
The Special Called Closed Session Meeting of the Petersburg City Council was held on Wednesday, July 31, 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
Vice Mayor John A. Hart, Sr.

Absent: Mayor Samuel Parham (arrived at 5:16pm and left at 6:38pm)
Council Member Darrin Hill
Council Member W. Howard Myers

Present from City Administration:

City Attorney Anthony Williams
City Manager Aretha R. Ferrell-Benavides
Clerk of Council Nykesha D. Jackson

2. CONSIDERATION:

- a. The purpose of this meeting is reconsideration and/or clarification of the direction given by Council for the disposition of Petersburg General District Court Case No.: GC19008227-00.

Mr. Williams stated, "At the last meeting, when council was considering the appeal and the Board of the Architectural Review Board and their denial of Certificate of Appropriateness to Mr. Dance for the demolition of his property at 227 St. Andrew Street, which council did appropriately affirm. I asked that council provide some direction concerning the disposition of the criminal matter. As you may recall the Fire Marshal had sited Mr. Dance with a criminal summons for maintaining an unsafe structure. So, the question that was imposed was not withstanding the Board of Architectural Review Board approach that was under denial of the Certificate of Appropriateness and how did council wish for me to proceed involving the criminal matter. One possible position was for the City to enter into a withhold finding with Mr. Dance for a period of time which would allow him to demolish his property notwithstanding a lack of Certificate of Appropriateness. That would avoid the City having to incur the cost of demolition in the event that demolition was ultimately necessary. That was placed forward as a motion that was approved by unanimous vote by the members that were present. So, my direction would be to enter into conversations with Mr. Dance's attorney. During a subsequent conversation with Council Member Cuthbert about that direction he indicated that he has some reservation and it wasn't clear that this is what ultimately would occur."

There was discussion among City Council Members and staff.

Council Member Cuthbert stated, "I make a motion to clarify Council's intent regarding 227 St. Andrew Street, to increase the City's tax base, to preserve the streetscape that makes Petersburg unique, and to enhance the quality of life in the St. Andrew Street neighborhood, an Council hereby directs the City Attorney to explore alternative disposition other than demolition with regard to GC19008227-00 and further directs the City Attorney and other City staff to do that which is legally permissible to see that the owner of 227 St. Andrew Street causes this property to be repaired, not demolished. If the owner's counsel is unwilling to entertain reasonable alternative disposition within these parameters, Council directs the City Attorney to proceed with prosecution of the offense which shall include seeking an Order requiring the owner, at the owner's expense, to secure the property by a chain link fence with locked gate until all building code violations have been resolved by the Court. The motion was seconded by Mayor Parham. There was discussion on the motion.

*Audio available upon request.

Council Member Wilson-Smith stated, "So then our discussion is that we will amend the motion to add in the 90 days? Is that doable Mr. Cuthbert?"

Council Member Cuthbert stated, "I think so. We can pin in the 90 days after legally permissible. So, that the motion would read, 'and further directs the City Attorney and other City staff to do that which is legally permissible with the next 90 days to see that the owner of 227 St. Andrews Street' and so on, 'causes the property to be repaired.' So, may I amend my motion to add the phrase consistent with the City Manager's suggestion and Mrs. Wilson-Smith to insert the phrase, 'within the next 90 days', after the words legally permissible."

Council Member Cuthbert made a motion to amend his original motion to add the phrase "within the next 90 days", after the words legally permissible. The motion was seconded by Mayor Parham. There was discussion among City Council and staff.

Council Member Cuthbert stated, "I think that we have that covered with the legally permissible language. And to go down to Wilson-Smith comments about the fence. I agree with her. We do not want to wait 90 days for a fence. Consider this also that we insert another phrase after the term 'locked gate' in the next to the last sentence. So, the next to the last sentence would read 'seeking an Order requiring the owner, at the owner's expense, to secure the property by a chain link fence with locked gate within the next 30 days until all building code violations have been resolved by the Court.'"

There was discussion among council and staff.

Council Member Cuthbert stated, "It is October 11th, but we can add a sentence to the end of this motion and I think in light of the various changes, I will probably re-read it. But what if we add a sentence at the end that says 'council will revisit this issue at the end of the 90 days.' That will bring it back to us and I would think that the 90 days would start when we pass this motion. I think everything would be in sync a couple of weeks after the 11th. So, to wrap up, three changes to the motion. On the seventh line down, 'to do that which is legally permissible within the next 90 days' is an insert. And 'to see that the owner' and so on. And then the second to last line, 'to secure the property by an adequate chain link fence' to address Mrs. Treska Wilson-Smith comments, 'with locked gate' and insert, 'within the next 30 days until all building code violations have been resolved by the Court. Council will revisit this issue at the end of the 90 day period.'"

All members stated that they were in agreement with the amendments to the motion that was read by Council Member Cuthbert.

There was discussion on the motion among City Council and staff, which was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Smith-Lee, Wilson-Smith, Myers, Hill and Parham; Absent: Hart

Vice Mayor made a motion to add council's consideration of a motion to accept an incline donation of service to be provided by VRL Enterprise for cutting and removing with the public works department. The motion was seconded by Mayor Parham. There was discussion on the motion.

Vice Mayor Hart withdrew his motion.

3. ADJOURNMENT:

City Council adjourned at 6:50p.m.

Clerk of City Council

*Audio available upon request.

APPROVED:

Mayor