And I sat down with the Mayor and talked about it and Mr. Cuthbert was there also. We were concerned with the site and the location about spending that amount of funding at the time so with consultation with the Mayor, he

*Audio is available upon request.

recommended that we hold off on it at this time.”

Council Member Wilson-Smith stated, “Thank you but I have a concern with that process. If it was discussed in the open about us doing this, then to sit down with the Mayor and Mr. Cuthbert to come to that decision and we don’t know anything about it, I am not understanding that process. Unfortunately, this is not the only thing there is discussion with some council members and some council members are not made aware and all of us up here have the same powers lack thereof. So, two of us can’t make the decision for the other five of us. So, could we as of now please, if we are going to make those decisions can we make them in the open without a discussion just between those two, or any two or anyone. Please, thank you.”

Council Member Hill stated, “Good evening. I would like to thank all of our workers and the employees of the City for their work and their effort and administration for everything that they are doing. I know its kind of hard to navigate especially whether it is the director or city manager on what’s a council priority or want versus a councilperson priority or want. I think a lot of our directors, workers and employees and city manager and new city attorney kind of get caught in the cross hairs of what’s a council want. I am not talking about anything in particular. I really want to thank the city attorney for something that I wanted. He just basically copied everybody else on it and vice versa just to show transparency. So, I would try to advise the city manager along with the directors, is this a council want or a city councilperson want. Because a lot of things we get things caught in the weaves and then it comes out that it was a council want when none of the city council members knew anything about it. When it was one individual who was asking about it. Then they turn around and try to make it seem like it was all seven when in essence it wasn’t. I am not talking about anything in particular but I just kind of want everybody to be on one sheet. That’s all I have. My main thing I talked about in the beginning. That’s all I have Mr. Mayor. Thank you.”

Vice Mayor Hart stated, “Good evening everyone. I just want to follow up on the community of the joint ward meeting that is one 3/12 at 6:30pm at Stuart School. Also, last meeting I brought up discussion on having an open quorum to invite citizens to come out and speak but I hope that council will also join in, so we can all sit down and have a discussion as too what we want from Petersburg. That date as soon as the Clerk get back to I will put it out there so the public will know. It may be the last Tuesday of the month, but I will get that correct information out. Thank you.”

Mayor Parham stated, “I want to thank everyone that came out to my Ward 3 Joint Meeting with School Board Chairman, Kenneth Pritchett. We had our City Manager, Mrs. Benavides, with all of her top staff answering questions. I want to thank each and every one of you all for coming out. And also, for Senator Dance coming to be out guest speaker along with having our Commissioner of Revenue and representation from Senator Warner’s Office. Next, I would like to touch on the black history month festival. It was a great festival and I hope Mrs. Benavides that we can get that same team together to spearhead our 400th anniversary and also make Mr. Richard Stewart our chair on that one. Because he has the history and we want that to be shared because it is a great celebration. We want it to be definitely done right. Also, I want to say that our clerk, Ms. Jackson is out sick tonight, but I want to thank Ms. Flowers for filling in for her tonight. Thank you for doing a great job. Also, form running through the meeting I skipped out on our ‘Positive Petersburg Story’. And I have one for you. For the past we along with This past week, along with Mrs. Benavides we attended the Crater Planning Commission meeting and the meeting had all of our chairs and managers from across the region. And at that meeting Mr. Denny Morris opened up with a story about the pothole that was coming out of his building and how he called the City of Petersburg Public Works and reported the pothole at 12noon. And he told everyone at the region that the City of Petersburg fixed that pothole before he could leave out to go to lunch. So, I want to thank our public works and Mrs. Tangela Innis and Mr. Lionel Lyons for all that you do. They have filled up to 330 potholes up to this point So, we still have a way to go but I thank the public works staff for all their hard work. I just want you to know that along with filling these potholes we had a major sewer line break and our public works staff worked tiredly around the clock. And we thank Mrs. Innis and her staff for

*Audio is available upon request.

Their committee to Petersburg. Because none of the citizens in this room felt interruption in their sewer. And that is very hats off. Great job! Also, we had the City and Schools Partnership last week with Dr. Newsome. He invited me to speak on what is going on within the City. It was good to have him to continue to merge in with the City as we continue to move this City forward. And that's all my items at this time."

13. ITEMS REMOVED FROM CONSENT AGENDA:

- a. Request for a public hearing to amend an approved Rezoning Ordinance 10-ORD-101, which permits the Planned Unit Development (PUD) dated December 14, 2010, by changing condition 3 (a): to say Multifamily, delete market rate rental apartments. 3(b): to say General commercial and delete Retail Type including restaurant services. Delete 3(c) which says office type uses, provided proposed square footage. 3(d) now becomes 3(c). Delete 12 (a-f). The property addresses are 214 Brown Street, T.P. 022-20-0001, 501 Farmer Street, T.P. 023-36-0004, 220 Perry Street, T.P. 023-32-0001, 304 Brown Street, T.P. 023-34-0002 and 023-32-0800 100-120 Perry Street. (March 19, 2019)

Mayor Parham stated, "Actually '9c' is tabled and I will accept a motion to table item '9c.'"

Council Member Hill made a motion to table "9c" on the consent agenda until the next meeting. The motion was seconded by Vice Mayor Hart. There was discussion on the motion.

Mayor Parham stated, "Council Member Cuthbert being that we have the roll call, can you answer the roll call and then I will give you a moment of personal privilege."

Council Member Cuthbert stated, "I want to read a statement that I have been advised to read. The managing member of the applicant for this rezoning."

Mayor Parham stated, "Council Member Cuthbert."

Council Member Cuthbert stated, "I have got to explain why I am going to abstain. But before I abstain I need to explain why I am taking any action at all. The managing member of the applicant for the amendment to the zoning of 110 Perry has stated his belief that I have a conflict of interest in this matter. And has asked the City Attorney as to the actions that the applicant might take, or the City Attorney might take on account of that alleged conflict of interest. The managing member as alleged that the conflict arises because I have challenged the determination of the zoning administration which I am convinced is a wrongful determination relating to the present zoning of this property handled also because I own an interest in a number multifamily apartment in downtown Petersburg. The Petersburg Circuit Court of the City of Petersburg has ruled that any member of City Council has standing to bring a zoning determination challenge both at the Board of Zoning Appeals level and the Circuit Court levels. Such challenge in anyway does not create a personal interest for me or for any individual council member in the zoning transaction and accordingly, no conflict exists. The allowance of additional low-income housing in Petersburg as requested in this zoning application will have a detrimental effect on the public generally and therefor I have no conflict of interest. In fact, all the apartments that I own are all market rate and the requested change from the present zoning of the applicant's property from market rate rental units to low-income units would cause there to be less competition for me and not more. And I would applaud any efforts that the owner of this property would undertake to build 100% fair market rental apartments. Notwithstanding that I have no conflict interest. I declare that one. The transaction involved is 110 Perry Street. I do have an interest in apartment units located at 200 North Sycamore Street and also 32 South Adams Street. There are three or more persons who also own apartment units in downtown Petersburg that are fair market rental apartments for I am able to participate in the transaction fairly, objectively and what I view to be the public interest. And with that as an explanation and as I think about my vote I am going to join the rest of the council members and vote in favor of the pending motion.

*Audio is available upon request.

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

- b. Request for a public hearing to receive citizen comment on the street name change of High Pearl Street and Johnson Road to Moses Malone Boulevard and North Carolina Avenue to Roger Gregory Way (March 19, 2019 and April 2, 2019)

Council Member Hill made a motion to table this item for the next 45 days until all residents of High Pearl Street, Johnson Road, North Carolina Avenue, Harding Street, Porterville Street and New Street can be notified through petition if this is an item that they would like to support or not. The motion was seconded by Vice Mayor Hart. There was discussion on the motion.

Mrs. Benavides stated, "I have a request of council. Because this is going in a lot of different directions what I would prefer is that if this would be appealing to you all is that if you would rather direct our staff to go through and investigate this process and commence the formal process of street names for the streets that are listed. Versus detailing this it will include a public hearing but that's what you are asking us to do. Which is to go through the street naming process. Just direct staff to do that and we will move forward."

Council Member Hill rescinded his motion.

Council Member Hill made a motion to follow the recommendation of the City Manager. 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, Hill, Hart and Parham; Absent: Myers

14. UNFINISHED BUSINESS:

No items for this portion of the agenda.

15. STANDING COMMITTEE REPORTS:

No items for this portion of the agenda.

16. NEW BUSINESS:

- a. Smart Scale Park & Ride Facility Presentation

BACKGROUND: The City of Petersburg submitted an application for grant funding to construct a Park and Ride Parking Structure adjacent to the City's Transit Center. The application was submitted by a former Transit Director, and funding was awarded in 2016. The project is to be administered locally, and the City is responsible for the design and construction, using a design-bid-build project delivery method.

The estimated cost in the application was \$900,000 for professional engineering services and \$16,000,000 for construction. Congestion Mitigation Air Quality (CMAQ) funding and Regional Surface Transportation Program (RSTP) funding were included in the application to total \$3.35 million of the construction costs and the balance of \$13.55 million was to be funded by HB2 (now Smart Scale). Approved funding totals \$8 million, including: Construction Estimate, \$7,100,000.00; PE Estimate, \$900,000.00.

Through a procurement process, the City engaged Gurnsey Tingle Architects to develop a preliminary design, scope, budget estimate and draft development schedule. This information was not completed prior to submittal of the original application but needed prior to executing a performance agreement with VDOT for the associated Smart Scale grant funding. If approved, the scope, budget and schedule information will be

*Audio is available upon request.

submitted to VDOT to be incorporated into the performance agreement.

RECOMMENDATION: City Council affirms the existing surface parking lot behind the Transit Center and the two adjacent parcels at 38 and 42 S. Union Street as the location of the Park and Ride structured lot, which is the location included in the grant application and approved by VDOT. It is further recommended that the City Council considers and approves a Scope, Budget Estimate and Draft Development Schedule of the Park and Ride Structured Lot and authorizes the City Manager to execute all documents required to access the VDOT Smart Scale funding and contract documents necessary to complete the project.

Lionel Lyons, Deputy City Manager, stated that inside their packet is a summary report and a resolution. He stated that the HB2 application is included in it as well. He stated that Thomas Tingle, President of Gurnsey Tingle Architects, will be doing the presentation.

Mr. Tingle gave a PowerPoint presentation on the Petersburg Station Park and Ride Structured Lot.

There was discussion among City Council and staff.

Vice Mayor Hart made a motion that City Council affirms the existing surface parking lot behind the Transit Center and the two adjacent parcels at 38 and 42 S. Union Street as the location of the Park and Ride structured lot, which is the location included in the grant application and approved by VDOT and it is further recommended that the City Council considers and approves a Scope, Budget Estimate and Draft Development Schedule of the Park and Ride Structured Lot and authorizes the City Manager to execute all documents required to access the VDOT Smart Scale funding and contract documents necessary to complete the project with the option of "E." Council Member Hill seconded the motion.

Vice Mayor Hart stated that in addition to his motion he would like to add the resolution supporting the recommendations regarding the proposed scope, budget and schedule of the Park and Ride Project and authorize that the City Manager execute all associated documents. Council Member Hill seconded the motion of additions to the first motion.

Mayor Parham opened the floor for public comment.

Ron Flock, 1708 Pender Avenue, stated, "I love the project. But I really think you should seriously consider 'B.' It is going to combine the odds of those two buildings. It is going to bring modern and old together and try to keep something historic. And you know something that looks like downtown. We put so much emphasis on history in this City. And we do have some modernization going out. If we have the opportunity to combine both of them I think that we should try to. There has been mention that it is possible for us to have an income from that and if we can dedicate that income to the extra one and a half million I think that would be a good idea. So, I would hope you would consider that. Thank you."

Marcus Squires, 1701 Monticello Street, stated, "I am not sure if council understands that this parking deck for the surrounding region. So, when people from Emporia are trying to work in Richmond they will drive to Petersburg and park in Petersburg and they will go to Richmond for work and then come back and pick up their car and go. So, this is beneficial for not only Petersburg but for the whole region. Thank you."

Michael Edwards, 409 Grove Avenue, stated, "I remember ten years ago when the bus station was brought before the then elected body and people raised the roof that it was not needed and that it was too big. When the former ward 4 representative Mr. Pilarinos was elected he used say that when the buses parked on Sycamore Street. It looked like the Great Berlin Wall. Well now we have a nice modern bus station that now houses our transit system and it has the connection with Greyhound. It has numerous 95 express buses coming in from Richmond. That was unheard of when things were happening on Sycamore Street. I also remember the first day GRTC rolled into the City as part of their new 95 express. There was still parking on

*Audio is available upon request.

Union Street and the lot was overflowing. So, we may not need the parking spaces now, but we all can agree that we need more parking. The funny thing about transit is that it grows. It may not grow as quickly as we think it will not if you have the ample parking spots to accommodate that growth then we will not be rushing to figure that there is overflowing buses. Greyhound could potentially run an expressway through Petersburg but where would they park. I know that Mr. Koonce has a vision up there and I believe that the establishment of this parking deck will help lead that vision along and I employ you to go ahead and vote on this and let's build it and see what happens."

Barb Rudolph, 1675 Mt. Vernon Street, stated, "I am also going to endorse your approving of this project going forward. I thought that it was an excellent presentation and that it looks to me like between the City staff who is involved and the engineer that there has been a lot of homework done. It sounds to me like if we were to try to change the scope of this now we might be starting the whole process over again. I think that several of the speakers including Mr. Edwards made some go arguments in favor in starting something that may be overly large capacity but will later on be utilized. I will say that back when the bus station was on Sycamore Street and this going back to 1986, I used to ride the bus to work in Richmond. Because there was a downtown bus station back then. And this was back so long ago that there were tolls on 95 and it was cheaper to buy commuter bus tickets to Richmond then to drive and pay the tolls. This is not including gas and the wear and tear on your car. So, hopefully in the future there will be more public transportation options and continue developing them. That's the way of the future. And so, I think that if we don't take advantage of this I think it is really short sited. Thank you."

Paulette Chester, 1013 Oakmont Drive, stated, "I strongly endorse this opportunity. We need to stop losing opportunities. This is a chance for local residents to park their cars and going to other localities and get jobs. Bring the money back into the City of Petersburg and help us to grow forward. Just imagine that if they can go to Richmond, they can go on the train and keep on moving to northern Virginia. This is revenue. I strongly suggest that we consider this proposal. Thank you."

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

There was discussion among City Council and staff.

Council Member Cuthbert made a substitute motion to table motion until they have determined whether "Section 108 Review" will block the demolition of 38 and 42 Union Street. The motion was seconded by Council Member Wilson-Smith. There was discussion on the motion. The motion was not approved on roll call vote. On roll call vote, voting yes: Cuthbert and Wilson-Smith; Voting No: Smith-Lee, Hill Hart and Parham; Absent: Myers

Original motion made by Vice Mayor Hart back on the floor.

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

19-R-15 A RESOLUTION SUPPORTING THE RECOMMENDATION REGARDING THE PROPOSED SCOPE, BUDGET AND SCHEDULE OF THE SMART SCALE PARK AND RIDE PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL ASSOCIATED DOCUMENTS.

b. Water Rate Study Presentation

Mr. Rogers stated that this will be the first presentation. He stated that he hopes to have a community hearing for the citizens. He stated that he has Roland Kooch, City's financial advisor, and Keith Bishop from Jacobs and Company, who conducted the study, to present a PowerPoint presentation.

*Audio is available upon request.

Key points:

- City's water is only a distribution center. It distributes water and sewer service to all the residence in Petersburg.
- It purchases the production of water from the Appomattox River Water Authority.
- It purchases wastewater treatment from South Central Waste Water Authority.
- In August 2017, the City took its first-rate study based on recognition that the utility system had to be stabilized, the general fund was not in a position to subsidize the utility system or support it and then it was part of the Commonwealth and VRA as the City has debt to this authority.
- The rate study projected 15% rate increases each year from FY19 to FY22. That totaled 75% of five years. This is a rather large rate increase.
- The billing and collections rate were low at one point and has now continued to improve.

There was discussion among City Council and staff.

Council Member Cuthbert asked, "Mrs. Ferrell-Benavides would it be possible at our next meeting if you would present the following information with respect to each of those localities outside of Petersburg. There are three pieces of information that I am looking for from those localities outside of Petersburg. When does the contract expire? What is the current rate at which we are charging those localities for water and what is your recommendation as to what rate we should charge the next time we have the opportunity to make a rate change? Is that something you can do Mrs. Ferrell-Benavides?"

Mrs. Benavides stated, "As part of this to council, I think we pulled all the contracts together and I think they are on the shared drive on the City's website if anyone is interested. We will actually send each member of council a copy of the contracts with Fort Lee, Prince George and Dinwiddie. So, we will get that information to you and make that part of our conversation. Because as we are doing the rate study it will be a conversation because there is some negotiation. Prince George attorney as contact our attorney regarding our agreement also."

Council Member Cuthbert stated, "Fort Lee is an additional jurisdiction also."

Mrs. Benavides stated, "Fort Lee is a long-standing contract. I will send it to you and give you a briefing summed up in that agreement. But that is an intergovernmental agreement as they have listed. And that agreement has a flat amount that they pay no matter what."

Council Member Cuthbert stated, "And the agreement never expires no matter what? Is it a perpetual agreement?"

Mr. Lyons stated, "No. When we started looking at the agreement we had some initial concerns because there are windows for opportunities to go back and readjust and renegotiate the rates. But if I remember correctly when you miss those windows you can't go back and recapture that. Until we restarted this on all of those we engaged Mr. Packer here in the process of helping. Because I believe Mr. Packer was one of the individuals that helped us write that legislation and that process. So, as we continue to look at some of these, when we came back initially and said that we had found have deficiencies on one side and that we discovered this and that we were doing due diligence on the other we thought would lead us to that situation of more resources that the City Manager eluded to we started to look at this and realized that they were paying more than what they had supposed to be paying. We have continued to look at that again as a part of this to determine right now because we didn't see where there is another window that they were open for review and we will take another look at that and double that as a part of the feedback with the City Manager and get back to you on that."

Council Member Cuthbert stated, "Okay good because I would think that the contract ultimately expires and can be renegotiated."

*Audio is available upon request.

Mr. Lyons stated, "Yes sir. Look at the ones that we remember. They had very specific windows. And when we looked in the past we missed some of those windows and quite frankly when I looked at Fort Lee there was a situation where you had the chance to review them every five years. And over a 20 to 25 year, we had not engaged"

Council Member Cuthbert stated, "Great. Let's go back to three things that I want and with Fort Lee to be in that. When does the contract expire? The existing contract with Fort Lee has got to have an expiration date. I would like to know when it is, and I would like to know what the current rate is that they are paying, and I would like to know the recommended rate that we should charge them when we have the opportunity to do that contract. Let me go to page 9 of your presentation if I may. It is the one that has the bar graphs on it that makes and shows us how much we have to charge our public. Can you put the page 9 up on the screen? Now that is based on an 80% collection rate. Is that correct? Can you redo that based on a 90% rate? I think that it would be helpful to us. It would show us the incentive that we have to do a better job of collecting so I think that it would be helpful if you can give us an alternative. I would love to see it if our collection rate was at 90%. I hear that the average rate for a municipality is 92%. If we had the alternative version, we would do more and efficient job. So, if you could do that it would be great by the next council meeting."

Representative from Davenport stated that they will have the requested information by the next council meeting.

c. Proposed amendments to the Rules of Council

Council Member Wilson-Smith made a motion to table until the next council meeting. The was seconded by Vice Mayor Hart. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Hill, Hart and Parham; Absent: Myers

d. Show Cause Order of the Circuit Court of the City of Petersburg entered December 11, 2015.

Mayor Parham stated that item 'd' has been stricken from the agenda.

17. REPORTS/REPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD:

Kemi Osoba, Public Relations Officer, read comments and responses from previous public information at the February 19, 2019, regular council meeting.

1. Can a complete annual calendar for City Council Meetings be set and available online?
This calendar is available on the City's website, specifically on City Council's webpage.
2. How are Utility Bills calculated in reference to Utility Tax and Garden Meter credit?

Garden Meters: Sewer is calculated from the water that goes into the garden meter. That amount is then subtracted from the total. Garden meter sewer is based on how many gallons went through the garden meter.

Tax: Utility tax is calculated based on water charges only. The rate is 20% or .2.

The maximum starts at \$2.25 and increases by meter size/rate code. Many residential customers typically pay the max given that the max comes in at \$12 for water.

The Utility Billing department currently accepts meetings with residents to further review all billing charges to ensure clarity with how and what is being charged. Customers can contact Utility Billing at

*Audio is available upon request.

804-733-2386 or Billing Supervisor, Kyle Dixon, at 804-309-8217 with any questions or to schedule a meeting.

3. From the previous Public Works update presentation, a Facilities Maintenance Division staff reduction was reflected (from 36 to 12) that resulted in a \$500k payroll savings. What was the additional cost in payroll for the management additions and how many additions were made to the management team? There was no additional cost for management as those positions were preexisting and budgeted for. The one addition not reflected in the presentation was the Facilities Maintenance General Manager, which was also a budgeted item.

18. CITY MANAGER'S AGENDA

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

19. BUSINESS OR REPORTS FROM CLERK:

*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 11:18 p.m.

Clerk of City Council

APPROVED:

Mayor