

The special meeting of the Petersburg City Council was held on Tuesday, May 5, 2020, at the Live Stream. Mayor Samuel Parham called the meeting to order at 12:00p.m.

**1. CALL TO ORDER:**

**2. ROLL CALL:**

Present:

Council Member Charles H. Cuthbert, Jr.  
Council Member Annette Smith-Lee  
Council Member Treska Wilson-Smith  
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 Council Nykesha D. Jackson

Council Member Hill led the meeting into prayer.

**3. REPORTS:**

a. FY2020-2021 City of Petersburg Budget Update

Robert Floyd, Director of Budget and Procurement, gave a PowerPoint presentation on the FY20-21 City of Petersburg Budget.

There was discussion among City Council and staff on the collection rate and management of CDBG.

Mrs. Benavides and Mr. Floyd stated that the current collection rate of the City of Petersburg is 89% and that Cathy Parker and Reginald Tabor are managing CDBG. Mr. Floyd stated that there will be an amendment to the budget in December that they will bring back to City Council.

b. Personnel Policy Update

Kimberly Robinson, Human Resource Director, gave an update on the personnel policy.

- Update to personnel policy manuals.
- Electronic copy is available online on the City's website.
- There are nine articles or sections.
- First section is on general provisions as it relates to a government agency. It is basically definitions as it relates to government agencies.
- Second section is on classification and general salary administration.
- Third section is on the recruitment process. The City does not recruit for constitutional officers'

\*Audio available upon request.

positions. With Social Services, the State recruits for those positions.

- Section four speaks on general employment practices and what defines a transfer, demotion and promotion.
- They will be introducing a universal leave policy.

Mrs. Benavides stated, "India Adams has been looking at as part of her responsibility looking at policies. What we have decided is that we need to look at the whole thing. So, we are going to go section by section and then bring this back to council. This is what we use to govern our employees. But it also needs to make sure that it is up to date. And as Mrs. Treska mentioned our telecommute process. We didn't have a process, but it must include what are the requirements. And that is what we have learned even now as far as how employee's check-in. The word that is used often is called liberal leave. People are allowed liberal leave which means you can take your leave. So those are things that we will be looking at and we want to bring this back as we go through this. And then have our total document and we will do some workshops on this. We need to focus on what a day looks like within the City of Petersburg as an employee. But also, we find a lot of times when we get to the City Attorney over issues that is where it shouldn't get there. And so, if we address some of our issues early on it will change the dynamics. We just wanted to give you some information on this process. Our goal is to work through this process over the summer and bring you a final product by December of this year. Some areas may come back a little quicker. Our attorney is working on the grievance policy just to make sure that we are up to state code. Because many of our policies aren't just our policies. They are based on federal and state laws that dictate how we must operate."

There was discussion among City Council and staff.

c. FY18/19 CAFR Update

Mrs. Benavides stated, "Mrs. India Adams is on the phone and she just wanted to give council an update on where we are."

Mrs. Adams stated, "As the City Manager just indicated I will be giving a brief overview of the CAFR status FY18/19."

Key points:

- Pre-audit staff and City staff began FY18/19 CAFR audit work in February 2020.
- Staff data collection of pre-audit items were from February-May.
- The initial data collection information provided to the City auditor's, Robinson, Farmer, Cox & Associates (RFCA) on Monday, May 4<sup>th</sup>.
- In May the auditors working remotely begin the fieldwork of audit items.
- The City staff will continue to respond and provide documentation to additional audit requests, as needed.
- The staff are working to address the FY17/18 CAFR findings.
- In June they will be working to complete the document and analysis. They plan to present the CAFR to City Council on June 30<sup>th</sup>.

d. Water Collection Emergency Services Update

Lionel Lyons, Deputy City Manager, gave a briefing of the water collection process.

Key points:

- The City of Petersburg has not disconnected any water customers since January 31, 2020, which is 58 days prior to Governor's Northam place order that was issued on March 30, 2020.

\*Audio available upon request.

- The City of Petersburg currently has 3,210 delinquent accounts.
- From December 2015 to October 2016, the City of Petersburg ceased all delinquent disconnections, to include charging late fees and penalties.
- By 2017, the City determined to reduce the large number of delinquencies and begin initiating a more aggressive disconnection plan for individuals that were well over 90 days in the delinquency status.
- Since 2017, the City of Petersburg has suspended 2,361 customer water services. The process began of working with the City to re-establish services through full payments and/or payment plans.
- There are 539 stormwater accounts and 12,850 active service addresses.
- There were 320 customers that had their services reconnected by submitting payments on delinquent accounts.
- The City's FY20 Utility Fund was budgeted at \$14,722,754.
- It has been determined that the 3,210 delinquent accounts amount to approximately \$3,249,791. There is a \$50 reconnection fee for each account that needed to be restored.

Mrs. Innis stated that they went out to the properties and found out that from the list 134 had water services, 46 did not, 78 of the properties were vacant and 2 had empty meter boxes. They went through to check who legally and illegally had water services.

There was discussion among City Council and staff.

Mayor Parham made a motion to move forward with the prosecution of improper water services. The motion was seconded by Vice Mayor Hart. There was discussion on the motion among City Council and staff.

#### **CLOSED SESSION:**

Mr. Williams stated, "I would entertain a motion to go into closed session pursuant to §2.2-3712 of the Code of Virginia for the purpose of receiving legal counsel regarding matters requiring legal advice of legal counsel.

Council Member Myers moved that the City Council go into closed session for the purposes noted by Mayor Parham. The motion was seconded by Council Member Smith-Lee. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, Hart and Parham; Voting No: Wilson-Smith

City Council entered closed session at 1:50p.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 to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed or considered. If any member believes that there was a departure from the foregoing requirements should so state prior to the vote indicating the substance for departure that in his or her judgment has taken place. This requires a roll call vote Mr. Mayor."

Council Member Myers made a motion to return City Council into open session and certify the purposes  
\*Audio available upon request.

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

**20-R-22 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 2:10 p.m.

Mayor Parham made a motion to proceed with prosecution of improper water services. The motion was seconded by Vice Mayor Hart. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

Mayor Parham made a motion to leave water service on for accounts that are not reported in the water system throughout the COVID-19 pandemic until the Governors releases the stay at home order. The motion was seconded by Council Member Wilson-Smith. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

Mayor Parham made a motion to continue operating without initiating or executing any delinquent accounts for disconnections. The motion was seconded by Council Member Myers. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Smith-Lee, Hill, Hart and Parham; Voting No: Wilson-Smith

e. COVID-19 Status Update

Chief Miller, Ms. Tyus and Mrs. Benavides gave an update on the COVID-19 pandemic.

Key points:

- There is a lack of testing in Petersburg and it is limited as well.
- Testing will begin on Thursday by appointment only.
- There will be testing at the high school on Saturday.
- The City buildings are still closed off to the public. The Parks and libraries are still closed as well.
- All City employees are coming back to the offices to work but public facilities will be closed until the Governor lifts his orders.

**4. CONSIDERATION:**

a. Consideration of the FY2020-2021 Budget Ordinance – 1<sup>st</sup> Reading

**BACKGROUND:** The City Manager proposed an All Funds Budget to the City Council on March 31, 2020. After several weeks of analyzing the economic impacts of the COVID-19 Pandemic, the City Manager adjusted the originally proposed budget and subsequently distributed the changes to the City Council.

\*Audio available upon request.

There was a public hearing held on April 28, 2020. This is the first reading of the All Funds budget ordinance.

**RECOMMENDATION:** Recommend City Council adopt and appropriate the All Funds Budget for Fiscal Year 2020-21.

Mr. Williams stated, "As indicated earlier the ordinance in the packet has some slight modification to it. It will appear when it comes in front of you for adoption. There is no change of the tax rate when it comes to this budget."

Mayor Parham stated, "Second reading is on the 12<sup>th</sup> and approval will be on the 19<sup>th</sup>."

b. Consideration of Water Collection Emergency Services Ordinance – 1<sup>st</sup> Reading

**BACKGROUND:** City Administration received concerns from citizens and council in regard to citizens who were without water during the COVID-19 epidemic. The proposed ordinance will allow us to re-establish services with customers who were previously disconnected due to delinquent water accounts.

**RECOMMENDATION:** To schedule a public hearing for May 19, 2020.

Item was discussed with previous information on water collection.

c. Consideration to schedule a public hearing on May 19, 2020, for an ordinance to endorse a proposed tourism development project and to authorize other actions consistent with the Virginia Tourism Gap Financing.

**BACKGROUND:** The City of Petersburg City Council established the Petersburg Tourism Zone pursuant to the Virginia Code Section 58.1-3851 by adopting 16-ORD-6 on February 2, 2021. This ordinance is in furtherance of the goals set forth in the City' Comprehensive Plan, Vision 20/20. Compliance with the Virginia Code Section 58.1-3851 requires approval and certification by the Comptroller of the Commonwealth of Virginia, and the execution of a Performance agreement between the Developer and the City of Petersburg.

A Tourism Development Financing Program, administered by the Virginia Tourism Corporation, is a two-tiered gap financing program for qualified tourism development in designated Tourism Zones through a partnership between a Project Developer, the Locality and the Commonwealth of Virginia. The program requires a Performance Agreement between Commonwealth of Virginia, the Locality and the Developer, as well as a Tourism Development Plan.

Once the Project is completed and generating income, the Locality with the Virginia Department of Taxation performs quarterly reviews of Sales and Use taxes collected from the Tourism Development Project. One percent of the quarterly Sales and Use tax revenue generated from the Development Project is the amount each of the three partners contributes toward the debt service of the project until the debt is fully paid.

The Hotel Development Project at 20 West Tabb Street is a qualified tourism development project seeking to participate in the Virginia Tourism Development Financing Program. The total cost of the project is approximately \$\_\_\_\_\_, and it will generate approximately \_\_\_\_\_ part-time and \_\_\_\_\_ full-time jobs. As a qualified Tourism Development Project, the Developer is eligible to apply for up to 30% of the total project costs for gap financing.

**RECOMMENDATION:** To schedule a public hearing for May 19, 2020.

\*Audio available upon request.

Carthan Currin, Director of Economic Development, gave a briefing on the request to schedule a public hearing.

Council Member Myers stated, “I do have an issue with the agenda request where they had put in the ordinance, ‘to endorse’. As far as I am concerned the City of Petersburg should not be endorsing a particular project where there may or may not be a competing interest. I would ask that the word ‘endorse’ be extracted from this document if it is to move forward at a later date. There may or may not be other competing interest there can be a Li-Tech advantage by endorsing over the other. The weight of the City may very well be an advantage.”

Mayor Parham stated, “We will be amending the agenda to go to item ‘g’.

Item G – Consideration of authorization to execute a Development Agreement regarding the development of the Harbor Area and amend the ordinance previously adopted.

**BACKGROUND:** The City received a proposal from Waukeshaw Development, Inc. whose Principal is Dave McCormack, to purchase parcels of property owned by the City of Petersburg, and bounded by River Street to the South, Joseph Jenkins Roberts St. to the West, the Harbor to the North, and Interstate 95 to the East, including the following City-owned properties:

Parcel ID	Property Address	Size	Zoning	Acquisition
011-020006	275 River Street	2.64 ac	M-2	12/16/1998
011-020002	209 Rear River Street	1.01 ac	M-2	02/25/1987
011-020004	209 River Street	.06 ac	M-2	12/16/1988
011-030001	429 Fifth Street	.73	R-4	06/14/1991
012-010001	433 River Street	.67 ac	M-2	
011-020801	501 Second Street	.30 ac	M-2	5/31/1995
011-040002	236 River Street	.17 ac	M-2	12/16/1988
011-040003	240 River Street	.55 ac	M-2	04/15/2014

Portions of the parcels are within the floodway of the Appomattox River and the remainder of the parcels is within the floodplain. A 2015 appraisal of five of the properties estimates the value of five of the properties at \$20,000. The proposed purchase price is \$100,000.

There are major water and sewer lines beneath the surface of the property and associated vents above grade. Easements will be required to provide access to the infrastructure.

The proposed use for the property is an outdoor event space. The proposed use is in conformance with the Zoning, M-2.

**RECOMMENDATION:** To schedule a public hearing for May 19, 2020.

There was discussion among council and staff.

Mrs. Benavides stated, “So, I think that we are asking is to bring this back next week. I think what happened is that we moved to a new software for council agenda management. I think somewhere along the way the development agreement in the packet was lost and did not make it council. But we do have meetings next Tuesday which we will give you an opportunity to review the agreement.”

\*Audio available upon request.

- d. Resolution authorizing the City Manager Authority to accept donations during the COVID-19 Pandemic in Furtherance of Continued City Operations.

**BACKGROUND:** No background information.

**RECOMMENDATION:** City Council approve the resolution authorizing the City Manager to accept donations during the COVID-19 Pandemic in furtherance of continued city operations.

Council Member Myers made a motion to approve the resolution authorizing the City Manager to accept donations during the COVID-19 Pandemic in furtherance of continued city operations. The motion was seconded by Vice Mayor Hart.

Mayor Parham opened the floor for public comments.

Norma Williams, 409 Walnut Street, stated, "I would like to say that each of you play an important role in the revitalization of our City of Petersburg. And I want to thank you all for what you do. My first concern is not directed to anyone in particular but it is an effort to make Petersburg more transparent. And we thank you for your efforts. One of the things I want to know is that out of the number count on the bill, I do appreciate you all taking action on that. The total count did not come up to 264 it was actually 260. I put a comment in the chat that the number count was 260 for the accounts that are still out there that we do not know that are still about."

Mayor Parham stated, "This is the public comment for the resolution authorizing the City Manager to accept donations for the COVID-19 pandemic."

Ms. Williams stated, "My apology. I thought this was the time for us to make our comments."

Mayor Parham stated, "This is just for the resolution specifically. Comments will be at the next regular scheduled City Council meeting on the 19<sup>th</sup>. And we will have public comment period for that. This is for the resolution."

Ms. Williams stated, "I will change my focus. With that when donations are made do we have a choice in where they go, and will there be a tracking mechanism? How will the donations be? Will there be a public notice or posted? Let's say I want to make a contribution to utilities. Am I able to make a monetary contribution and state where I would like for that to go? I think that it is a great idea. Thank you."

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

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

**20-R-23 A RESOLUTION AUTHORIZING THE CITY MANAGER AUTHORITY TO ACCEPT DONATIONS DURING THE COVID-19 PANDEMIC IN FURTHERANCE OF CONTINUED CITY OPERATIONS.**

- e. Consideration to schedule a public hearing on May 19, 2020 for re-adoption of Continuity of Government Ordinance.

**BACKGROUND:** The Continuity of Government Ordinance was adopted by City Council on March 31, 2020 with a sixty day sunset clause unless council re-adopts the ordinance which will extend the ordinance for additional time (six months) from the date of original adoption (October 1, 2020) unless rescinded by Council prior to that date.

\*Audio available upon request.

**RECOMMENDATION:** Schedule public hearing for approval of ordinance.

Mr. Williams gave a briefing over the ordinance and the request of re-adoption.

Council Member Myers made a motion to schedule a public hearing for the re-adoption of Continuity of Government Ordinance for May 19, 2020. The motion was seconded by Vice Mayor Hart. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

f. Consideration of amendment to the Citywide Classification & Compensation System for 2020.

**BACKGROUND:** The City fired a consultant firm, Management Advisory Group, Inc. (MAG), to conduct a compensation and classification study for the City’s classifications. The goal of the project was to provide a foundation for an appropriate classification and compensation system and pay plan based on current compensation levels for similar public-sector employers, municipalities, and local market competitors.

The study resulted in the development of an updated classification plan and the development of a compensation system and pay plan. In December 2015, City Council agreed with the study results and adopted the new Classification & Compensation system. The new system addressed internal/external equity by granting salary adjustments to over 100 employees; eliminated certain outdated classifications; and revised/updated job descriptions.

**RECOMMENDATION:** Recommend City Council revise the listed classifications and corresponding job descriptions to the City’s pay plan and to place each classification in the compensation system, accordingly.

Mrs. Robinson and Mrs. Benavides gave an overview of the revisions.

Council Member Myers made a motion to table action until May 12, 2020, City Council Meeting. The motion was seconded by Council Member Wilson-Smith. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Smith-Lee, Hill, Hart and Parham

**5. ADJOURNMENT:**

City Council adjourned at 2:57p.m.

\_\_\_\_\_  
Clerk of City Council

APPROVED:

\_\_\_\_\_  
Mayor

\*Audio available upon request.