



City of Petersburg Virginia

www.petersburgva.gov

City Council Work Session

January 7, 2025
Petersburg Library
201 W. Washington Street
Petersburg, VA 23803
5:00 PM

City Council

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
Charles Cuthbert, Jr., Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
Arnold Westbrook, Jr., Councilor – Ward 7

City Administration

John "March" Altman, Jr. - City Manager
Anthony Williams - City Attorney
Tangi R. Hill - City Clerk

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1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Special Reports**
 - a. Data Center Presentation - Buddy Rizer, Executive Director, Department of Economic Development with Loudoun Virginia Economic Development and Michael Zuraf, AICP, Director of Planning and Zoning in Stafford County - (Pages 3 - 31)
 - b. Petersburg's Community Forest Revitalization Program Review from the Green Infrastructure Center - (Pages 32 - 60)
 6. **Public Comments**
 7. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes of: - (Pages 61 - 65)
December 17, 2024 Closed Session
December 23, 2024 Special Meeting
 - b. First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant - (Pages 66 - 67)
 - c. First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the VDEM Emergency Management Performance Grant - (Pages 68 - 69)
 - d. First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office - (Pages 70 - 74)
 - e. First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant - (Pages 75 - 78)
 - f. First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant - (Pages 79 - 82)

- g. First Reading and Schedule a Public Hearing for Consideration of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to Providing Additional Flexibility for Placement of Sandwich Board Signs in Downtown Petersburg - (Pages 83 - 109)
- h. First Reading and Schedule a Public Hearing for Consideration of an Ordinance Recommending Revocation of Special Use Permit Granted to Michael and Nina Stanley to Operate a Stand-Alone Used Vehicle Sales Lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for Failure to Comply with Conditions of Approval - (Pages 110 - 129)
- i. First Reading and Schedule a Public Hearing for the Consideration of an Amendment and Readoption of Chapter 50, Article II of the City Code Pertaining to Noise - (Pages 130 - 145)
- j. First Reading and Schedule a Public Hearing for Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$1,900,000 - (Pages 146 - 147)
- k. First Reading & Schedule a Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003 - (Pages 148 - 152)

8. Official Public Hearing

- a. A Public Hearing for the Consideration of an Ordinance to Authorize the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms - (Pages 153 - 155)

9. Monthly Reports

10. Finance and Budget Report

- a. Audited FY24 General Fund Balance Update - (Page 156)

11. Capital Projects Update

12. Utilities

13. Streets

14. Facilities

15. Economic Development

16. City Manager's Agenda

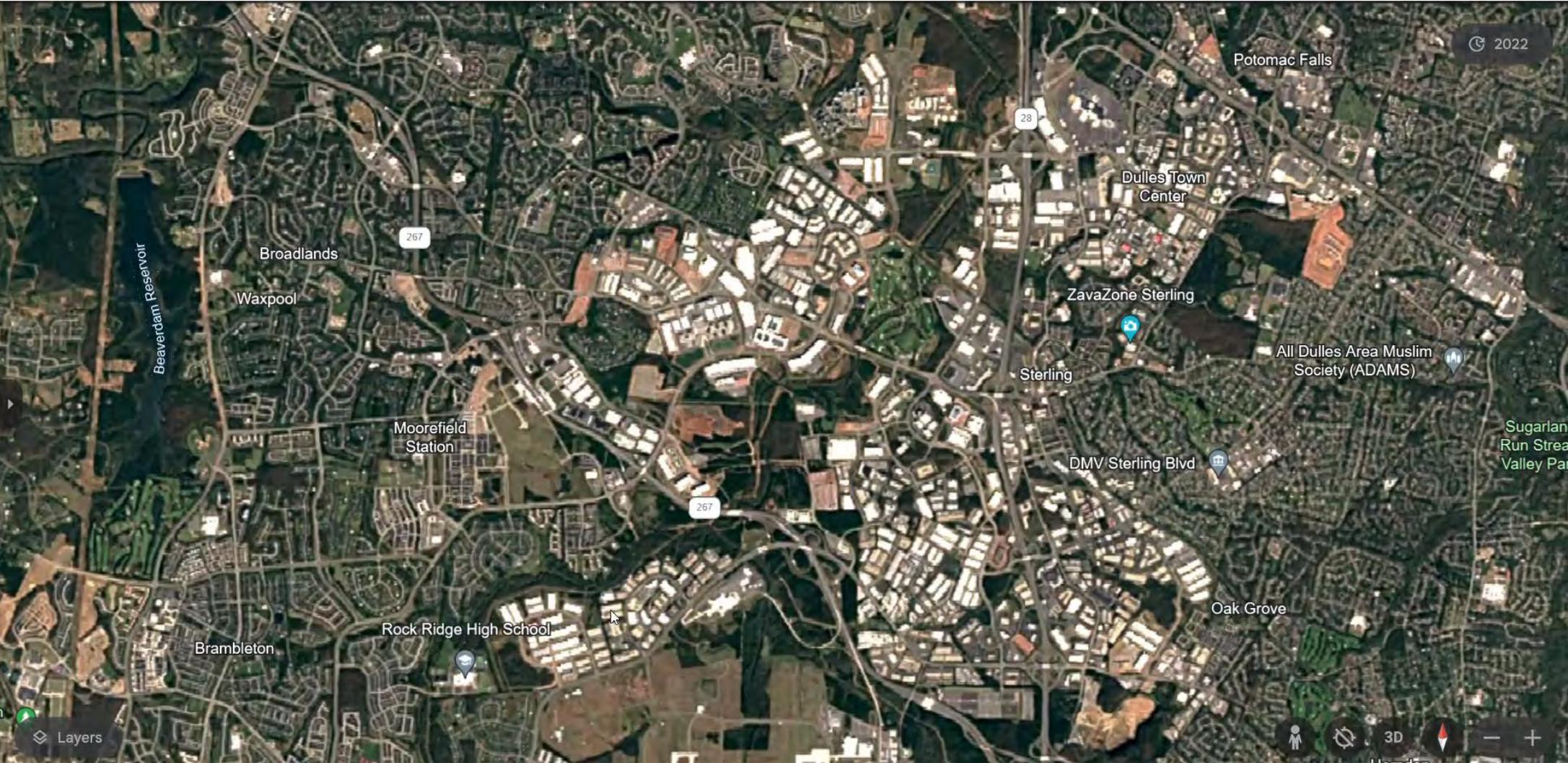
17. Business or reports from the Clerk

18. Business or reports from the City Attorney

19. Adjournment

The Loudoun, VA Story

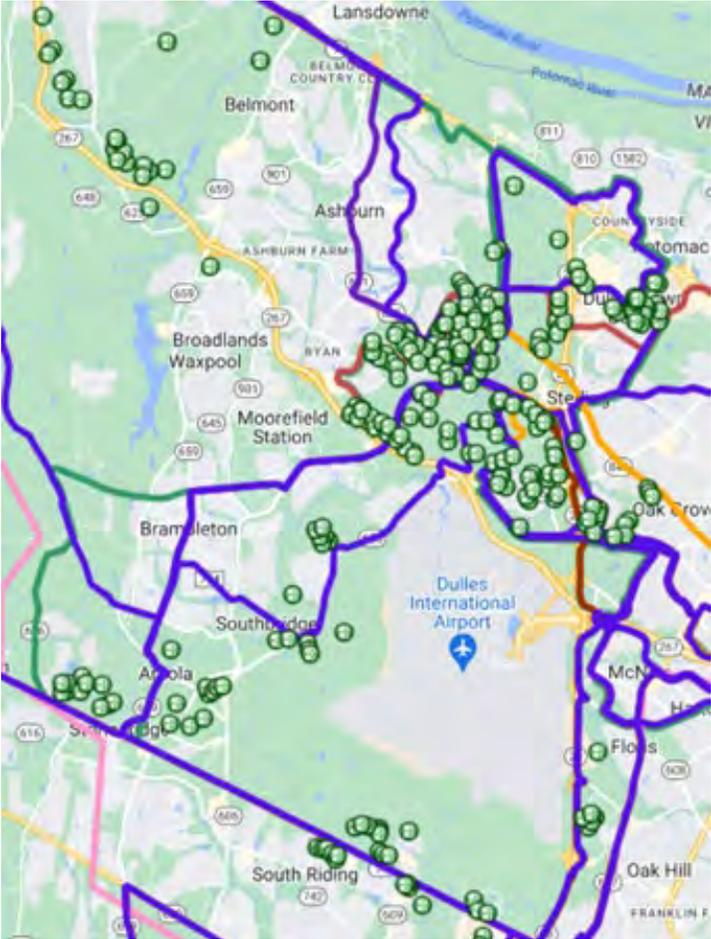
THE PAST, PRESENT AND FUTURE OF THE WORLD'S LARGEST DATA CENTER MARKET



WHY NORTHERN VIRGINIA?



DuPont Fabros Technology





Power
—

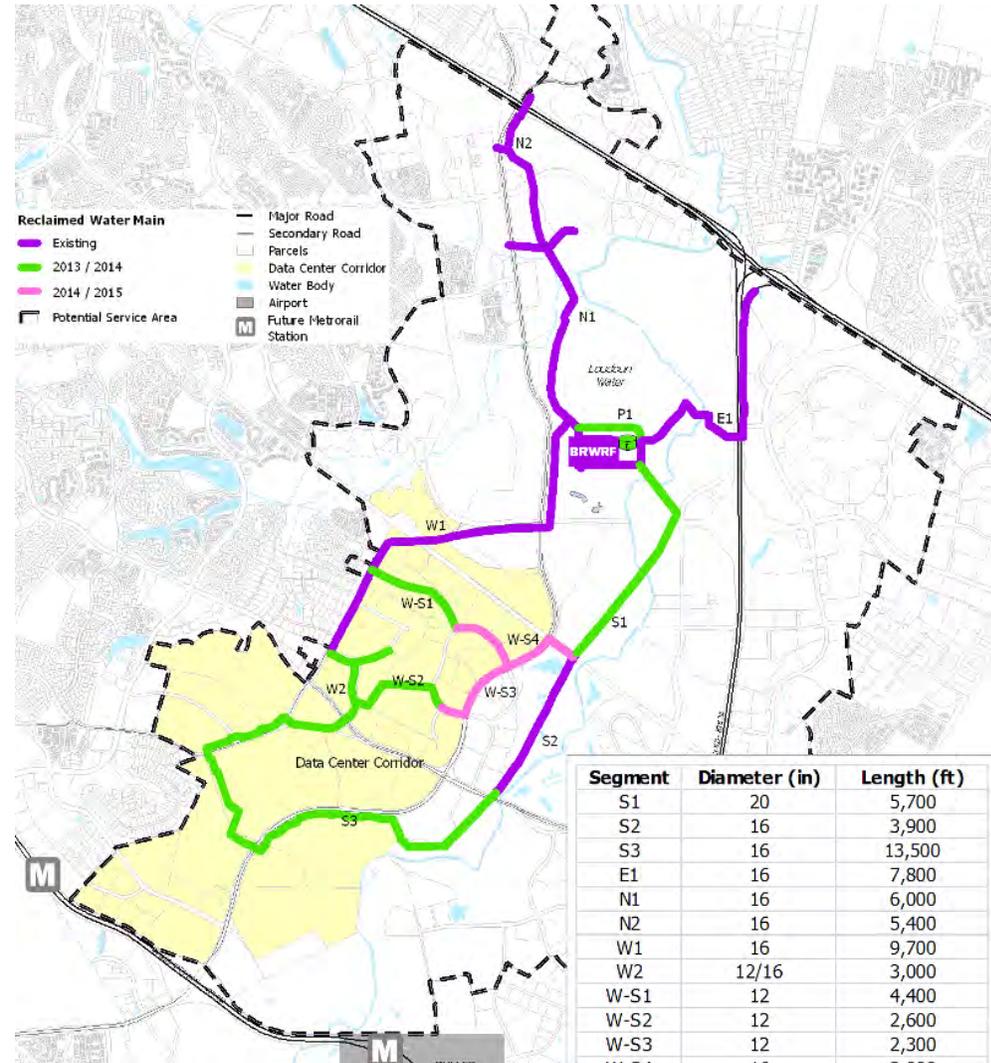


- **Actual Peak Load:** Over 3.2GW of Load
- **Annual Load Increase:** 100-200 MWs
- **500kV Transmission Ring (the first of its kind) feeding multiple 230kV transmission networks in Ashburn**
- **New “Southern” high-voltage line will be completed in late 2025**
- **New “Northern” high-voltage line to be completed in 2027**
- **New “Central” high-voltage line to be completed in 2028**
- **Substations served multiple 230kV sources**
- **Dominion Energy currently has more than 15 substations in service or under development in approximately a 1.5-mile radius**

Water

- 20 miles of pipeline
- 40 facilities connected
- 675 million gallons of reclaimed water used

LOUDOUN
WATER



TAX POLICY AND FINANCIAL ADVANTAGES



- Stable tax environment
- Stable energy prices
- World-class sales and use tax incentive
 - More than 70 data centers are eligible for the sales tax break
 - \$124.5 million saved by data centers in 2021
 - Spurred more than \$1.2 billion in taxes in Virginia in 2021

BUSINESS ENVIRONMENT

- Predictable Process
- World-Class Time to Market
- Fast Track Program



“One of the greatest treasures of Loudoun County is the Department of Economic Development. They know what is important to us, they know what's important to business owners.”

- Loudoun Business Owner

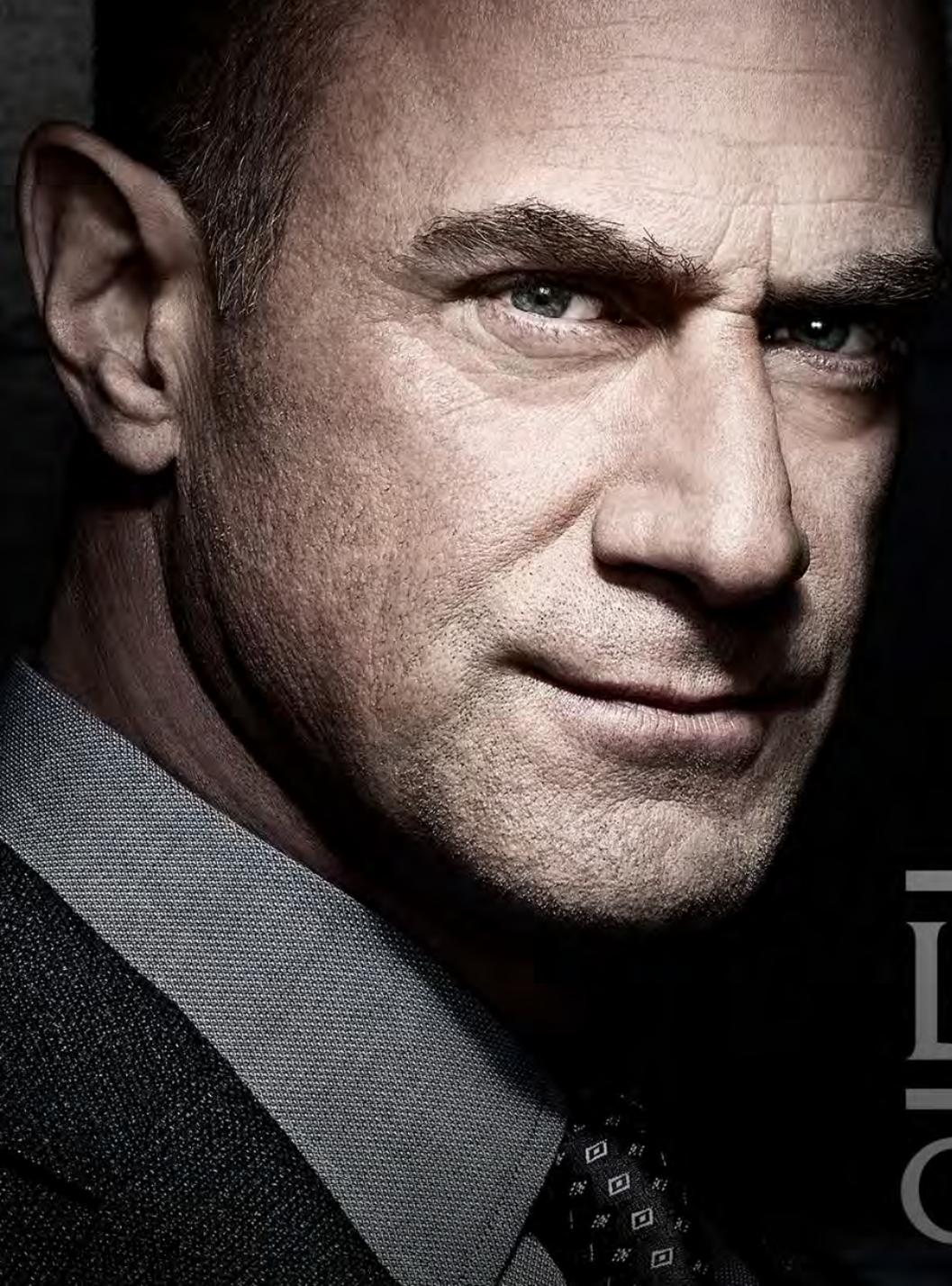
WORKFORCE

NOVA | Northern Virginia
Community College

A.A.S.
Associate
of Applied
Science

C.S.C.
Career
Studies
Certificate

**MAKE YOUR CAREER
IN DATA CENTER OPERATIONS**



LAW & ORDER

ORGANIZED CRIME



#LoudounPossible

LoudounPossible.com

LOUDOUN'S DATA CENTERS BY THE NUMBERS

3,250,000,000

1,000,000,000

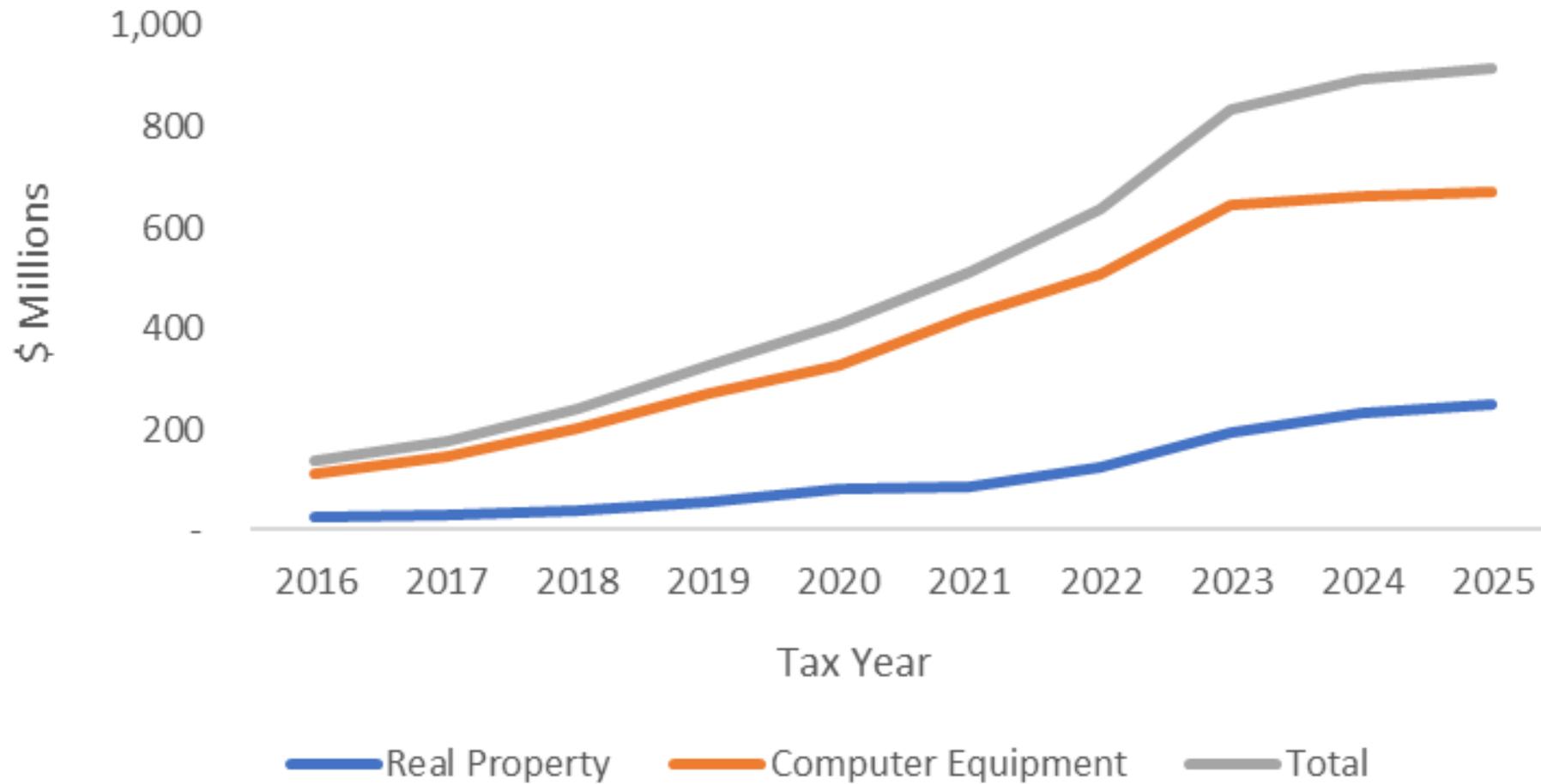
33,500,000

15,000

26 / 1

<1

Loudoun County Data Center Tax Revenue





- In FY2012, Loudoun's tax rate was \$1.285 per \$100
- By FY2024, Loudoun's tax rate was reduced to \$0.865 per \$100



That is a \$0.42 per \$100 tax reduction over 12 years!

At Loudoun's averaged assessed value of \$735,800, a homeowner saves about \$3,010 a year in taxes.

SUSTAINABILITY

Get Off My Lawn ... You Crazy Data Centers!

CHRIS STOKEL-WALKER BUSINESS AUG 1, 2022 7:00 AM

Data Centers Are Facing a Climate Crisis

Companies are racing to cool down their servers as energy prices and temperatures soar. And th

VERIFY

What's all the data center noise about?

Neighbors say Northern Virginia data centers emit a noise they just can't tune out. We took to the streets and dove in to the science to figure out why.

The staggering ecological impacts of computation and the cloud

Amazon is creating a staggering side effect with its massive data centers: 'Tucked unassumingly amid suburban neighborhoods'

Amazon is in the process of developing \$87 billion worth of data centers.



Drought-stricken communities push back against data centers

As cash-strapped cities welcome Big Tech to build hundreds of million-dollar data centers in their backyards, critics question the environmental cost.

CLIMATE

Data centers, backbone of the digital economy, face water scarcity and climate risk



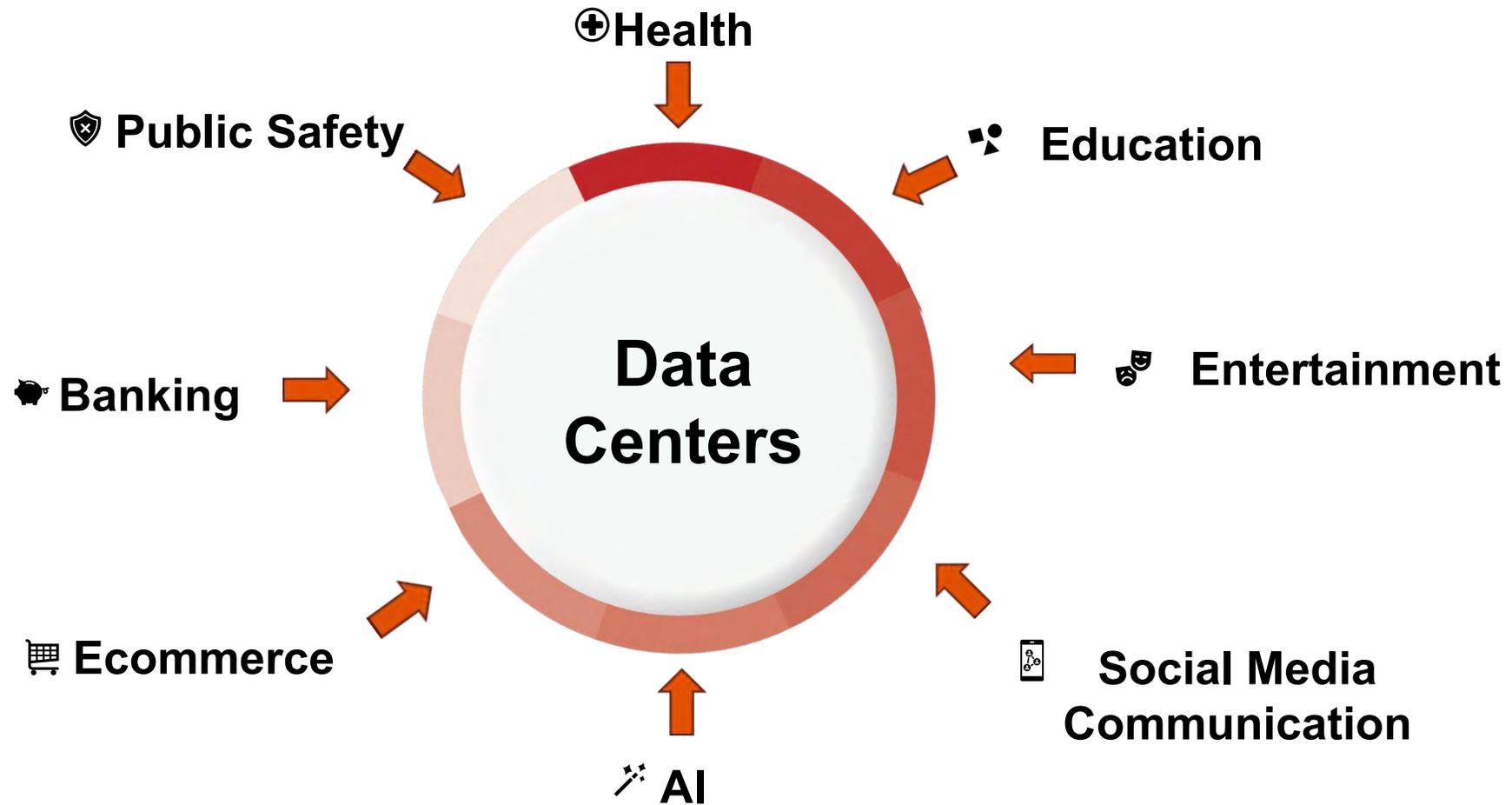
BIG, UGLY, POWER-HUNGRY MONSTROSITIES...OR...

Data centers are the bricks that hold our modern society together, support all the other property types. When we are in our living space or offices, at a retailer or at a doctor's office, we are also connecting remotely to stored data in "the cloud" but physically housed in a data center somewhere in the world.



JLL North American Data Center Report 2023

ECONOMY OF DATA CENTERS



By 2027...



The global online banking market = almost \$30 billion



The global video streaming market = almost \$150 billion



The global online education market = exceed \$315 billion



The global cyber security market = \$403 billion



The global AI market is = \$407 billion



The global tele-health market = \$560 billion



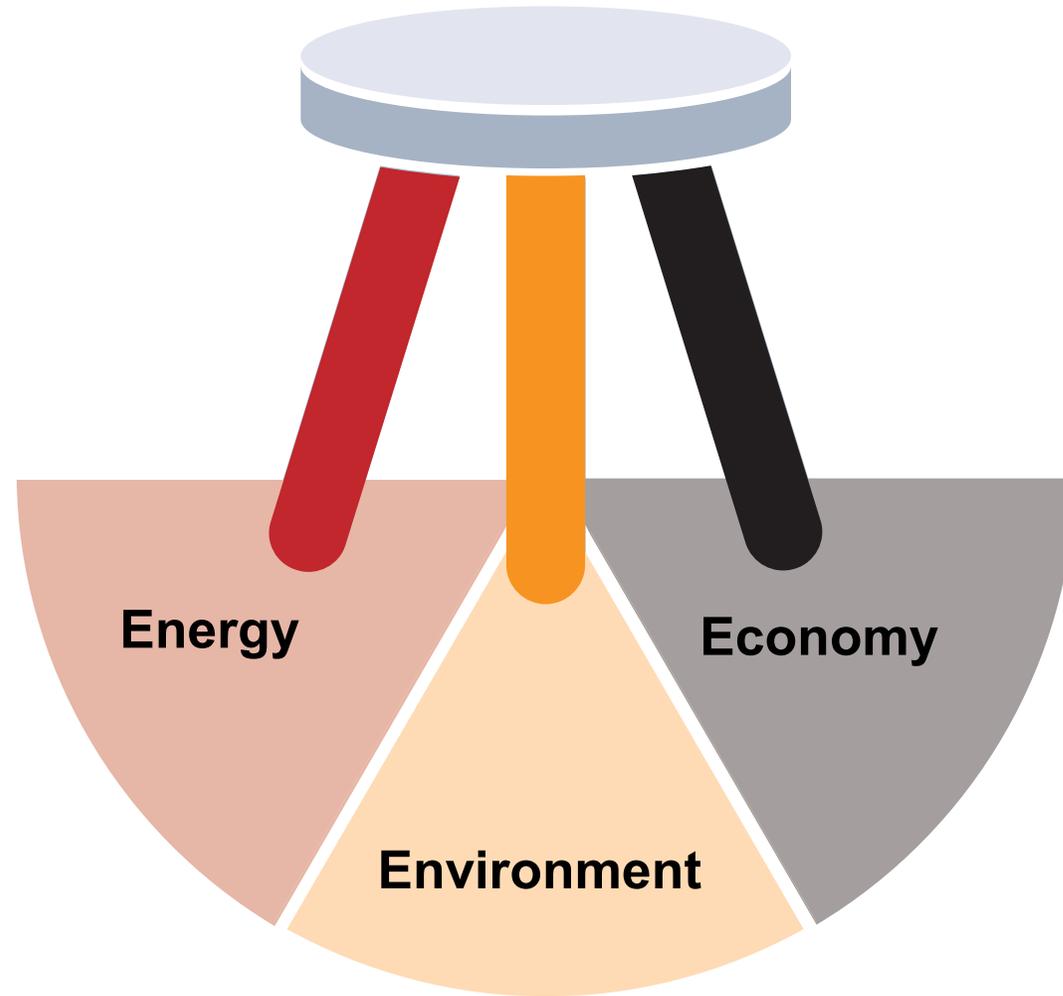
The global social media market = more than \$900 billion



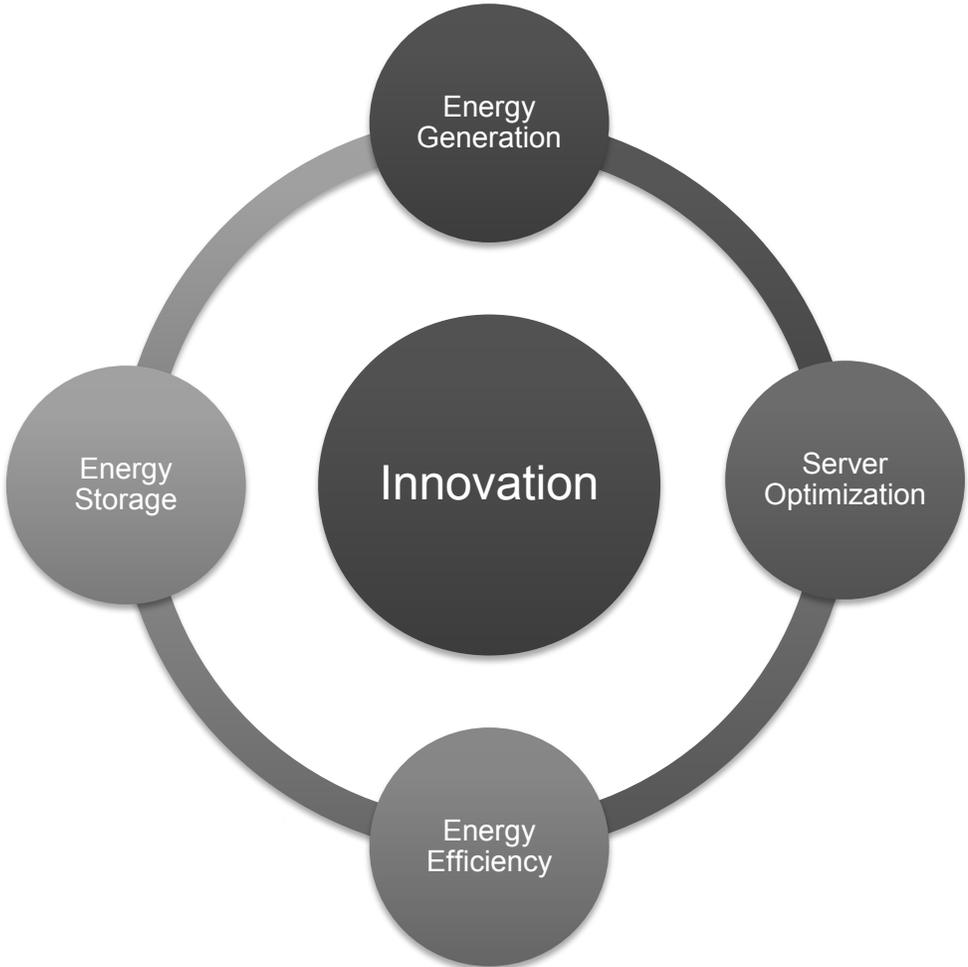
The global e-commerce market = more than \$6 trillion

\$8,765,000,000

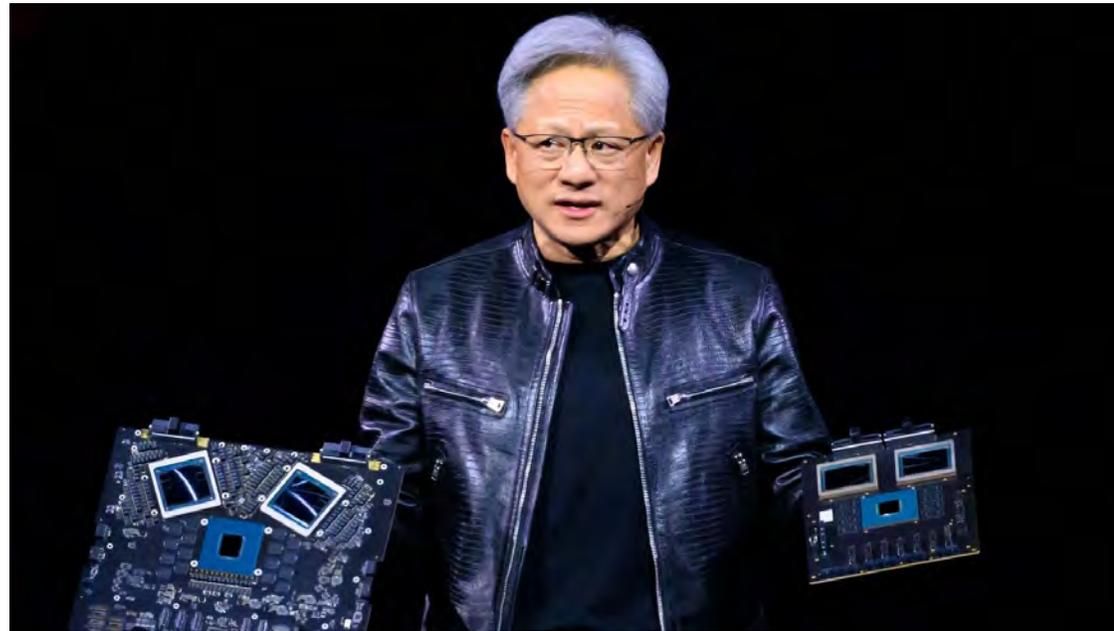
A BALANCED APPROACH TO DATA CENTERS



THE PATH TO SUSTAINABILITY



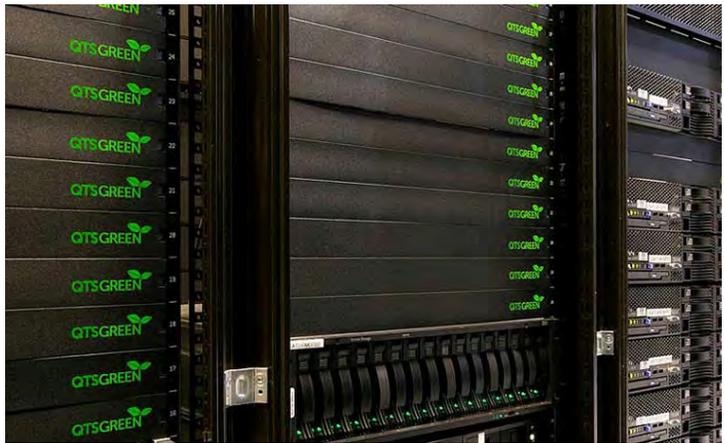
INNOVATIONS IN SERVER EFFICIENCY



INNOVATIONS IN ENERGY EFFICIENCY



INNOVATIONS IN ENERGY EFFICIENCY



INNOVATIONS IN ENERGY STORAGE



INNOVATIONS IN ENERGY GENERATION



INNOVATIONS IN ENERGY GENERATION



Crusoe



INNOVATIONS IN ENERGY GENERATION



INNOVATIONS IN ENERGY GENERATION



LESSONS LEARNED

- Define the Opportunity
 - Where do the go...where they should not
 - Understand the Value Proposition, Define Targets
- Build Partnerships
 - The industry
 - Utility providers
- Tell The Story, Communicate the Benefits
 - Digital Hubs Grow Communities
 - » Tax growth and job Creation
 - » Cluster development and associated growth
- Address the Concerns, Educate Stakeholders
- Go Beyond the Building



If we can help you in any way,
please call Buddy Rizer at
703-777-0592 or email
Buddy.Rizer@Loudoun.gov





Petersburg's Community Forest Revitalization Program Review

Kendall Topping, Jessica Huang

Thanks to our Funders

The USDA Forest Service through the Inflation Reduction Act (IRA)
and the Virginia Department of Forestry.

Outline

- Program Review
- Tree Canopy Analysis
- Outreach
- Projects
- Strategic Tree Canopy Plan
- Phase 2: Implementation



Program Review

**The City of Petersburg officially launched
the Community Forest Revitalization Program
with the Green Infrastructure Center (GIC)
in January of 2024.**

Program Review

Since then, the Program has...

- ✓ Hosted nine workshops with city staff and community partners.
- ✓ Hosted an open house.
- ✓ Gathered input from over 100 citizens.
- ✓ Participated in outreach events with various partners.
- ✓ Provided tree stewardship training to city staff.



Tree Canopy Analysis

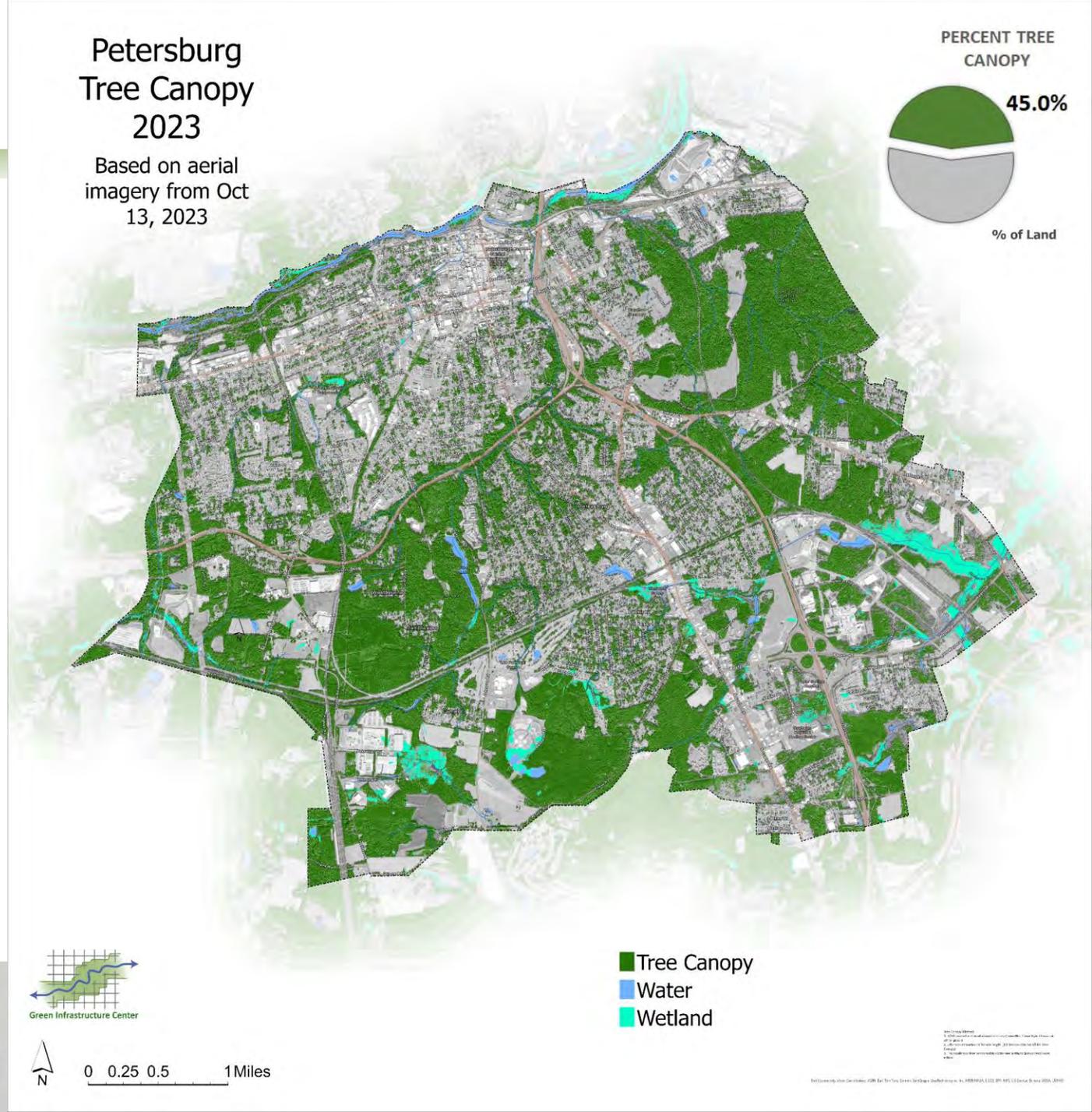
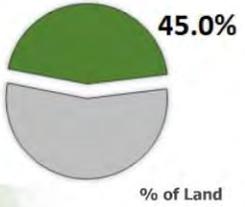
Tree Canopy Cover

- 45% (Including Petersburg National Battlefield)

Petersburg Tree Canopy 2023

Based on aerial
imagery from Oct
13, 2023

PERCENT TREE
CANOPY

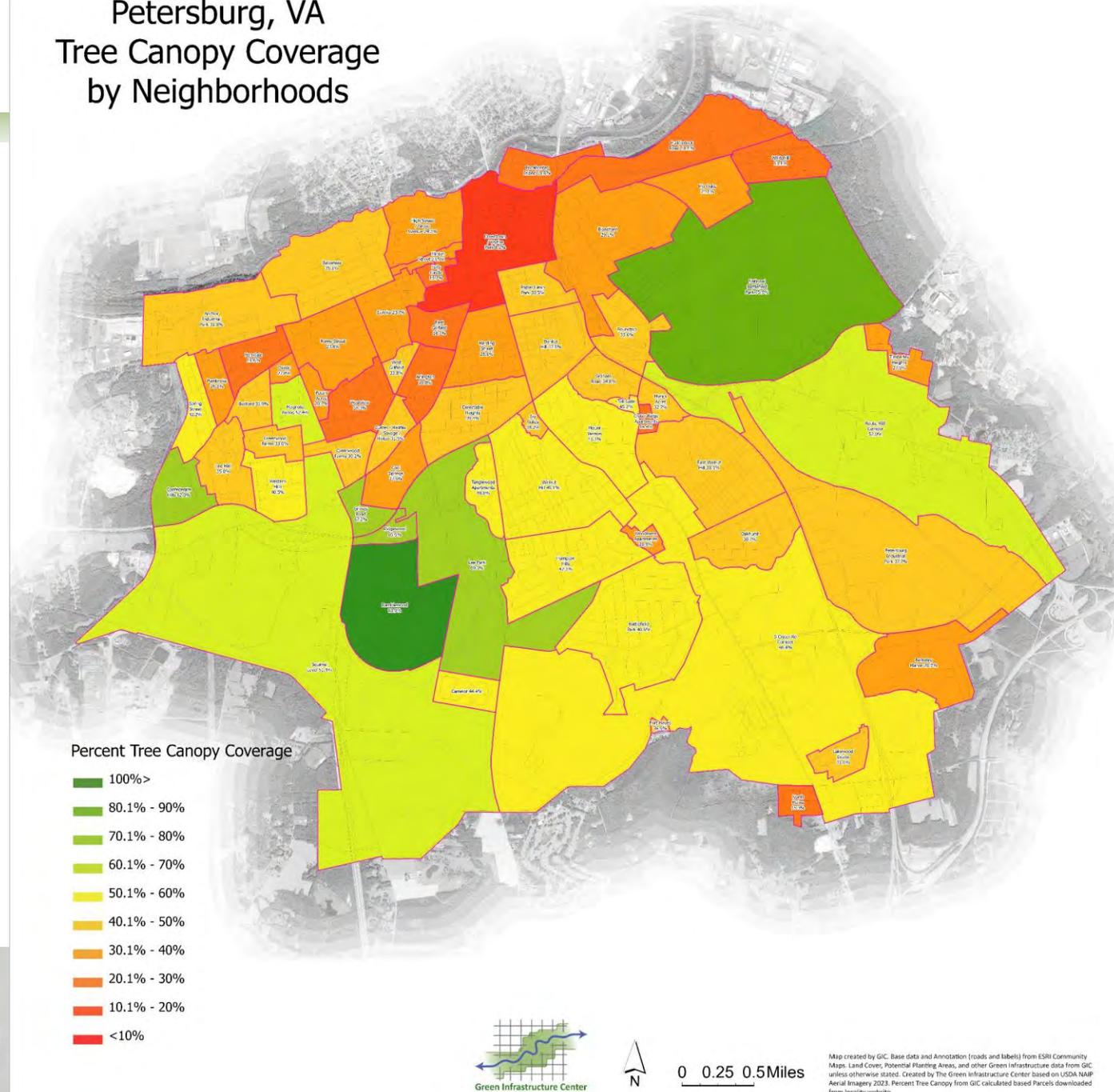


Tree Canopy Analysis

Tree Canopy Coverage by Neighborhoods

- Tree canopy is not equitably distributed
 - **76% difference** between the highest and lowest neighborhoods

Petersburg, VA
Tree Canopy Coverage
by Neighborhoods

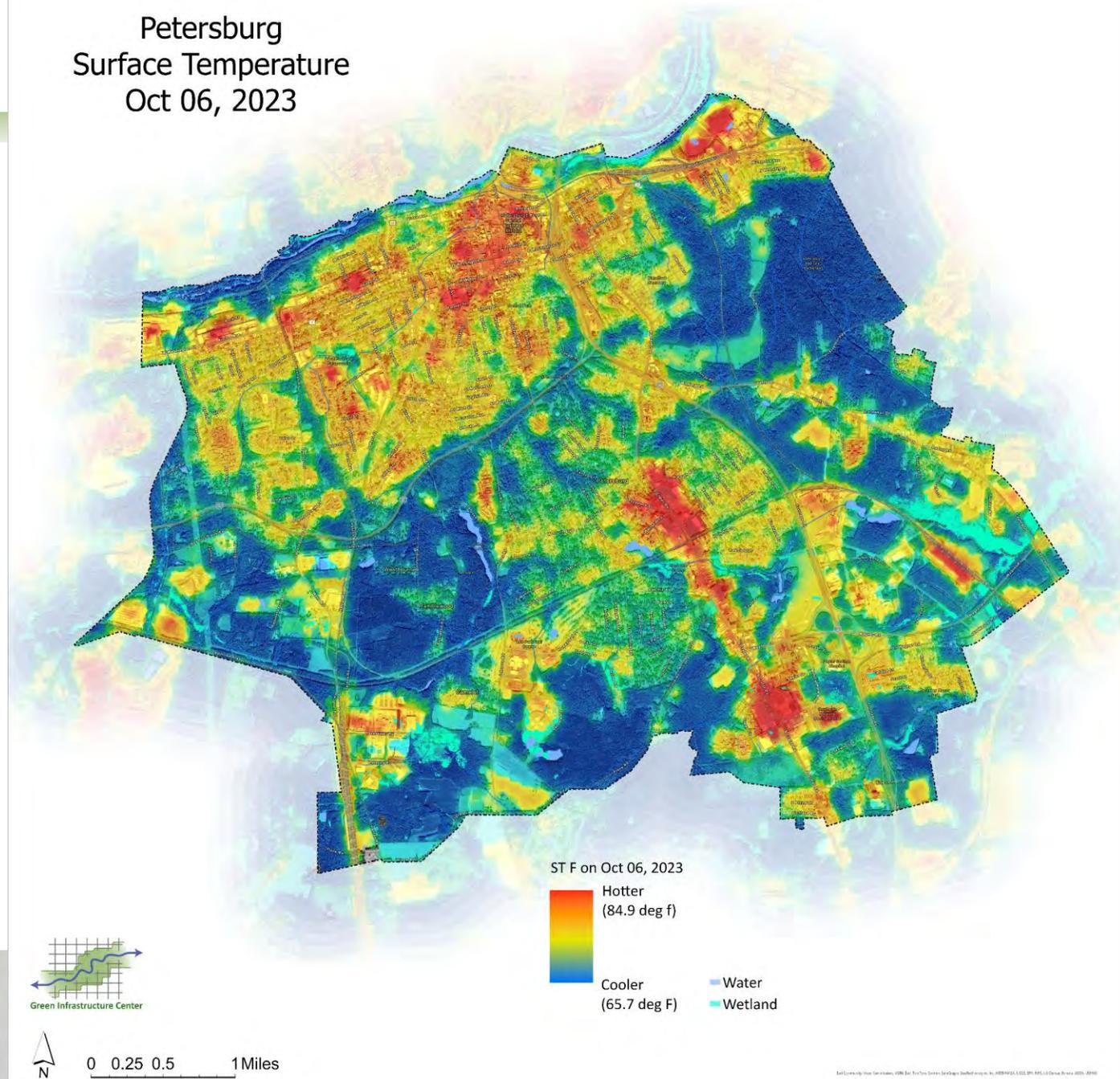


Tree Canopy Analysis

Heat by Surface Temperature

- Tree canopy has a direct correlation with surface temperature
 - Neighborhoods with the lowest tree canopy have some of the hottest temperatures.
- Neighborhoods have a difference of 19°F

Petersburg
Surface Temperature
Oct 06, 2023

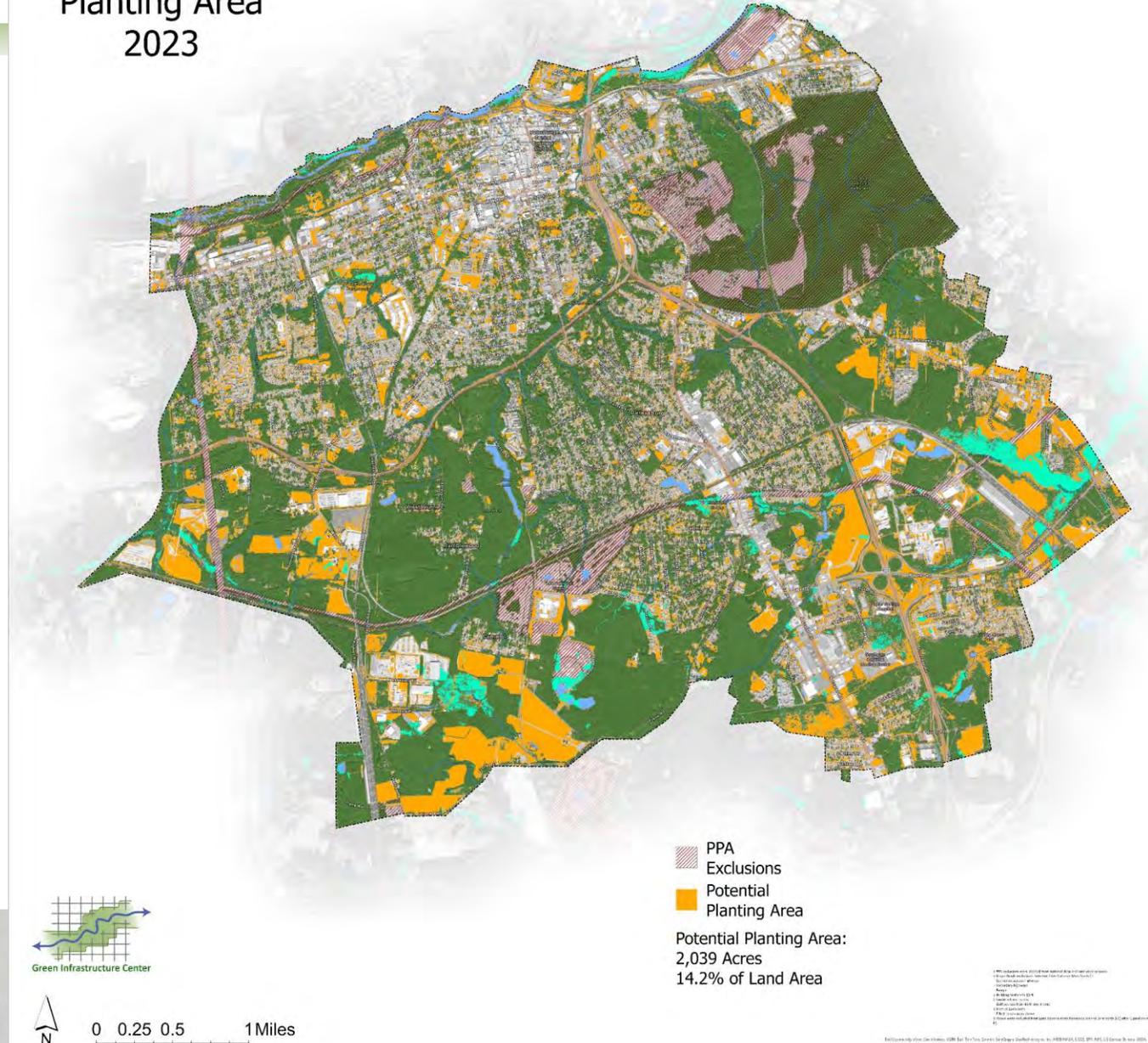


Tree Canopy Analysis

Potential Planting Areas

- Orange represents: Pervious surfaces where trees could be planted

Petersburg
Potential
Planting Area
2023



Tree Canopy Analysis

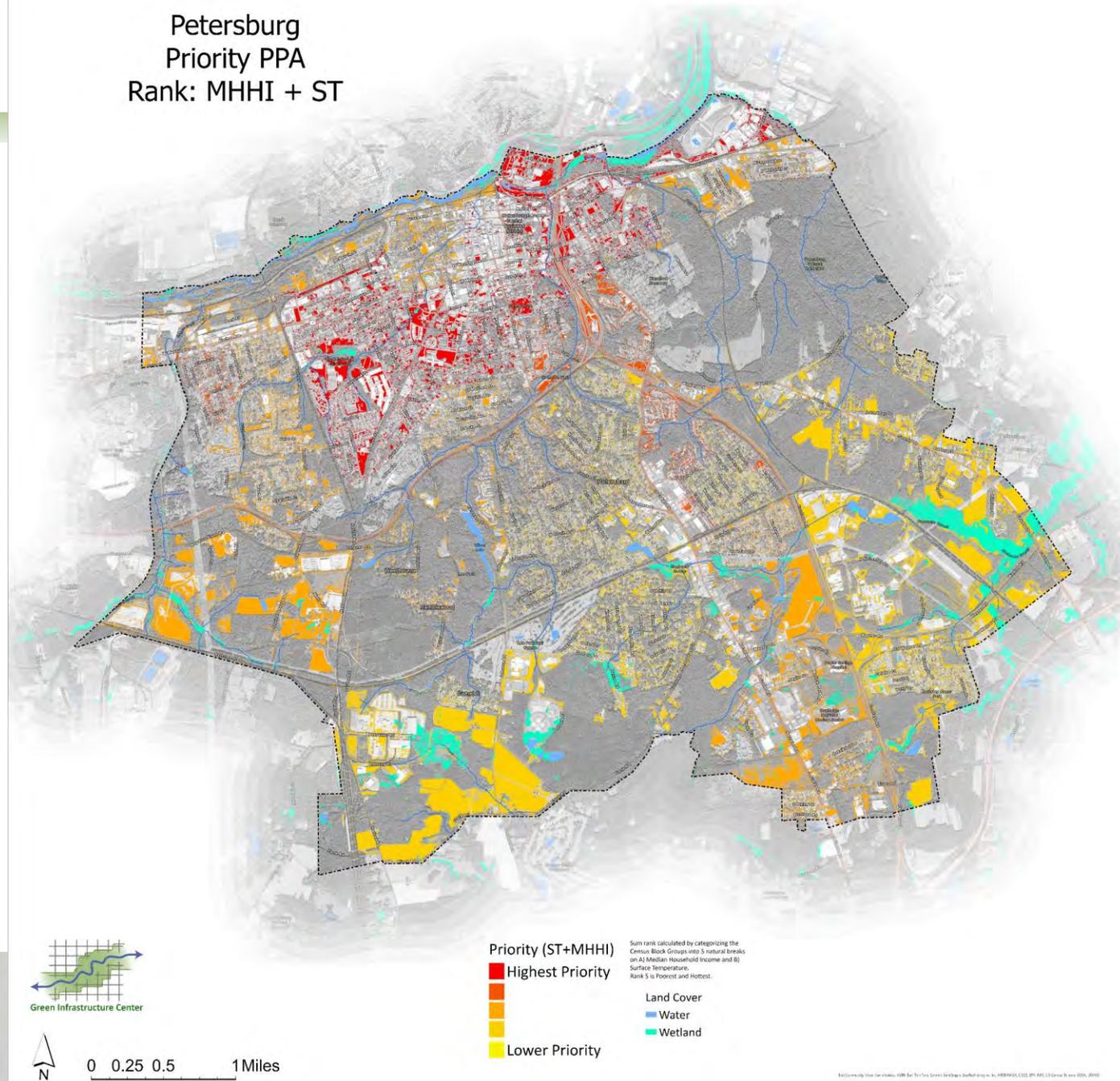
Heat and Equity

- Using the potential planting area as a base, areas were then ranked by highest to lowest priority for heat and equity.

(Based on census block data)

- Surface temperature
- Median household income

Petersburg
Priority PPA
Rank: MHHI + ST

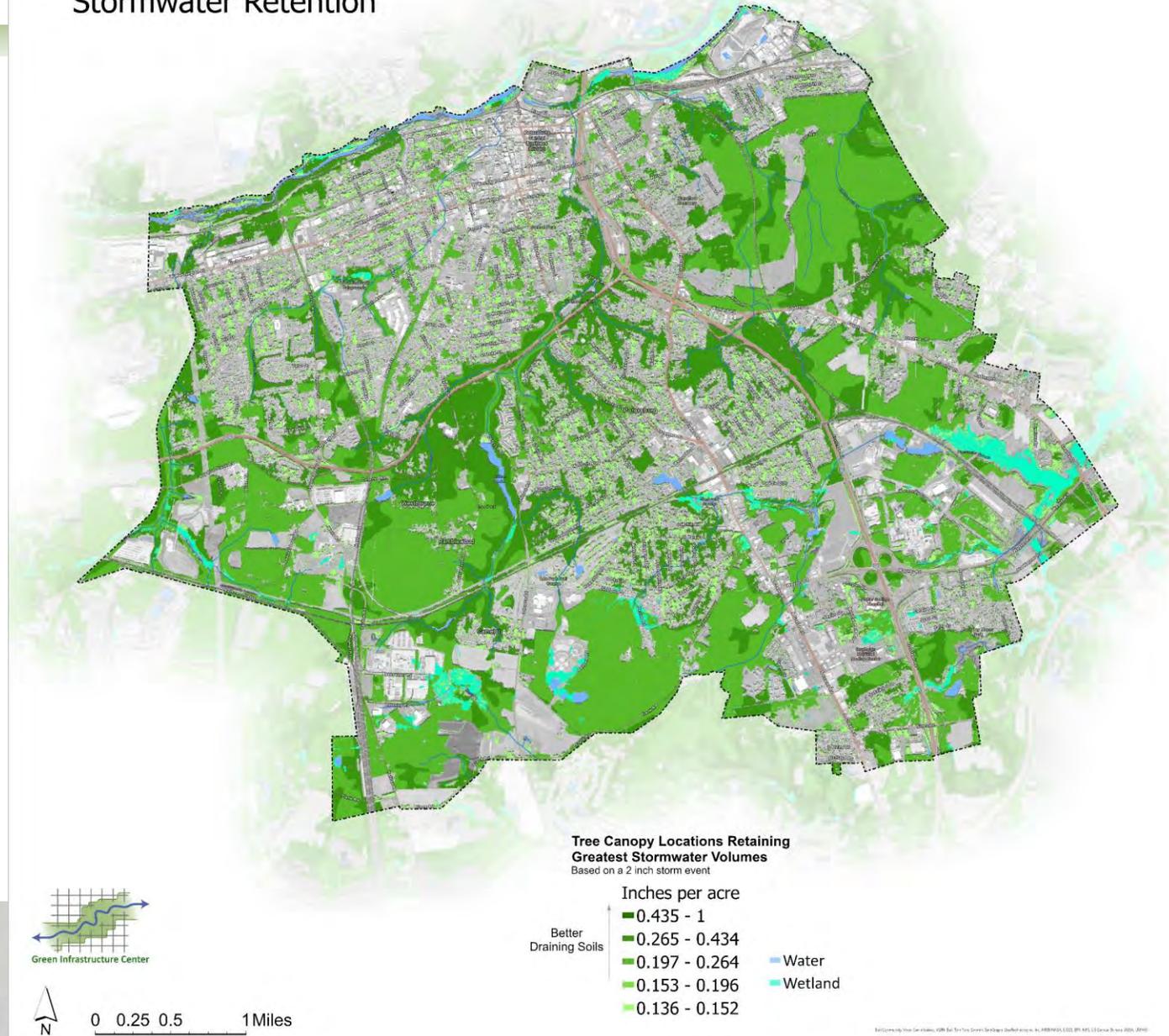


Tree Canopy Analysis

Stormwater Retention

- Measures the value of tree canopy by their ability to prevent stormwater runoff
 - Via soil absorption
- Petersburg's trees absorb 56 million gallons per 10yr/24hr storm event!
 - The city lost 342 acres from 2021-2023
 - That means over 1.6 million more gallons of stormwater is now running off in the city!

Petersburg Impacts of Tree Loss Stormwater Retention



Outreach



Open House



Hosted By the City of Petersburg
With Support From Community Partners

GREENING PETERSBURG: HEALTHY TREES, HEALTHY LIVES OPEN HOUSE

Outreach



Photos Taken by Clare

Outreach



Trunk or Treat

- Candy for your thoughts!
 - Families asked where they would like more trees in Petersburg.
 - Over 1,000 pieces of candy were given!



VSU Tree Giveaway

- Tree for your thoughts?
 - Over 40 trees were given out to Petersburg citizens!
 - Recipients gave input on their concerns and desires for Petersburg's trees.



Poplar Lawn Park

Tree Assessment Inventory:

- Over 219 trees inventoried
- Assessed for health and risk by a TRAQ (*Tree Risk Assessment Qualification*)-certified arborist
- This is a \$3,285 value!
 - The average cost of an inventory is \$15 per tree.



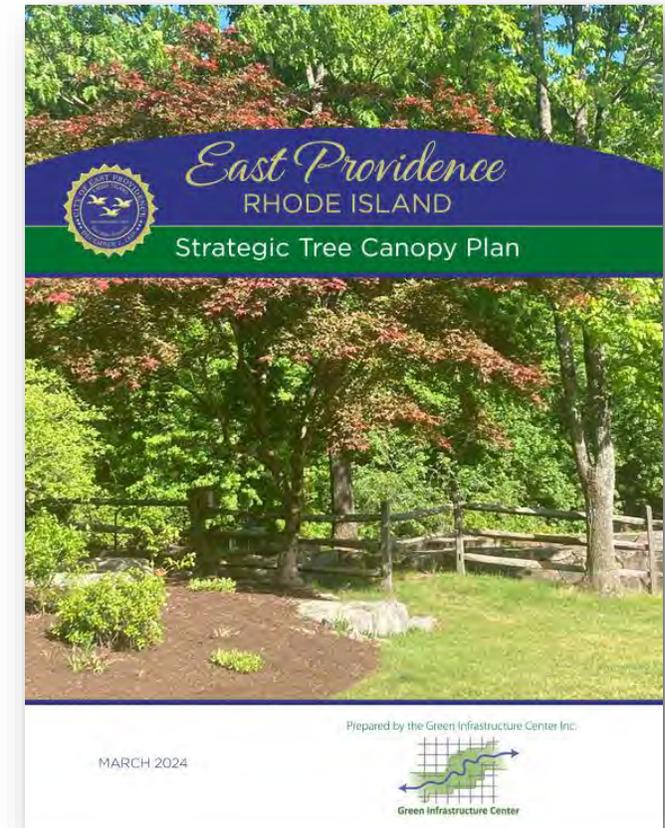
Strategic Tree Canopy Plan

The Strategic Tree Canopy Plan will act as a guide to accomplishing the city's tree canopy goal.

Plan will include:

- Tree Canopy Analysis
- Maps
- Goals, Strategies, and Action Items

Example Strategic Tree Canopy Plan

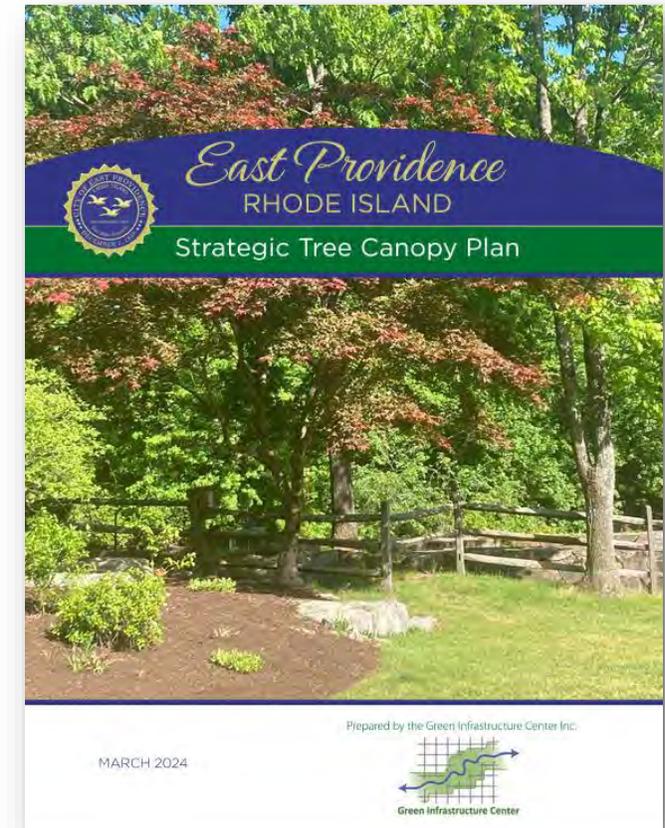


Strategic Tree Canopy Plan

Tree Canopy Goals and Strategies developed by a committee of city staff and community partners.

- Workshops
- Community Input
- GIS Data and Analyses

Example Strategic Tree Canopy Plan



Petersburg's Proposed City-Wide Tree Canopy Goal:
Maintain the current tree canopy at 45% over the next ten years.



Strategic Tree Canopy Plan



Strategies to Achieve Petersburg's Proposed Tree Canopy Goal

Goal 1: Steward Petersburg's public trees.

1. Hire a City Arborist.
2. Increase city capacity to care for newly planted trees in public projects.
3. Prioritize City staff training on green infrastructure vegetation management.
4. Abide by the "right tree right place" policy when designing planting projects.
5. Create an Urban Forestry Division within Public Works.



Strategic Tree Canopy Plan



Strategies to Achieve Petersburg's Proposed Tree Canopy Goal

Goal 2: Expand community knowledge on the importance of trees and proper care.

1. Establish Petersburg as a Tree City USA.
2. Publicize tree resources to promote planting appropriate species and properly sized trees for sites.
3. Expand community involvement in tree stewardship.
4. Direct efforts for youth to learn about and care for trees.



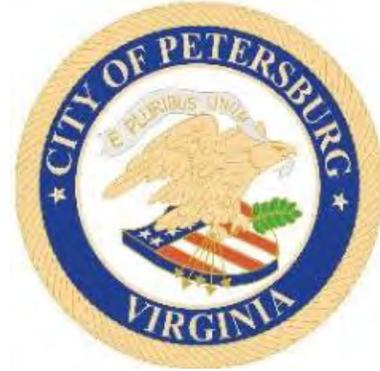
Strategic Tree Canopy Plan



Strategies to Achieve Petersburg's Proposed Tree Canopy Goal

Goal 3: Increase the preservation of large trees before and during development projects.

1. Provide tree preservation incentives to developers, such as stormwater utility fee credits and density and height bonuses.
2. Require development projects with more than 25 acres of disturbance to consult with a City Arborist.
3. Increase staff capacity to strengthen tree protection planning and enforcement during development.
4. Expand tree protection requirements in the Chesapeake Bay watershed to the entire city.



Strategic Tree Canopy Plan



Strategies to Achieve Petersburg's Proposed Tree Canopy Goal

Goal 4: Plant trees along transportation corridors, pedestrian routes, and business districts.

1. Beautify the City's entryways to welcome visitors by planting trees and landscaping along entry corridors, and public transportation routes.
2. Improve walkability for pedestrian routes to schools, churches, and business districts by targeting tree plantings along sidewalks.



Strategic Tree Canopy Plan



Strategies to Achieve Petersburg's Proposed Tree Canopy Goal

Goal 5: Expand tree benefits across Petersburg equitably by increasing tree canopy in low-canopy communities.

1. Use urban heat maps to prioritize tree plantings that can offer the greatest cooling benefits to the city and solicit grants for trees.
2. Plant food forests in community spaces.
3. Encourage citizens to plant trees with locally supported incentives.



Phase 2 – Implementation



Phase 2 Program Area

Selection based on highest need and interest:

- Tree Canopy Coverage
- Community Interest
- Heat (Surface Temperature)
- Equity



Phase 2 – Implementation

GIC will work with community members to develop community-driven tree planting and greening projects. This phase includes planning workshops with educational tree seminars and a tree-related project.

Tree-related project should include:

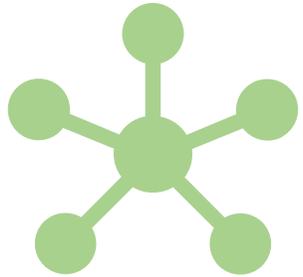
- Publicly accessible selected site
- Community stewardship approach
- Tree-related education and outreach
- Potentially tree giveaways



Next Steps



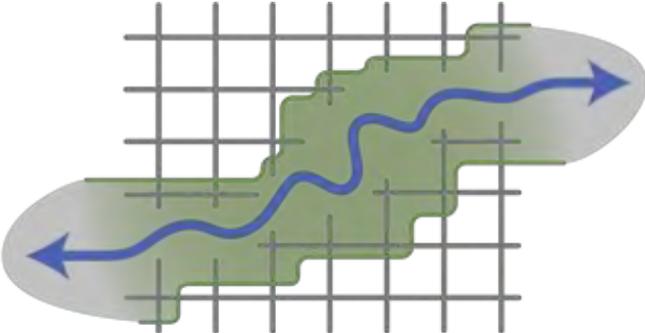
- City Council review and approval of the proposed Strategic Tree Canopy Goals and Strategies



- Completion of Strategic Tree Canopy Plan
- Begin outreach to the Phase 2 Implementation Program Area.



Questions?



Green Infrastructure Center

414 E. Water Street
Charlottesville, VA, 22902
434-286-3119



Contacts:

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jhuang@gicinc.org

KENDALL TOPPING

434-996-9113

ktopping@gicinc.org



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM:

RE: Minutes of: - (Pages 61 - 65)
December 17, 2024 Closed Session
December 23, 2024 Special Meeting

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. December 17 2024 Closed Session Minutes
2. December 23 2024 Special Meeting Minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, December 17, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:00 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/320700>.

1. ROLL CALL

Present: Council Member Charles H. Cuthbert, Jr
Council Member Howard Myers
Council Member Annette Smith-Lee
Mayor Samuel Parham

Absent: Council Member Marlow Jones (Late)
Council Member Arnold Westbrook, Jr (Late)
Vice Mayor Darrin Hill (Late)

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams
City Clerk Tangi R. Hill

2. CLOSED SESSION

The purpose of this meeting is to convene in the closed session pursuant to: a). §2.2-3711(A)(7) and (8) of the Code of Virginia for the Purpose of Receiving Legal Advice and Status Update from the City Attorney and Legal Consultation Regarding the Subject of Actual or Probable Litigation and Specific Legal Matters Requiring the Provision of Legal Advice by the City Attorney, Specifically Including but not Limited to Discussion Regarding §58.1-3990; 58.1-3980; and 58.1-3981 of the Code of Virginia, and Other Legal Matters Requiring the Advice of the City Attorney; and b). §2.2-3711(A)(3) of the Code of Virginia for the Purpose of Discussion or Consideration of the Acquisition of Real Property for a Public Purpose and the Disposition of Publicly Held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body, Specifically Including but Not Limited to the Acquisition and Disposition of Real Property; c). §2.2-3711(A)(29) of the Code of Virginia for the Purpose of Discussion Regarding the Subject of Award of a Public Contract Involving the Expenditure of Public Funds, and Discussion of the Terms or Scope of Such Contract, Where Discussion in an Open Session Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; and d). §2.2-3711(A)28 of the Code of Virginia for the Purpose of Discussion of Information Subject to the Exclusion in Subdivision 11 of §2.2-3705.6 By a Responsible Public Entity or an Affected Locality or Public Entity, as Those Terms are Defined in §33.2-1800, or Any Independent Review Panel Appointed to Review Information and Advise the Responsible Public Entity Concerning Such Records; and e). §2.2-3711(A)(1) of the Code of Virginia for the Purpose of Discussion Pertaining to Performance, Assignment, and Appointment of Specific Public Employees of the City of Petersburg, Specifically Including but Not Limited to Discussion of the Performance, Assignment, and Appointment of Specific Public Officers of the City of Petersburg.

Vice Mayor Hill arrived.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Smith-Lee seconded the motion.

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, and Parham; no: N/A; Abstain: N/A.

Council entered into Closed Session at 3:03 p.m.

Council Member Jones arrived.

Council Member Westbrook arrived.

CERTIFICATION

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Westbrook seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

24-RES-53 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 open session at 5:40 p.m.

3. ADJOURNMENT:

City Council adjourned at 5:40 p.m.

The Special Meeting Petersburg City Council was held on Monday, December 23, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 12:00 p.m.

1. ROLL CALL

Present: Council Member Charles H. Cuthbert, Jr
Council Member Marlow Jones
Council Member Howard Myers
Council Member Arnold Westbrook, Jr.
Council Member Smith-Lee
Vice Mayor Darrin Hill
Mayor Samuel Parham

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams
City Clerk Tangi R. Hill (Via Telephone)

2. CLOSED SESSION

The purpose of this meeting is to convene in the closed session pursuant to: a). §2.2-3711(A)(3) of the Code of Virginia for the Purpose of Discussion or Consideration of the Acquisition of Real Property for a Public Purpose and the Disposition of Publicly held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body, Specifically Including but Not Limited to the Acquisition and Disposition of Real Property.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Westbrook seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Council entered into Closed Session at 12:04 p.m.

CERTIFICATION

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today 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 state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Council Member Westbrook made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Smith-Lee seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

24-RES-56 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 open session at 12:54 p.m.

OPEN SESSION

NEW BUSINESS

Schedule a Public Hearing for the Consideration of an Ordinance to Authorize the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms (First Reading)

Vice Mayor Hill made a motion to Schedule a Public Hearing for January 7, 2025 for the Consideration of an Ordinance to Authorize the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms. Council Member Westbrook seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

3. ADJOURNMENT:

City Council adjourned at 12:54 p.m.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Marquis Allen

RE: **First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant - (Pages 66 - 67)**

PURPOSE: Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the Virginia State University Public Health Institute (VSUPHI) Health Disparities Grant

REASON: The Recreation & Leisure services department received an award from VSUPHI to help with health disparities in the City of Petersburg.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND:

COST TO CITY: \$32,700

BUDGETED ITEM: Grant

REVENUE TO CITY: \$32,700

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Recreation & Leisure Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - VSUPHI

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues	\$0.00
ADD:	
VSUPHI Health Disparities Grant	
Total Revenue	\$32,700

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures	\$0.00
ADD:	
VSUPHI Health Disparities Grant	
Total Expense	\$32,700



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: John Michalek

RE: **First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the VDEM Emergency Management Performance Grant - (Pages 68 - 69)**

PURPOSE: Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the VDEM Emergency Management Performance Grant

REASON: Petersburg Department of Fire Rescue & Emergency Services was awarded the emergency management grant from Virginia Department of Emergency Management (VDEM)

RECOMMENDATION: Accept grant & appropriate funds

BACKGROUND:

COST TO CITY: \$10,675

BUDGETED ITEM: Grant

REVENUE TO CITY: \$10,675

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Fire Rescue & Emergency Services

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - VDEM EMPG FY25

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

VDEM Emergency Mgmt Performance Grant (EMPG)

Total Revenue **\$10,675**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

VDEM Emergency Mgmt Performance Grant (EMPG)

Total Expense **\$10,675**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Tiffany Buckner - Commonwealth Attorney's Office

RE: **First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office - (Pages 70 - 74)**

PURPOSE: Schedule a Public Hearing for Consideration of Acceptance & Appropriation of the 2024 Operation Ceasefire Grant Program for the Commonwealth Attorney's Office

REASON: The Commonwealth Attorney's Office was awarded this grant in the amount of \$301,749 for resources for an attorney for selective, targeted prosecution of identified dangerous individuals

RECOMMENDATION: Accept grant & appropriate funds

BACKGROUND: The Operation Ceasefire Grant Program (OCGP) from the Virginia Department of Criminal Justice Services (DCJS) is to support the implementation of strategies that will result in reducing violent crime within the Commonwealth while implementing effective and sustainable solutions to intercept and eliminate local cycles of violence.

COST TO CITY: \$301,749

BUDGETED ITEM: Grant

REVENUE TO CITY: \$301,749

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Commonwealth Attorney's Office

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Petersburg SOGA
2. Grant Ordinance - Cmnwlth Atty Operation Ceasefire



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

December 7, 2023

March Altman
City Manager
135 North Union Street
Petersburg, Virginia 23803

RE: Petersburg Commonwealth's Attorney's Office

Dear March Altman:

Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **521688** and was approved for a total award of **\$301,749**, funded through Award Number **2024-OCGF-GRANT**. The project period is **1/1/2024** through **12/31/2026**.

Included with this letter is your Statement of Grant Award/Acceptance (SOGA), Special Conditions, Reporting Requirements, and Projected Due Dates. In addition, there may be "Action Item" Special Conditions related to your grant award called *Encumbrances* that require your immediate attention. If there are any, please submit those documents via the On-line Grants Management System (OGMS) at <https://ogms.dcjs.virginia.gov/>. Additionally, if you cannot access your grant in OGMS, your application may be under negotiation. Please check your email and/or spam for OGMS correspondence and follow up with your DCJS Grant Monitor.

If you have not previously done so, you must register to use this web-based system. The instructions on *Registering for a New Account* and *Submitting Action Item Encumbrances* are posted here <https://www.dcjs.virginia.gov/grants/ogms-training-resources> along with other resources and training videos. All registrants will be approved within 3 – 5 business days.

We will be happy to assist you in any way we can to assure your project's success. To indicate your acceptance of the award and conditions, please sign the included SOGA and return it electronically within the next 60 days to grantsmgmt@dcjs.virginia.gov. If you have questions, contact your DCJS Grant Monitor **Greg Hopkins** at **804-692-0977** or via email at **Gregory.Hopkins@dcjs.virginia.gov**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson Miller".

Jackson Miller

STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

519206-2024 Operation Ceasefire Grant Program
--

Subgrantee:	Petersburg
DCJS Grant Number:	521688
Grant Start Date:	1/1/2024
Grant End Date:	12/31/2026
Indirect Cost Rate: _____%	*If applicable

Federal Funds:	
State Funds:	\$301,749
Local Match:	_____
 Total Budget:	 \$301,749

Project Director	Project Administrator	Finance Officer
Tiffany Buckner Commonwealth's Attorney 150 North Sycamore Street petersburg, Virginia 23803 804-861-8899 tbuckner@petersburg-va.org	March Altman City Manager 135 North Union Street Petersburg, Virginia 23803 804-733-2301 maltman@petersburg-va.org	Leon Glaster Interim Financial Chief Officer 144 North Sycamore Street Petersburg, Virginia 23803 804-733-2331 lglaster@petersburg-va.org

***Please indicate your ICR in the space provided, if applicable.** As the duly authorized representative, the undersigned, having received the Statement of Grant Awards (SOGA) and reviewing the Special Conditions, hereby accepts this grant and agree to the conditions and provisions of all other Federal and State laws and rules and regulations that apply to this award.

Signature: _____
Authorized Official (Project Administrator)

Title: _____

Date: _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

519206-2024 Operation Ceasefire Grant Program

Total Revenue **\$301,749**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

519206-2024 Operation Ceasefire Grant Program

Total Expense **\$301,749**



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Captain L. Mann - Petersburg Bureau of Police

RE: **First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant - (Pages 75 - 78)**

PURPOSE: Schedule a Public Hearing for Consideration of Acceptance & Appropriation of the FY25 DMV Selective Enforcement Police Traffic Services Grant.

REASON: The Petersburg Bureau of Police was awarded \$35,950 for the VA Highway Safety Program, which allows funding for personnel and equipment to enforce roadway safety.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the Highway Safety – DMV Selective Enforcement Police Traffic Services Grant. See the Attached ordinance.

COST TO CITY: \$35,950

BUDGETED ITEM: Grant

REVENUE TO CITY: 35,950

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Petersburg Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - DMV Traffic
2. Traffic Services Grant Budget

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

DMV Selective Enforcement – Police Traffic Services (BPT-2025-55102-25102)

Total Revenue **\$35,950**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

DMV Selective Enforcement – Police Traffic Services (BPT-2025-55102-25102)

Total Expense **\$35,950**



Department of Motor Vehicles

Grant Budget Lines

Date Run: 24-JUL-2024

BPT-2025 - 55102 - 25102 - Petersburg City

PM: Rebecca Overman

Project Director Initials *RL*

Date *09-20-2024*

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	Overtime hours for selective enforcement	500	20,000.00	20,000.00	20,000.00	0.00
Equipment	Lidars	10	15,950.00	15,950.00	15,950.00	0.00
Matching Funds	Agency vehicle fleet fuel and maintenance	1	17,975.00	17,975.00	0.00	17,975.00
			Total:	53,925.00	35,950.00	17,975.00



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: Captain L. Mann - Petersburg Bureau of Police

RE: **First Reading and Schedule a Public Hearing for Consideration of Acceptance and Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant - (Pages 79 - 82)**

PURPOSE: Schedule a Public Hearing for Consideration of Acceptance & Appropriation of the FY25 DMV Selective Enforcement Alcohol Grant.

REASON: The Petersburg Bureau of Police was awarded \$35,950 for the VA Highway Safety Program - Alcohol Open Container Requirements, which allows funding for personnel and equipment to enforce roadway safety.

RECOMMENDATION: Accept grant & appropriate funds.

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the Highway Safety – DMV Selective Enforcement Alcohol Open Container Requirements Grant. See the Attached ordinance.

COST TO CITY: \$83,600

BUDGETED ITEM: Grant

REVENUE TO CITY: \$83,600

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Petersburg Bureau of Police

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Grant Ordinance - DMV Alcohol
2. Alcohol Grant Budget

AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND ENDING JUNE 30, 2025, FOR THE GRANTS FUND

BE IT ORDAINED by the City Council of the City of Petersburg, Virginia:

- I. That appropriations for the fiscal year commencing July 1, 2024, in the Grants Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

Previously adopted Revenues **\$0.00**

ADD:

DMV Selective Enforcement – Alcohol (ENF_AL-2025-55105-25105)

Total Revenue **\$83,600**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2024, and ending June 30, 2025, the following sums for the purposes mentioned:

Previously adopted Expenditures **\$0.00**

ADD:

DMV Selective Enforcement – Alcohol (ENF_AL-2025-55105-25105)

Total Expense **\$83,600**



Department of Motor Vehicles
Grant Budget Lines

Date Run: 24-JUL-2024

ENF_AL-2025 - 55105 - 25105 - Petersburg City

PM: Rebecca Overman

Project Director Initials

JRP

Date

09-20-2024

Category	Line Item Desc	Qty	Individual Cost	Total Cost	Fed Fund Amount	Matching Funds
Personnel	Overtime hours for selective enforcement	2,000	80,000.00	80,000.00	80,000.00	0.00
Training / Travel	To attend DMV approved training	2	1,600.00	1,600.00	1,600.00	0.00
Equipment	PBT's	5	2,000.00	2,000.00	2,000.00	0.00
Matching Funds	Agency vehicle fleet fuel and vehicle maintenance	1	41,800.00	41,800.00	0.00	41,800.00
Total:				125,400.00	83,600.00	41,800.00



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **First Reading and Schedule a Public Hearing for Consideration of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to Providing Additional Flexibility for Placement of Sandwich Board Signs in Downtown Petersburg - (Pages 83 - 109)**

PURPOSE: To allow more flexibility in Petersburg's downtown for the location of sandwich board/a-frame signs.

REASON: In March 2024, Council approved to allow, but regulate, sandwich board signs. Council has asked that this item come back to allow for more flexibility for signs located within Petersburg's downtown.

RECOMMENDATION: Approval

BACKGROUND: In March 2024, Council approved to allow, but regulate, sandwich board signs. In September 2024, Council asked to rescind zoning regulations related to sandwich board signs. After the October 2024 work session, Council clarified a desire for more flexibility in sign locations within Petersburg's downtown. Staff worked with Planning Commission in November to get recommendations, which are being presented today.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Sandwich Board Memo
2. Sandwich Board Presentation
3. Ordinance
4. Modified Ordinance Language



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: January 2025

TO: City Council

FROM: Planning Commission

RE: 2024-ZTA-12: Consideration of an ordinance approving to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

SUMMARY: This text amendment is proposed to allow more flexibility in the location of sandwich board signs in downtown Petersburg.

BACKGROUND: Starting in December 2023, Planning Commission began consideration of allowing and regulating sandwich board signs. In February 2024, Planning Commission recommended approval to make sandwich board signs legal with regulations (size, location, etc.). City Council then, in March 2024, approved the ordinance to allow sandwich board signs. In September 2024, City Council made a motion to eliminate zoning regulations on sandwich board signs. This action would have made sandwich board signs illegal again per the attached memorandum to City Council. Upon discussion during a work session meeting in October 2024, Council clarified that their desire was to allow more flexibility for sandwich board signs in downtown Petersburg and not to make them illegal. This text amendment is to propose such flexibility.

Staff proposed two options for Planning Commission consideration at the November 2024 Planning Commission meeting to allow more flexibility in Petersburg's Downtown (as the boundary is defined in the Petersburg Downtown Plan).

Planning Commission requested the edit be made to allow any lawful commercial use to have one sign on their property (as currently permitted) and a second sign anywhere else within the downtown district, as defined below, within the public right-of-way.

Figure 1. Downtown Study Area



Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east).

Below are the options proposed to Planning Commission by staff:

OPTION 1 – Shared Sign

- a. If two or more businesses desire to have a collective sandwich board sign that provides directional information to their establishments from a parcel none of which own, those establishments may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.
- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for other establishments.

OR

OPTION 2 – Off Site Sign

- a. If a business desires to locate a sandwich board sign to their establishment on a parcel they do not own, that establishment may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.
- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for another establishment.

RECOMMENDATION: Planning Commission recommends approval of allowing a second sign within the downtown district for lawful commercial establishments. Staff recommended that Planning Commission select one of the previously listed options or a combination of both, yet still limiting each business to only one sign.

CITY COUNCIL
MEETING

JANUARY 2025



24-ZTA-12

A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

Purpose

To allow more flexibility in the location of sandwich board signs in downtown Petersburg, staff proposed a couple options for action and Planning Commission advanced a separate option.

Background

- February 2024 - Planning Commission recommended approval to make sandwich board signs legal with regulations (size, location, etc.).
- March 2024 – City Council approved the ordinance.
- September 2024 – City Council made a motion to rescind zoning regulations on sandwich board signs.
- October 2024 – Sandwich board signs were discussed in a Council work session, and Council’s interest was clarified around more flexibility for signs downtown.
- November 2024 – Planning Commission heard staff alternatives and decided to advance language to allow establishments to have an additional sign in the right-of-way downtown.

Definition of Downtown

8.9. Within Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east), some flexibility to 2.a. and b. of this section is allowed as outlined below. All other regulations of this section apply to include the limit of one (1) sandwich board sign per business.

* 2.a. and b. State that sign needs to locate on the parcel of the business or within the ROW just outside of the business.

Downtown

As defined in the
Petersburg
Downtown Plan.

Figure 1. Downtown Study Area



--- Study Area Boundary

0 0.05 0.125 0.25 miles



New Sandwich Sign Language

In addition to a sandwich board sign allowed per Section 2 (a) and 2 (b), a lawful use within any zoning district allowing commercial uses in Downtown Petersburg may place an additional sandwich board sign within Downtown Petersburg, within the public right-of-way, as long as all other requirements outlined in this section are still met.

Recommendation

Planning Commission recommends approval of allowing a second sign within the downtown district for lawful, commercial establishments.

Staff recommended that Planning Commission select one of the staff provided options or a combination of both, yet still limiting each business to only one sign.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to providing additional flexibility for placement of sandwich board signs in Downtown Petersburg.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

Option 1 – Shared Sign

- a. If two or more businesses desire to have a collective sandwich board sign that provides directional information to their establishments from a parcel none of which own, those establishments may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.

- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for other establishments.

Option 2 – Sign off Site

- a. If a business desires to locate a sandwich board sign to their establishment on a parcel they do not own, that establishment may do so within the public right-of-way subject to a letter granting permission from the property owner of the establishment fronting said right-of-way.

- b. At most, a property owner can have two (2) signs: 1) a sign for their establishment and 2) one (1) sign granted for another establishment.

AN ORDINANCE APPROVING AN AMENDMENT TO AND READOPTION OF THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO PROVIDING ADDITIONAL FLEXIBILITY FOR PLACEMENT OF SANDWICH BOARD SIGNS IN DOWNTOWN PETERSBURG.

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 21. – Sign Regulations; and

WHEREAS, the purpose of this article is to set forth regulations that govern the construction, alteration, repair, maintenance, and use of all signs, together with their appurtenant and auxiliary devices; and

WHEREAS, The City of Petersburg currently allows sandwich board signs with limitations such as location, size, and materials per 24-O-09; and

WHEREAS, the regulations for sandwich board signs currently limit a businesses to a single sandwich board sign placed directly in front of their own establishment; and

WHEREAS, the City Council seeks to allow additional flexibility in the location of signs in Downtown Petersburg as the area is defined by the Petersburg Downtown Plan; and

WHEREAS, the City Council does not wish to limit businesses to a single sign and is supportive of allowing businesses to have both a sign in front of their own establishment as well as a second off-site sign in Downtown Petersburg; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg to provide additional flexibility for placement of sandwich board signs in Downtown Petersburg.

ARTICLE 21. SIGN REGULATIONS¹

Section 1. Short title.

The regulations contained in this article may be cited as the "sign ordinance."

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 2. Purpose and intent.

- 2.1. The purpose of this article is to set forth regulations that shall govern the construction, alteration, repair, maintenance and use of all signs, together with their appurtenant and auxiliary devices.
- 2.2. The intent of these regulations is to permit and regulate all signs, except as otherwise provided herein, in such a manner as to protect property values, promote neighborhood character and stability, ensure safety on the streets by minimizing obstruction of vision or confusion of those utilizing the streets, promote clarity in the transmission of sign information, and to facilitate the creation of an attractive and harmonious community.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 3. Permit required.

A sign permit shall be required to erect, structurally alter, relocate or replace any sign within the city, except as otherwise provided herein. A separate permit shall be required for each sign.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 3.1. Application.

- A. Prior to the erection, installation, placement, or alteration of any sign, a permit application shall be submitted to the zoning administrator. Each application for such permit shall be accompanied by plans showing the dimensions of the sign, the area, and height above grade level; the proposed location of the sign, including proper sight lines, rights-of-way, streets, sidewalks, buildings, and existing signs on the premises; the methods of illumination or lighting; the method of fastening such sign; and the name and address of the sign owner and of the sign erector, including written permission of the owner, lessee, or his authorized agent of the building or land on which the sign is to be erected or placed. Except as required by the building official, it shall not be necessary for the applicant to submit drawings or renderings from a licensed professional engineer, or to submit a survey from a licensed surveyor, as part of the application.

¹Editor's note(s)—Ordinance No. 10-Ord-10, adopted March 2, 2010, amended App. A, Art. 21, to read as herein setout, revising Art. 21, Ordinance No. 91-23, adopted March 19, 1991. Former App. A, Art. 21, relative to sign regulations, derived from the original zoning ordinance adopted April 20, 1971. As amended by Ord. No. 89-55, adopted June 6, 1989.

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- B. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of issuance of the permit, and there shall be no refund of any fee required by this article.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 4. Definitions.

For the purpose of this article, and notwithstanding other provisions elsewhere in this article, certain terms and words pertaining to signs are hereby defined as follows:

- (1) *Historic area.* Historic area means an area designated by ordinance as containing buildings or places in which historic events occurred, or which have special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.
- (2) *Nonconforming sign structure.* A nonconforming sign structure shall be any lawfully erected sign structure that fails to meet current ordinance standards.
- (3) *Sign.* A sign is any structure, or part thereof, or any device attached to, painted on, or represented on a building, fence, or other structure, upon which is displayed or included any letter, word, numeral, picture, illustration or decoration, emblem, symbol or trademark, flag, banner, or pennant, or other device, figure, or character used as, or which is in the nature of, an announcement, direction, advertisement or other attention-directing device, and which is visible beyond the boundaries of the parcel of land on which the same is located.
 - a. A sign shall not include:
 1. A similar structure or device located within a building, except illuminated signs within show windows;
 2. Official court or public notices; or
 3. The painted or posted message on a properly permitted general advertising sign structure.
 - b. *Sign, abandoned.* Any accessory or business sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity located, conducted, or sold on the premises upon which such sign is located, which use has been discontinued for a continuous period of two years.
 - c. *Sign, accessory or business.* A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises upon which the sign is located and not included as exemptions in section 5 of this article.
 - d. *Sign, billboard.* A general advertising sign owned or operated by a person engaged in the business of outdoor advertising licensed by the Department of Transportation 33.1-361 of the Code of Virginia.
 - e. *Sign, changeable message.* Any changeable message sign that is illuminated, stationary and constant and does not change more than once every eight seconds shall be permitted, including a billboard sign which contains electronic messaging as expressly authorized by the Code of Virginia in § 33.1-369.
 - f. *Sign, face, surface area.* The surface area of a sign shall be computed as including the entire area within a circle, semicircle, triangle, rectangle, parallelogram, or trapezoid enclosing all elements of the matter displayed, excluding frames and columns or uprights on which the sign is placed. One side of a double-faced sign, whose sign faces are parallel and are at no point more than two feet

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from one another, shall be included in the computation of total sign area; for all other signs with more than one face, each side shall be included in the computation of total sign area.

- g. *Sign, flashing.* Any sign displaying flashing or intermittent lights, changing in degrees of intensity, which constitutes a public safety or traffic hazard in the judgment of the city's traffic engineer.
- h. *Sign, freestanding or ground.* A non-movable sign supported by a fence, retaining wall or by upright structural members or braces on or in the ground and not attached to a building.
- i. *Sign, general advertising.* Any sign which directs attention to a business, commodity, service or entertainment not conducted, sold, or offered on the same premises upon which such sign is located, except a wall sign that is determined to be historic by the architectural review board. General advertising sign includes a "billboard sign" as defined in this article, however, any general advertising or billboard sign owned or operated by the city shall not be subject to the provisions of this article.
- j. *Sign, height.* The vertical distance from the average street grade or from the average lot grade of the real property upon which the sign is located, at the required minimum front setback line for signs, whichever allows for the greater height, to the highest point of the sign.
- k. *Sign, illuminated.* Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.
- l. *Sign, portable.* Any sign not permanently affixed to the ground nor to a building, which is designed or constructed in such manner that it can be moved or relocated without involving any structural or support changes (including a sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product or service when the vehicle is parked so as to attract the attention of motoring or pedestrian traffic).
- m. *Sign, projecting.* Any sign which is attached to and projects more than 12 inches from the face of a wall of a building.
- n. *Sign, roof.* Any sign painted, erected, or constructed upon or above the roof of a building or structure, or part thereof; any sign that projects above the intersection of the roof decking and wall face; or any sign that extends above the eave or parapet shall be deemed to be a roof sign.
- o. *Sign, sandwich board.* Portable, freestanding sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sidewalk or A-frame sign.
- p. *Sign, temporary.* A sign which advertises community or civic projects or special events on a temporary basis. Temporary signs for community or civic projects or special events shall be permitted only for events of public interest, e.g. fairs, carnivals, community gatherings, or other similar events.
- q. *Sign, wall.* A sign attached to or painted on or otherwise inscribed on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall.
- r. *Structure.* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboard signs, main buildings, outbuildings, fences, walls, lamp posts, light fixtures and, posterboards.
- s. *Structural alterations.* Any change in the supporting members of a building or structure, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial

change in the roof or in the exterior walls, provided that in order to be a structural alteration, the alteration shall meet the criteria otherwise provided in the Uniform Statewide Building Code.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 5. Exemptions.

The following signs are exempted from the permit requirements of this article provided that they comply with all other regulations of this article; however, nothing in this section shall be construed as providing an exemption from any requirement of the Building Code:

- 5.1. One identification sign not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or hours of operation.
- 5.2. Signs identifying municipal or governmental buildings or buildings used for religious purposes, provided such signs are erected upon the building or land upon which such building is located and not exceed 25 feet in area.
- 5.3. Public signs of a noncommercial nature and in the interest of, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- 5.4. Temporary real estate signs which advertise the sale, rental or lease of the premises on which such signs are displayed, provided that advertisement display area does not exceed six square feet in residential districts or 16 square feet in commercial or industrial districts. Such signs shall not be illuminated and, if freestanding, shall not be more than six feet in height.
- 5.5. Signs warning the public against trespassing, dangerous animals, swimming or the like, provided such signs do not exceed three square feet in area per sign.
- 5.6. One sign, not more than one square foot in area and not illuminated, identifying a home occupation in any and all zoning districts.
- 5.7. Not more than three construction signs, when placed at the construction site. Such signs shall not be illuminated, shall not exceed 16 square feet in area for each sign, and shall be removed within ten days following completion of construction.
- 5.8. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area for each sign.
- 5.9. Commemorative plaques and historic markers recognized by the city.
- 5.10. Yard or garage sale signs displayed on the premises of such sale, provided that such signs shall not exceed six square feet. No such sign is permitted elsewhere and if so displayed or placed, may be removed by the city. The cost of such removal shall be charged to the occupant of the property on which the yard or garage sale is conducted.
- 5.11. Temporary agricultural or seasonal signs that promote the sale of agricultural produce and that do not exceed 12 square feet per sign on the premises on which such signs are displayed, provided such signs are removed at the end of the sales season.
- 5.12. Political campaign signs, including posters, banners, writings, pictures, paintings, lights, models, displays, emblems, notices, illustrations, insignias, symbols, and any other advertising devices, the purpose of which is to announce a referendum or the nomination or election of individuals seeking an elected public office, provided that the total area of such signs shall not exceed six square feet in a residential zone and 32 square feet in a commercial or industrial zone. These signs shall be confined with private property and shall not encroach into the visibility triangle at street intersections:

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- (a) In those situations where a final election follows a primary election, those candidates who won in the primary election may continue to display their signs during the interim period and up to ten days after the final election, at which time all political campaign signs shall be removed. Persons responsible jointly and severally for the maintenance and removal of political campaign signs are:

- (1) The candidate, spokesman or campaign committee;
- (2) The owner of the premises on which the sign is located;
- (3) The person erecting the sign; or
- (4) The person causing erection of the sign.

5.13. Sandwich board signs as defined and regulated within this article.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 6. Prohibited signs.

The following signs shall be prohibited in all districts:

- 6.1. Signs which by reason of their location, position, size, shape, color, design or means of illumination may be construed as or confused with, or may interfere with, obstruct or obscure the view of all or any portion of a traffic control sign, signal, or device.
- 6.2. Signs which imitate an official sign or signal or which contain the words "stop," "go," "slow," "yield," "caution," "danger," "warning" or similar words which imply any official warning or command or which may imply the need for special actions on the part of any vehicle operator or pedestrian.
- 6.3. Any flashing sign.
- 6.4. Signs which contain or consist of pennants, ribbons, streamers, spinners, strings of light bulbs, or other similar moving devices. Pennants, flags, and banners, when not part of any sign, even if attached to the poles or other supporting elements of the sign face, however, are allowed in the B-2, General Commercial, and B-3 B, Central Commercial Districts, provided such devices are connected to a rope or wire that is attached securely at both ends or attached directly to a supporting pole; otherwise such devices, when not part of any sign, are prohibited in any district.
- 6.5. Any sign or means of sign illumination which causes glare into or upon any building other than the building to which the sign may be related.
- 6.6. Any sign affixed to, hung, placed, or painted on any other sign, cliff, tree, public utility pole, radio or television or similar tower, provided that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the city government.
- 6.7. All portable or nonstructural signs except for sandwich board signs, which are further regulated in this article.
- 6.8. Roof signs.
- 6.9. Signs advertising activities which are illegal under federal, state, or city laws or regulations.
- 6.10. General advertising signs, except billboard signs as otherwise provided herein.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 7. General regulations.

The following regulations apply generally to all signs and are in addition to the regulations contained elsewhere in this article:

- 7.1. Structural and safety features and electrical systems shall be in accordance with the requirements of the Uniform Statewide Building Code. All signs requiring permits shall be inspected by the zoning administrator for compliance with all the requirements of this article and by the building official for compliance with the requirements of the Uniform Statewide Building Code.
- 7.2. The zoning administrator, upon application as required in this article, may issue temporary permits for the following signs and displays for a period not to exceed 30 days, when in the administrator's opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property including signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental, civic or charitable organization.
- 7.3. Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- 7.4. No signs shall project over public right-of-way without the express written permission of the city manager, except for permitted flat signs which may so project not more than six inches.
- 7.5. The sign face of a sign which advertises an activity, business, product or service no longer produced or conducted on the premises where the sign is located may remain in place for not more than 90 days from the date of vacancy by the tenant or owner previously occupying the premises on which the sign is located. An abandoned sign structure may be removed in accordance with section 15.2-2307.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 8. Liability insurance.

No sign shall be hung, kept in place, maintained or erected over any public right-of-way including streets, alleys or sidewalks within the city unless the owner or tenant of the building or structure to which such sign is, or may be, attached shall have secured and deposited with the city manager a policy of insurance against public liability and property damage, issued by some solvent insurance company licensed and duly authorized to execute such policies within the state, or a proper certificate of such insurance company showing that such owner or tenant has obtained such policy, insuring the city against liability for bodily injuries, including death, in an amount not to exceed the sum of \$250,000.00 for injury to any one person, or the sum of \$500,000.00 for injuries arising out of any one accident, and against liability for property damage in an amount not to exceed the sum of \$100,000.00 in any one accident, where such liability arises out of the erection, maintenance or presence of any such sign, or on account of any damages or injuries caused thereby. Such policy or insurance shall contain a clause obligating the company issuing the policy to give ten days' written notice to the city manager before cancellation thereof. In lieu of such policy of insurance, the owner or tenant of such building or other structure shall be permitted to enter into a bond, with surety satisfactory to the city manager, and in a form approved by the city attorney, payable to the city, with conditions therein similar to the conditions hereinbefore provided with respect to such policies of insurance.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 9. Permitted signs by zoning district.

The regulations set forth in this section pertain to the various types and specifications for signs expressly permitted in each designated zoning district, except for billboard signs which are addressed in section 10.14 of this article.

- 9.1. In District R-B, regulations shall be established in accordance with article 13, section 2.
- 9.2. The maximum advertising display area for accessory or business signs in the mixed use districts (MSD) shall not exceed 25 square feet.
- 9.3. In District B-1, regulations shall be established in accordance with article 14, section 6.
- 9.4. The maximum advertising display area for accessory or business signs in District B-2 shall not exceed 150 square feet.
- 9.5. The maximum advertising display area for accessory or business signs in District B-3 shall not exceed 125 square feet.
- 9.6. In Districts M-1 and M-2, sign area shall not exceed in the aggregate three square feet in area per linear foot of building frontage, such frontage shall be measured as the longest horizontal dimension of the building and which does not pass through or between any adjacent elements of same, provided, however, no such sign or signs shall exceed an aggregate total of 350 square feet in area.
- 9.7. No part of any freestanding or projecting sign shall be higher than 25 feet from grade.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 10. Sandwich board signs.

Sandwich board signs are permitted subject to the conditions set out in this section.

1. One (1) sandwich board sign may be located on a property occupied by a per lawful use in any zoning district allowing commercial uses. ~~is allowed, excepting those allowed per Section 10.9.~~
2. Such sign shall be located:
 - a. Within the same parcel boundaries as the business the sign advertises, OR
 - b. Within the pedestrian right-of-way ONLY when the primary face of the building is less than five (5) feet from the pedestrian right-of-way, or
 - c. Within the closest, main pedestrian right-of-way to the business establishment when a business fronts an alley.
 - d. Any sign within the pedestrian right-of-way shall allow for at least a thirty-six (36) inch wide clearance.
 - e. Sandwich board signs shall not be located in any required off-street parking space, driveway, alley, curb ramp, or fire lane.
3. The sign shall not exceed four (4) feet in height and three (3) feet in width.
4. Signs are to be constructed of plastic, metal, or other similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard, or paper shall be prohibited.
5. Signs shall not be lighted or flashing in any manner.
6. No attachments such as pennants, balloons, etc. are allowed unless otherwise permitted.

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7. Sandwich board signs are only to be displayed during the business establishment's hours of operation to include additional time before and after formal operation, while businesses set-up and break-down.
 8. Sandwich board signs are not subject to Chapter 98. Article III. Section 98-124 (a).
 9. Within Downtown Petersburg (between the Appomattox River to the north down to Wythe and Halifax streets to the south, and from Market Street on the west over to the I-95 corridor to the east), some flexibility to 2(a) and 2(b) of this section is allowed as outlined below. All other regulations of this section apply.
 - a. In addition to a sandwich board sign allowed per Section 2 (a) and 2 (b), a lawful use within any zoning district allowing commercial uses in Downtown Petersburg may place an additional sandwich board sign within Downtown Petersburg, within the public right-of-way, as long as all other requirements outlined in this section are still met.

Section 11. Signs permitted in local historic districts.

Before any sign shall be painted, erected, or constructed in local-designated historical areas, a certificate of appropriateness shall be obtained from the architectural review board, in accordance with the provisions of article 35 of this appendix. Notwithstanding the sign regulations established herein, the architectural review board, in approving a sign, may further regulate such sign with respect to area, height, placement, materials, color, lighting, graphics, lettering or architectural styling, provided that area and height limitations established herein are not exceeded. Sandwich board signs are not subject to this review.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 12. Maintenance.

12.1. All signs, including those exempt from the permit requirements of this article, together with all of their supports, braces, connections, anchors, and electrical equipment shall be maintained in good structural condition at all times. All materials used in the sign shall be kept in good condition, free of holes, rotting, peeling paint or other forms of decay. If the sign is illuminated, all lighting shall be maintained in working order and meet the standards and requirements of the Building Code. Billboard signs shall be maintained in accordance with section 10.14.6 of this chapter.

12.2. Except as otherwise provided herein, whenever a sign fails to meet the maintenance requirements, as specified in this section, or becomes structurally unsafe, or endangers the public safety, the zoning administrator or the building official shall order that such sign be properly maintained, repaired, made safe, or removed. Such order shall be complied with within ten days of receipt thereof by the person, firm or corporation owning or using the sign, or the owner of the building or premises on which such sign is affixed or erected.

12.3. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 13. Nonconforming signs.

No sign lawfully erected or placed before the effective date of Ordinance No. 91-23 which does not conform to the provisions of this article, and no sign lawfully erected or placed before the effective date of any amendment to such ordinance which does not conform to the provisions of such amendment, shall be enlarged, structurally altered, or reconstructed in any manner, except for billboard signs as otherwise provided herein. No

nonconforming sign shall be moved on the same lot, however, notwithstanding any other provisions of this article including article 3, nonconforming billboard signs shall be governed by section 10.14 of this article.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)

Section 14. Billboard signs.

For the purpose of section 10.14, the following terms and words pertaining to billboard signs supplement the definitions in section 10.4:

- (1) "Consolidate and reconstruct" means that the applicant will demolish an existing single-faced billboard structure and combine that single-faced billboard with another single-faced billboard structure to create one double-faced billboard, which may be a monopole structure. However, there shall be no billboard stacked above another billboard, commonly referred to as a "double stack".
- (2) "Demolition of billboard sign structure" means that the applicant will demolish an existing billboard sign structure and remove of all of the debris from the demolition site.
- (3) "Receiving area" means the area that includes any parcel of real property that is zoned commercial or industrial, as of the date of adoption of this article and is adjacent to: (i) the main traveled way of Interstate 95 but not including any parcel of real estate located on Pocahontas Island, or (ii) Route 460 East, from Interstate 95 eastbound to the city limits but not including any parcel of real estate that is within 500 feet of a residential dwelling.
- (4) "Relocation" means that the applicant will demolish an existing billboard sign structure in a sending area and reconstruct a new billboard sign structure in a receiving area.
- (5) "Sending area" means any parcel of real property in the city that that is not expressly designated as being in a "receiving area".

14.2. Relocation of billboard sign structures.

Billboard sign structures may be "relocated" only in accordance with this section. Applications to relocate a billboard sign structure shall be made to, and subject to approval of, the zoning administrator.

No application for relocation of a billboard sign structure shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater sign face area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.3. Consolidation and reconstruction of billboard sign structures.

Billboard sign structures may be consolidated and reconstructed only in accordance with this section. Applications to consolidate and reconstruct shall made to, and subject to approval of, the zoning administrator.

No application for consolidation and reconstruction of a billboard sign structure shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater sign face area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.4. Installation of changeable message sign technology.

Changeable message sign technology may be installed on a billboard sign structure only in accordance with this section. Applications to install changeable message technology shall [be] made to, and subject to approval of, the zoning administrator.

No application to install changeable message sign technology on an existing billboard in a receiving area shall be approved unless the applicant first applies for a demolition permit to demolish an existing billboard sign structure of equal or greater face sign area. Further, no such building permit shall be approved until the zoning administrator confirms that the demolition of the billboard sign structure designated for demolition has in fact occurred and the debris from the demolition removed from the site.

14.5. Height and size of billboard sign structures; other provisions.

The maximum height of any billboard structure along Interstate 95 shall not exceed 50 feet, with the maximum height of any other billboard structure being limited to 25 feet, measured from the natural grade of the center-line of an adjacent state or federal highway.

The size of any billboard sign face shall not exceed 675 square feet. No billboard sign structure shall be located closer than 100 feet to an entrance or exit ramp on Interstate 95, measured in accordance with Virginia Department of Transportation standards. Further, no billboard sign structure shall be located less than 500 feet apart on the same side of the road.

All billboard signs in sending areas shall remain nonconforming. Billboard signs in receiving areas on property zoned for commercial or industrial as of the date of adoption of this article shall be conforming and a permitted use. Changeable message sign technology shall be permitted only on conforming billboard sign structures.

14.6. Maintenance and repair; condemnation.

Billboard sign structures shall be maintained in good repair. Such maintenance and repair shall be governed by the Code of Virginia and the regulations of the Virginia Department of Transportation. In the event of condemnation, the owner of the billboard shall relocate the billboard on the same parcel of real property at no expense to the condemner.

14.7. Building permits required.

No alteration (as defined by the Building Code) to an existing billboard or relocation of a billboard shall occur without obtaining a building permit as provided herein.

14.8. Permitting process.

A billboard sign visible from the main traveled way of the right-of-way of any highway within the city classified as a part of the national system of interstate highways, shall not be erected except in conformance with title 33.1, chapter 7 of the Code of Virginia, entitled "Outdoor advertising in sight of public highways". However, no city permit shall be issued until such time as an outdoor advertising permit approved by the Virginia Department of Transportation is presented to the zoning administrator; and provided further, that the requirements of this section are met.

14.9. Compliance with state and federal laws and regulations.

Billboard signs shall comply at all times with applicable state and federal laws and regulations for traffic safety.

(Ord. No. 10-10, § 1, 3-2-2010)

Section 15. Removal of signs.

Except as otherwise provided herein for billboard signs, the zoning administrator may order the removal of any sign erected or maintained in violation of this article. Upon determination of such violation, the zoning administrator may give 30 days' written violation notice, by certified mail, to the owner of such sign, or of the building, structure or premises upon which such sign is located if the owner of the sign is not identified, to remove the sign or to bring it into compliance with applicable regulations. If the owner or person notified of the violation fails to remove or alter the sign to comply with the applicable requirements of this article within the 30 days, the zoning administrator shall cause such sign to be removed or brought into compliance at the cost of the owner or person notified of the violation. Removal of sign shall mean the dismantling and removal from premises of all signs, embellishments, and structures designed specifically to support such sign. This process described herein also is applicable to abandoned signs.

(Ord. No. 91-23, 3-19-1991; Ord. No. 10-10, § 1, 3-2-2010)



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **First Reading and Schedule a Public Hearing for Consideration of an Ordinance Recommending Revocation of Special Use Permit Granted to Michael and Nina Stanley to Operate a Stand-Alone Used Vehicle Sales Lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for Failure to Comply with Conditions of Approval - (Pages 110 - 129)**

PURPOSE: To rescind a special use permit granted for Michael and Nina Stanley to operate a used vehicle sales lot at 1024 W Washington Street due to failure to comply with the conditions of approval.

REASON: To rescind a special use permit due to failure to comply with conditions.

RECOMMENDATION: Approval of the rescission/revocation.

BACKGROUND: On May 2, 2012 City Council approved special use permit granted for used car sales lot at 1024 West Washington Street subject to eight conditions. The use was never established and the property is vacant outside of inoperable vehicles and car parts. The property is currently in violation of at least four conditions of approval. Since July 2024, Zoning staff have sent multiple letters of violation outlining steps to compliance; no action taken by property owner/permit holder. At the December meeting of the Planning Commission, Planning Commissioners recommended approval of removing the special use permit from this property.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-RSUP-01
2. 2. RSUP-01
3. 3. Ordinance 24-RSUP-01
4. 4. 12-ORD-34
5. 5. July NOV - 1024 W Washington
6. 6. Sept Nov - 1024 W Washington
7. 7. November Revocation Notice



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: January 2025

TO: City Council

FROM: Planning Commission

RE: 2024-RSUP-01: Consideration of an ordinance to revoke a special use permit granted to Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for failure to comply with conditions of approval.

EXECUTIVE SUMMARY:

Planning Commission and staff are requesting that the City Council consider revoking a special use permit for the operation of a used car sales lot at 1024 West Washington Street in the B-2, General Commercial District. Staff identified several violations of the permit's conditions of approval in July and have sent multiple notices of violations and the property owner has failed to bring the property into compliance.

CHRONOLOGY OF EVENTS:

1. May 1, 2012 – Special Use Permit granted to Michael and Nina Stanley to establish a stand-alone used vehicles sales lot on the subject property with eight conditions of approval
2. July, 2024 – City Zoning Inspector identified several violations of the permit conditions on the site. The inspector spoke with the property owner/permit holder and informed him failure to address the issues would result in a notice of violation
3. July, 2024 – Notice of violation was sent identifying issues with a 30-day compliance period
4. September, 2024 – A final notice of violation was sent identifying a 10-day compliance period. The property owner spoke with the Zoning Administrator who reiterated the steps to compliance.

5. November 7, 2024 – The property owner was informed that staff would be initiating efforts to revoke the special use permit for the property.
6. December 2025 – Planning Commission recommended revocation of the special use permit.

BACKGROUND:

In May of 2012 a special use permit was approved for Michael and Nina Stanley to operate a stand-alone vehicle sales lot on the subject property. The approved permit was subject to the following conditions:

- a. The permit is non-transferable
- b. No vehicles to be parked in or protrude into West Washington Street right-of-way
- c. Site plan and building permits to be submitted and approved prior to any operations on site
- d. No inoperable vehicles to be kept or stored on site
- e. No outside storage of vehicle parts is permitted
- f. The hours of operation are limited to Monday-Saturday 8:00 a.m. to 6:00 p.m.
- g. Should the use be abandoned for 24 months or more, the permit shall be null and void
- h. Permit may be revoked by City Council for failure to comply with listed conditions or any federal, state, or local regulations

In July, a City Zoning inspector identified several issues on this property, including the storage of inoperable vehicles, storage of vehicle parts outdoors, and failure to obtain a business license for usage of this property. These issues were brought to the attention of the property owner and over the next several months, multiple notices of violation were sent with directions on how to bring the property into compliance with the approved permit and City Code. After repeated attempts to gain compliance were unsuccessful, the Zoning Administrator sent a notice that staff would seek to revoke the special use permit.

The following violations of the approved permit are present on the property:

- 1) No site plan or permits were ever submitted to establish a stand-alone used vehicle sales lot on the property in violation of Condition C.
- 2) Inoperable vehicles are stored on the site in violation of Condition D.
- 3) The property has failed to operate under the approved use for a period well in excess of the two years stipulated in Condition G.
- 4) The property has failed to comply with the above mentioned conditions and is not in compliance with other local regulations in violation of Condition H.

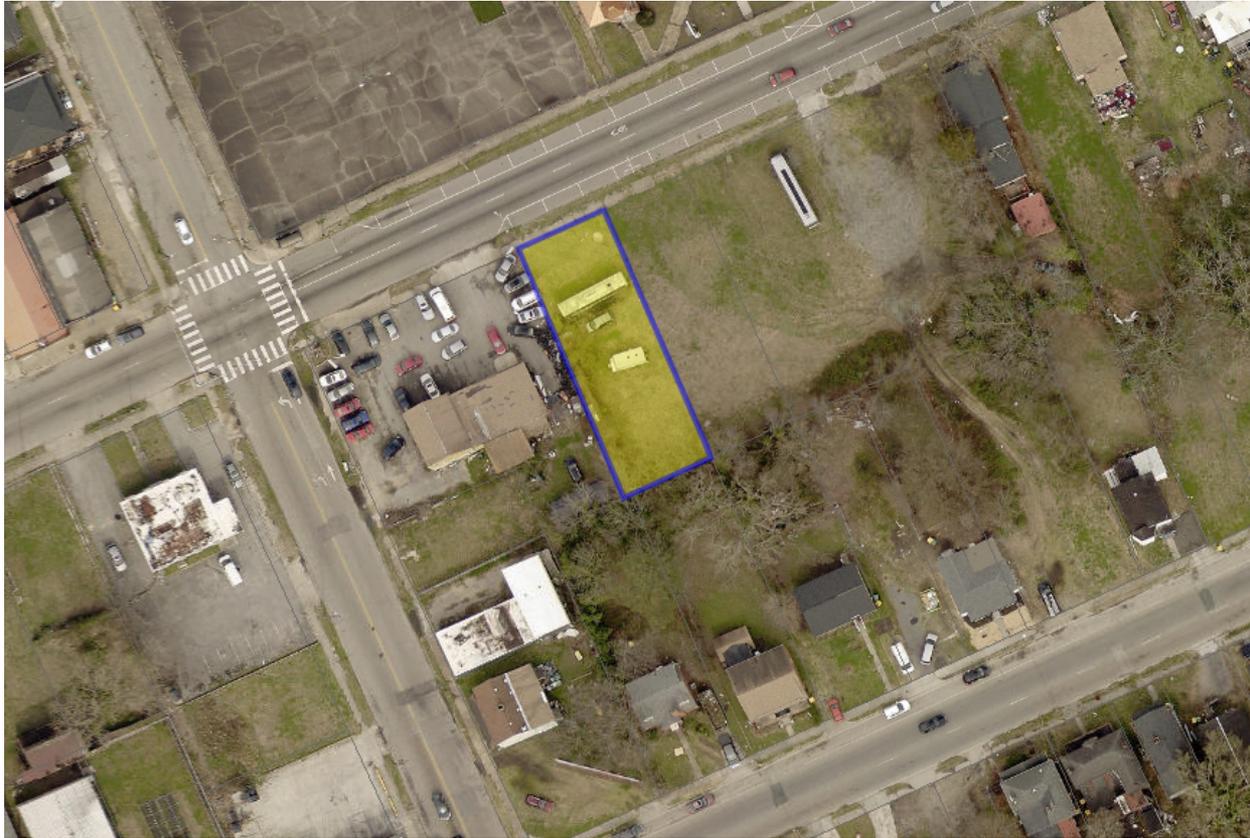
RECOMMENDATION: Staff and Planning Commission recommend the special use permit be revoked for failure to comply with the conditions of approval.

CITY COUNCIL
MEETING
JANUARY 2025

2024-RSUP-01:

Consideration of an ordinance recommending revocation of special use permit granted Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002 in the B-2, General Commercial District for failure to comply with conditions of approval

Subject Property



Background

- May 2, 2012 City Council approved special use permit granted for used car sales lot at 1024 West Washington Street subject to eight conditions
- Use was never established; property vacant outside of inoperable vehicles and car parts
- Property is in currently in violation of at least four conditions of approval
- Since July, Zoning staff have sent multiple letters of violation outlining steps to compliance; no action taken by property owner/permit holder



Conditions of Approval

- a. The permit is non-transferable
- b. No vehicles to be parked in or protrude into West Washington Street right-of-way
- c. Site plan and building permits to be submitted and approved prior to any operations on site
- d. No inoperable vehicles to be kept or stored on site
- e. No outside storage of vehicle parts is permitted
- f. The hours of operation are limited to Monday-Saturday 8:00 a.m. to 6:00 p.m.
- g. Should the use be abandoned for 24 months or more, the permit shall be null and void
- h. Permit may be revoked by City Council for failure to comply with listed conditions or any federal, state, or local regulations

Violated Conditions

- Condition A - No plans or permits were ever submitted to establish a use on the property
- Condition D – Two large inoperable buses have been stored on the site for several years
- Condition G – No used car dealership was ever established, the two-year abandonment threshold has been exceeded
- Condition H – The property is in violation of the approved conditions as well as local law

Recommendations

Planning Commission and staff both recommend removing this special use permit from the property.

City Council Options

- Recommend revocation of the special use permit for violation of conditions of approval
- Recommend the special use permit be allowed to remain active

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance revoking the special use permit granted to Michael and Nina Stanley to operate a stand-alone used vehicle sales lot at 1024 West Washington Street in the B-2, General Commercial District for failure to comply with conditions of approval.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE REVOKING A SPECIAL USE PERMIT GRANTED TO MICHAEL AND NINA STANLEY FOR THE OPERATION OF A STAND-ALONE USED VEHICLE SALES LOT AT 1024 WEST WASHINGTON STREET, PARCEL ID 024270002 IN THE B-2, GENERAL COMMERCIAL DISTRICT FOR FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

WHEREAS, City Council approved a special use permit for the operation of a stand-alone used vehicle sales lot at 1024 West Washington Street on May, 1 2012; and

WHEREAS, the approved special use permit included certain conditions of approval; and

WHEREAS, the property was identified as violating several conditions of approval in July, 2024 including failure to obtain an approved site plan and permits for use of the site, storage of inoperable vehicles and vehicle parts on the site, abandonment of the use in excess of two years, and failure to abide by the conditions of approval and other local regulations; and

WHEREAS, in the months since identifying the violations, City staff have sent multiple notices of violation as well as met in person with the property owner and permit holder to outline steps to bring the property into compliance; and

WHEREAS, the property owner has not taken sufficient steps to bring the property into compliance with the conditions of approval; and

WHEREAS, City staff and Planning Commission have recommended the special use permit be revoked for failure to comply with the above mentioned conditions; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that City Council does hereby revoke the special use permit granted to Michael and Nina Stanley for the operation of a stand-alone used vehicle sales lot at 1024 West Washington Street, Parcel ID 024270002, in the B-2, General Commercial District for failure to comply with conditions of approval.

**AN ORDINANCE APPROVING THE ISSUANCE
OF A SPECIAL USE PERMIT TO OPERATE A
USED CAR LOT AT PROPERTY ADDRESSED AS
1024-1026 WEST WASHINGTON STREET, WITH
CONDITIONS.**

WHEREAS, upon the petition of Michael and Nina Stanley, owners of the subject property, pursuant to Article 23, Sec 4(23) of the Zoning Ordinance, have requested a Special Use Permit to operate a used car lot on property addressed as 1024-1026 West Washington Street, further identified as Tax Parcel 024-27-0002; and

WHEREAS, the subject property is zoned "B-2", General Commercial District; and

WHEREAS, a public hearing having been held on May 1, 2012, pursuant to notice, as required by law; and

WHEREAS, the Planning Commission of the City of Petersburg recommends the approval of the requested special use permit, upon certain terms and conditions.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg:

§ 1. That a non-transferable special use permit is hereby granted to Michael and Nina Stanley, owners of the subject property, to allow the operation of a used car lot as provided for under Article 23 of the Zoning Ordinance on property addressed as 1024-1026 West Washington Street, further identified as Tax Parcel 024-27-0002 with the conditions attached hereto and made a part hereof.

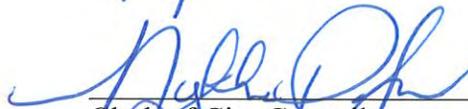
§ 2. That the use of the above described subject property shall be conditioned/restricted as follows:

- A. The Special Exception is granted to Michael & Nina Stanley and is not transferrable;
- B. No vehicle parking is to be permitted on or to protrude into the West Washington Street right-of-way;

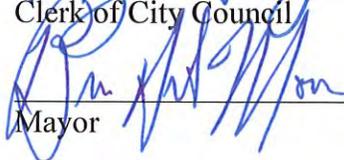
- C. The developer shall obtain a site plan approval prior to any permits being issued to include landscaping, lighting, screening, parking, signage, and environmental impacts;
 - D. No inoperable vehicle shall be kept on or stored on the site;
 - E. No outside storage of vehicle parts is permitted under this approval;
 - F. The hours of operation shall be limited to 8:00 a.m. – 6:00 p.m., Monday - Saturday;
 - G. Should the use of the premises be abandoned for a period of twenty-four (24) consecutive months, the Special Exception shall become null and void;
 - H. This permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State, or local regulations.
- § 3. That this ordinance shall take effect immediately upon adoption.

Ordinance 12-Ord-34
adopted by the City of Petersburg Council
of the City of Petersburg on:

5/1/2012



Clerk of City Council



Mayor



City of Petersburg

Department of Planning and
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia 23803

Cynthia Jefferson
Zoning Inspector
804-738-0344
cjefferson@petersburg-va.org

Stanley Michael L Nina F
8600 Glendevon Ct
Chesterfield, VA 23838

July 29, 2024

Notice of Violation

Following a recent inspection, a Petersburg zoning inspector has determined that the property at 1024 Washington St. W Petersburg VA 23805 is in violation of the City of Petersburg's Zoning Ordinance. Specifically, Article 23 Section 4 (20)

Article 23 Section 5 (20) states "Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only".

1036 W Washington St is zoned B-2 which does not permit storage for any vehicles that are inoperable.

Please take action to correct this violation. Failure to do so within the specified time frame will result in legal action being taken by this department.

To correct this violation, remove all inoperable vehicles from the premises at 1024 W Washington St. Petersburg, VA 23805 within (30) days of receiving this notice. **Compliance will be verified on August 28, 2024.**

If you have any questions or concerns regarding this letter or would like further information, please contact the Department of Planning & Community Development at 804-738-0344 or by email cjefferson@petersburg-va.org

In accordance with section 15.2-2311 of the Code of Virginia (1950), as amended you have the right to appeal this decision to the Board of Zoning Appeals within 30 days after your receipt of this letter. Otherwise, the decisions set forth in this letter shall be final and unappealable if not appealed within the 30-day period. The filing fee associated with your application for appeal is \$500.00 and should be enclosed with a completed application if you intend to appeal this decision.

Premise Address: 1024 Washington St. W Petersburg, VA 23805
Tax Parcel ID: 024270002

Thank You

Cynthia Jefferson
Zoning Inspector

CC: 1036 Washington St. W Petersburg, Virginia 23805



City of Petersburg

Department of Planning
Community Development
135 N. Union Street, Room 304
Petersburg, Virginia

Cynthia Jefferson
Zoning Inspector
804-738-0344
cjefferson@petersburg-va.org

Stanley Michael L Nina F
8600 Glendevon Ct
Chesterfield, VA 23838

September 9, 2024

Final Notice of Violation

Following a recent inspection, a Petersburg zoning inspector has determined that the property at 1024 Washington St. W Petersburg VA 23805 is in violation of the City of Petersburg's Zoning Ordinance. Specifically, Article 23 Section 4 (20).

Article 23 Section 4 (20) states "Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only".

Vehicle storage lots are only permitted in M-1 Light Industrial and M-2 Heavy Industrial zoning districts with the issuance of a Special Use Permit from City Council. The Special Use Permit issued for your property in 2005 does not include vehicle storage as a permitted use. Attached is a copy of your Special Use Permit.

Please take action to correct this violation. Failure to do so within the specified time frame will result in legal action being taken by this department.

To correct this violation, halt all vehicle storage use and remove all inoperable vehicles from the premises at 1024 W Washington St. Petersburg, VA 23805 within (10) days of receiving this notice. **Compliance will be verified on September 19, 2024.**

If you have any questions or concerns regarding this letter or would like further information, please contact the Department of Planning & Community Development at 804-738-0344 or by email cjefferson@petersburg-va.org

Premise Address: 1024 Washington St. W Petersburg, VA 23805
Tax Parcel ID: 024270002

Thank You

Cynthia Jefferson
Zoning Inspector

Sent Via Certified mail # 9589 0710 5270 1395 5587 84

CC: 1024 Washington St. W Petersburg, Virginia 23805



City of Petersburg

Department of Planning &
Community Development
804-733-2312

135 N. Union Street, Room 304
Petersburg, Virginia 23803
mgorman@petersburg-va.org

Mr. Michael Stanley
8600 Glendevon Ct
Chesterfield, Virginia 23838

November 7, 2024

Re: Revoking Special Use Permits at 1024 W Washington and 1036 W Washington Street

Be advised, due to the failure to comply with the conditions laid out in 12-ORD-34 and 12-ORD-35, the Petersburg Department of Planning and Community Development is moving to revoke your Special Use Permits for 1024 W Washington and 1036 W Washington Street, Petersburg, Virginia.

A notice of violation with instructions to comply was sent in August with a deadline to comply by September. This department has seen no measurable changes to the subject properties since the initial notice was sent and has given plenty of time since the deadline has passed.

Your Special Use Permits will be reviewed by the Petersburg Planning Commission on December 5 at 6:30pm. Should you complete the following actions before December 5, this department will withdraw our review.

To comply:

- Remove all inoperable vehicles from both of the subject properties.
- Halt all outdoor storage of vehicle parts and waste from both of the subject properties.
- Obtain a business license to operate a vehicle repair shop at 1036 W Washington.

If you have any questions or would like more information, please contact me at mgorman@petersburg-va.org.

Thank you,

Maxwell Gorman
Zoning Administrator



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **First Reading and Schedule a Public Hearing for the Consideration of an Amendment and Readoption of Chapter 50, Article II of the City Code Pertaining to Noise - (Pages 130 - 145)**

PURPOSE: In September 2021, City Council made a motion to suspend the noise ordinance from the downtown area pending recommendation from the Planning Commission. The Planning Commission worked during the subsequent months to provide a recommendation to Council that was tabled at the January 2022 meeting until March 2022 to address entertainment districts. At the March 15, 2022 meeting, the noise ordinance was tabled again, and the item never picked back up. As the Planning Commission looks to address regulations around assembly uses such as banquet halls, bars, and nightclubs, and has resumed some discussion on entertainment districts (to be addressed in the zoning ordinance update), Council has asked that the noise ordinance come back before them along with the Zoning ordinance pertaining to gathering and event uses, including night clubs.

REASON: To bring the noise ordinance back up for conversation along with the Zoning Ordinance pertaining to gathering and event uses, including night clubs.

RECOMMENDATION:

BACKGROUND: In September 2021, City Council made a motion to suspend the noise ordinance from the downtown area pending recommendation from the Planning Commission. The Planning Commission worked during the subsequent months to provide a recommendation to Council that was tabled at the January 2022 meeting until March 2022 to address entertainment districts. At the March 15, 2022 meeting, the noise ordinance was tabled and no further action taken. Council has asked that the noise ordinance come back before them.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE:

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Proposed Noise Ordinance

AN ORDINANCE AMENDING THE PETERSBURG CITY CODE NOISE SECTION

WHEREAS, the City Council of the City of Petersburg requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section; and

WHEREAS, the request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area; and

WHEREAS, regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district; and

WHEREAS, a policy declaration in the Code Section 50-31 states, "It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted."; and

WHEREAS, the City Code was substantially revised with the adoption of 14-Ord-100 on October 21, 2014, and adopted Amendments included: Adding terms under definitions, Removing the Violations of article and Measurement Procedures sections, changing the title of the Loud Noises Prohibited to Specific Prohibitions, replacing the Exemptions section, Animals, Maximum permissible sound levels and prohibitions sections, and adding to the Penalties and Enforcement Section; and

WHEREAS, the Planning Commission established a Committee to provide recommendations for the Commission to consider recommending to the City Council; and

WHEREAS, during the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

WHEREAS, during the March 3, 2022 Planning Commission Meeting, the Commission considered the information and recommendations provided by the Commission Committee; and

WHEREAS, pursuant to the requirements of Title 15.2-2204 of the Code of Virginia, as amended, this is a public hearing to consider approval of the Zoning Ordinance Text Amendments, and the public hearing was advertised, in accordance with applicable laws.

WHEREAS, the Planning Commission voted to recommend the following to the City Council:

1. Amend the definition of Daytime Hours from 7:00 a.m. - 10:00 p.m. to 7:00 a.m. - 11:00 p.m.
2. Amend the Maximum dBA levels from levels based on zone to 75 dBA daytime and 65 dBA nighttime City-wide for all Zoning Districts. Exemptions would remain as defined in the current ordinance.
3. Creation of a downtown Entertainment District Overlay with appropriate noise levels during the Downtown Master Plan process.
4. Amend the Code in conformance with (Attachment A).

NOW THEREFORE BE IT ORDAINED that City Council of the City of Petersburg does hereby Approve amending City Code Text Amendment regarding noise, consistent with the attached (Exhibit A).

EXHIBIT A
PART II - CODE
Chapter 50 - ENVIRONMENT
ARTICLE II. NOISE

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ARTICLE II. NOISE¹

Sec. 50-31. Declaration of policy.

It is hereby declared to be the public policy of the city to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to noise are hereby adopted. (Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

Sec. 50-32. Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

A-weighted decibel means the sound level, in decibels, measured with a sound level meter using the A-weighting network or scale as specified in the ANSI S1.4-1983 (specifications for sound level meters). The level so read shall be postscripted dB(A) or dBA.

ANSI means The American National Standards Institute, Inc., New York, New York.

Daytime means the local time of day between the hours of 7:00 a.m. and ~~11:00 p.m.~~ *daily+.*

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Decibel means a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base ten of the ratio of the pressure of the sound in microbars to a reference pressure of 0.0002 microbar; abbreviated dB.

Deleted: weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Industrial is given the same meaning as defined by the zoning ordinance.

Motor vehicle means every vehicle defined as a motor vehicle by § 46.2-100 of the Code of Virginia, 1950, as amended.

Multi-family dwelling means a building designed for, or occupied exclusively, by three or more families living independently of each other.

Nighttime means those times excluded from the definition of daytime

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

¹Cross reference(s)—Noise in parks, § 78-63.

Person means any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successors, representative, agent or agency thereof.

Residential area is given the same meaning as defined by the zoning ordinance.

Residential dwelling means a building or portion thereof designed or intended to be occupied as living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking and sanitation.

Residential property line means an imaginary line along the ground surface and its vertical extension, which separates the real property owned, leased or otherwise controlled by one person from that owned, leased or otherwise controlled by another person, but not including intra-building real property divisions.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Urban mixed use means a district that includes commercial, industrial, institutional and residential uses, such as B-2, B-3, RB, MXD-1 and MXD-2, as defined by the zoning ordinance.

Zoning district classification means the designation of land use classification contained in the zoning ordinance.

(Code 1981, § 19-3; Ord. No. 14-100, 10-21-2014)

Editor's note(s)—The zoning ordinance is on file in the office of the clerk of the council.

Cross reference(s)—Definitions generally, § 1-2.

Sec. 50-33. Specific prohibitions.

It shall be unlawful for any person to produce noise that exceeds 75 dBA during the daytime and 65dBA during the nighttime.



Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-33 and enacted a new section as set out herein. The former § 50-33 pertained to violations of article and derived from § 19-2 of the 1981 Code.

Sec. 50-34. Exemptions.

This provision shall not apply to:

- (a) Noise generated in connection with the business being performed in an industrial area;
- (b) Locomotives and other railroad equipment, and aircraft;
- (c) Sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof;
- (d) Police, fire, ambulance or emergency vehicle sirens;
- (e) Sounds created when responding to emergencies, including emergency utility repairs;

Deleted :

Deleted: (a) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical

Deleted: instrument, loudspeaker, sound amplifier or machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is heard between 11:00 p.m. and 7:00 a.m.: ¶
(1) Inside the confines of the residential dwelling, house or multi-family dwelling of another person; or ¶
(2) At 50 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events. ¶
(b) To allow noise between the hours of 10:00 p.m. and 7:00 a.m. that is heard either inside the confines of the residential dwelling, house or multi-family dwelling of another person or at 50 or more feet when the noise is made by one or more persons. ¶
(c) To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is heard on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning. ¶
(d) Using any instrument, whistle, drum or bell or making any other unnecessary noise for the purpose of advertising, announcing, or otherwise calling attention to any goods, wares, merchandise, or to any show, entertainment, or event. The provisions of this section shall not be construed to prohibit the selling by verbally announcing the sale of merchandise, food, or beverage at licensed sporting events, parades, fairs, circuses or other similarly licensed public entertainment events. ¶
(e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is heard from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices. ¶
(f) To create noise heard in residential areas in connection with the loading or unloading of refuse, waste or recycling collection vehicles between the hours of 10:00 p.m. and 7:00 a.m., except those areas zoned for urban mixed use, when the sound or noise is

-
- (f) Motor vehicles and trucks traveling on roads;
 - (g) Heat pumps and/or air conditioners on residential properties;
 - (h) Backup generators running during power outages;
 - (i) Public transportation facilities;
 - (j) Burglar, fire or other alarms tests between 7:00 a.m. and 9:00 p.m.;
 - (k) Band performances or practices, athletic matches or practices and other such activities on school or recreational grounds between 7:00 a.m. to 11:00 p.m.;
 - (l) Religious services, religious events or religious activities, including, but not limited to music, bells, chimes and organs which are a part of such religious activity between the hours of 7:00 a.m. to 11:00 p.m.;
 - (m) Sound amplifying equipment used at public parks or recreation fields provided the operation of such equipment has been approved by the department of parks and leisure services;
 - (n) Activities for which the regulation of noise has been preempted by federal law;
 - (o) Parades, fireworks or other special events or activities for which a permit has been issued by the city, within such hours as may be imposed as a condition for the issuance of the permit.

(Code 1981, § 19-7; Ord. No. 14-100, 10-21-2014)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-980.

Sec. 50-35. Animals.

It shall be unlawful for any person to [allow an] animal or bird except farm animals in agricultural districts to create noise or intense barking that is plainly audible at least once a minute for ten consecutive minutes:

- (1) Inside the confines of the residential dwelling, house or multi-family dwelling of another; or
- (2) At 50 or more feet from the animal or bird.

For purposes of this chapter, the animal or bird noise shall not be deemed a noise disturbance if a person is trespassing or threatening to trespass upon private party in or upon which the animal or bird is situated, or is using any other means to tease or provide the animal or bird. This provision shall not apply to public zoos, licensed animals parks or licensed veterinarian facilities.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-35 and enacted a new section as set out herein. The former § 50-35 pertained to measurement procedures and derived from § 19-6 of the 1981 Code.

Sec. 50-36. Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels is hereby prohibited. When noise emanates from private property, such levels shall be measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise. When noise emanates from public property including street rights-of-way,

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(Supp. No. 17, Update 1)

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such levels shall be measured at any point on public property or at any point within any other property affected by the noise.

- (b) Measurements in multi-family dwellings. In a structure used as a multi-family dwelling, the measurements to determine such sound levels shall be taken from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four feet from the wall, ceiling or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.
- (c) Any person, with lawfully obtained permits, who during the daytime operates or causes to be operated any equipment used in the construction, repair, alteration, or demolition work on buildings, structures, alleys or appurtenances thereto in the outdoors shall not be subject to the levels enumerated in subsection (a) of this section.
- (d) Persons performing construction of public projects, repair or maintenance work for such projects or persons performing work for private or public utilities for the repair of facilities or restoration of services shall not be subject to the levels enumerated in subsection (a) of this section.

(Code 1981, § 19-4; Ord. No. 14-100, 10-21-2014)

Sec. 50-37. Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-37 and enacted a new section as set out herein. The former § 50-37 pertained to prohibitions generally and derived from § 19-5 of the 1981 Code.

Sec. 50-38. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this article.

Deleted: When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Deleted: MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS ¶
Zoning District

(Ord. No. 14-100, 10-21-2014)

Editor's note(s)—Ord. No. 14-100, adopted Oct. 21, 2014, repealed § 50-38 and enacted a new section as set out herein. The former § 50-38 pertained to animals and derived from § 19-5.1 of the 1981 Code.

Secs. 50-39—50-60. Reserved.

(Supp. No. 17, Update 1)

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City of Petersburg Planning Commission

Report

DATE: March 3, 2022

TO: Planning Commission

FROM: Reginald Tabor, Director, Department of Planning and Community Development

Re: **A REPORT REGARDING AMENDMENTS TO THE CITY CODE
CHAPTER 50. ENVIRONMENT ARTICLE II. NOISE.**

PURPOSE: To consider recommending an amendment to the City Code Chapter 50. Environment, Article II. Noise.

BACKGROUND: The City Council of the City of Petersburg has requested that the Planning Commission consider and provide a recommendation regarding an amendment to the City Code Noise section.

The request follows complaints and concerns regarding noise from restaurant uses especially in the City's downtown area.

Regulations of noise are defined in the City Code Chapter 50. Environment, Article II. Noise and not the City's Zoning Ordinance, however the City Code does specify permitted noise levels by zoning district.

Previously the Planning Commission adopted a resolution recommending adding indoor and outdoor decibel levels. The Planning Commission also adopted a resolution recommending amendments to the Code.

Current City Code

Why

- **Sec. 50-31. - Declaration of policy.**

It is hereby declared to be the public policy of the city to protect its citizens against excessive **noise** which is detrimental to life, health and enjoyment of property. In order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the city, the standards in this article relating to **noise** are hereby adopted.

(Code 1981, § 19-1; Ord. No. 14-100, 10-21-2014)

What

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Noise means any steady-rate or impulsive sound occurring on either a continuous or intermittent basis that disturbs persons or that causes or tends to cause an adverse effect on humans.

When

Sec. 50-32. - Definitions.

For purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Daytime means the local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays and legal holidays observed by city government unless otherwise specified.

Nighttime means those times excluded from the definition of daytime

How (Measurement)

City of Petersburg Code Sec. 50-36. - Maximum permissible sound levels generally.

- (a) In addition to, and not in limitation of the specific prohibitions of sections 50-33, 50-34, and 50-35, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section is hereby prohibited.

When noise emanates from private property, such levels shall be **measured at the property boundary of the sound source, at any point on public property, or at any point within any other property affected by the noise.**

When noise **emanates from public property** including street rights-of-way, such **levels shall be measured at any point on public property or at any point within any other property affected by the noise.**

When a noise source can be identified and its **noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.**

How (Enforcement)

Sec. 50-37. - Penalty and enforcement.

- (a) If it is determined that a noise in violation of this chapter exists at a fixed location, the following procedures shall be followed:
 - (1) A written or verbal warning shall be issued by the chief of police, or his or her designee to the person(s), corporation, firm or association, responsible for the event causing the noise disturbance.
 - (2) If the noise disturbance persists for more than five minutes following the issuance of a written or verbal warning, the chief of police, or his or her designee, shall proceed to charge the person responsible for the event causing the noise disturbance.
- (b) No person shall be charged with a violation of the provisions of this section unless a violation is committed in the presence of the chief of police, or his or her designee.
- (c) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to responsible for the noise violation.
- (d) Any person who violates any provision of this article shall be deemed to be guilty of a class 4 misdemeanor for a first offense and a class 3 misdemeanor for each subsequent offense.

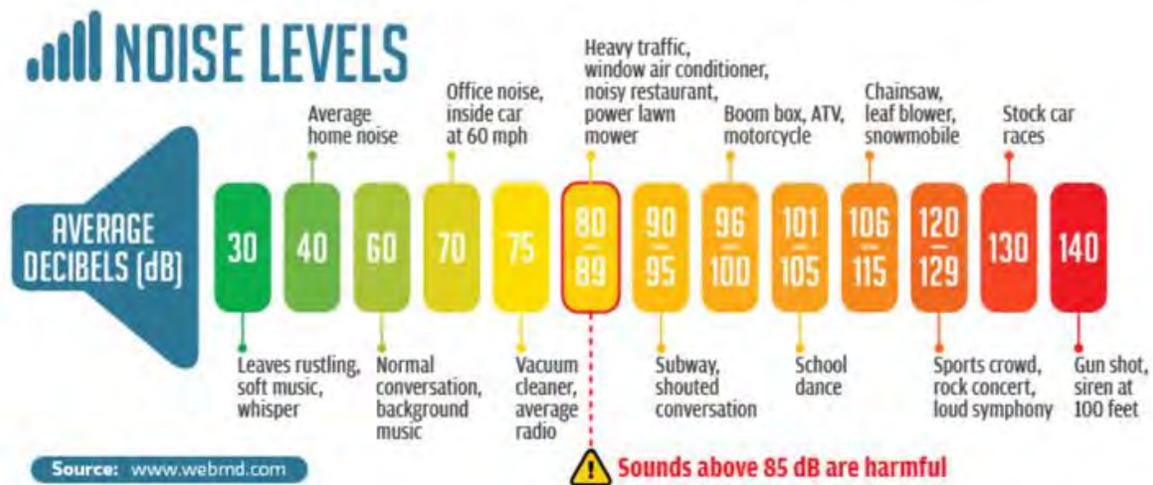
(Ord. No. 14-100, 10-21-2014)

Where and How Much

Following are the maximum permitted decibel levels in the City Code Sec. 50-36. - Maximum permissible sound levels generally.

ZONING DISTRICT CLASSIFICATION	MAXIMUM DBA INSIDE	
	Daytime 7 a.m. – 10 p.m.	Nighttime 10 p.m. – 7 a.m.
AGRICULTURAL	65	55
RESIDENTIAL	65	55
R/B	70	60
PLANNED UNIT DEVELOPMENT	70	60
MIXED USE DISTRICT	75	65
BUSINESS	75	65
INDUSTRIAL	79	72

Noise Level Comparisons



Noise Source	Decibel Level	Comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Power mower (96 dB); motorcycle at 25 ft (90 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

Source: <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

Planning Commission Committee

During the February 3, 2022 Planning Commission meeting, the Planning Commission established a committee to review the ordinance and develop recommendations for the Planning Commission to consider.

The Committee met February 28, 2022 with the City Manager, the Chief of Police, the Zoning Administrator and the Director of Planning and Community Development to discuss the City Code section regarding Noise.

1. The Committee considered the Noise Ordinance in Staunton, Virginia.

<https://www.stauntondowntown.org/noise-ordinance-q-a/>

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that Section 8.25.190 Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of Title 8, Health and Safety, of the Staunton Code be

8.25.190 Entertainment area exception.

- (1) The foregoing sections notwithstanding, musical entertainment may be provided by businesses situated in the central business district as described herein. In such cases, the level of noise created by or from the musical entertainment shall not exceed 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary of the property from which the noise emanates; and, notwithstanding the foregoing, during the period beginning 11:30 p.m. local time and ending 9:00 a.m. local time, such noise shall not occur or extend beyond the interior of such businesses. "Musical entertainment" as used herein shall mean music made by what are commonly known as musical instruments, recordings of music, choral or vocal singings sponsored or provided by the business wherefrom the noise emanates.
- (2) The central business district as used herein is described as: Beginning at the intersection of Coalter Street and Frederick Street, thence with Frederick Street, west, to its intersection with Lewis Street, thence with Lewis Street, south, crossing Middlebrook Avenue to the C&O Railroad right-of-way, thence with the C&O right-of-way, east, to Coalter Street, thence with Coalter Street, north, to its intersection with Frederick Street, the point of beginning.
- (3) The musical entertainment, subject hereof, is exempt from the provisions of SCC 8.25.080, 8.25.100, 8.25.110, and 8.25.160, except as provided in subsection (1) of this section.

In all other respects, the provisions of Section 8.25.190, Entertainment area exception, of Article I, In General, of Chapter 8.25, Noise, of the Staunton City Code remain the same and are hereby restated, confirmed and reordained.

Introduced: March 22, 2012 Adopted: March 22, 2012 Effective Date: March 22, 2012

Staunton Ordinance Summary

- It establishes an Entertainment Area that includes exceptions to the permitted noise decibel levels.
- It establishes 80 dBA as measured at any point 50 feet perpendicular to the apparent property boundary as a limit.
- It prohibits noise beyond the interior of businesses in the entertainment area during the period beginning 11:30 p.m. local time and ending 9:00 a.m.
- It defines the boundaries of the entertainment area.
- It defines musical entertainment.

2. The Committee reviewed the decibel levels in other jurisdictions, as provided by Commissioner Hairston:

Orlando		Washington		Staunton		Wilmington, NC	
Day	Night	Day	Night	Day	Night	Day	Night
75	70	80	75	80	75	75	70

Recommendations

During the Committee Meeting, the following recommendations were identified:

1. Police Department Officers should use calibrated Sound Meters to determine sound levels prior to issuing code violation notices related to noise.
2. Noise levels in the City Code should be enforced.
3. Definition of an Entertainment District with appropriate sound levels should be part of the Downtown Master Plan process.

Other Considerations

1. Noise should be measured 50 Feet (30 or 35 would be across the street) from the property line of the Noise Source.
2. A City-wide maximum noise level could be considered such as 75 dBA daytime and 65 dBA night.
3. Amendments to the daytime and nighttime hours could be considered:
 From 7:00 a.m. to 10:00 p.m. daytime (current)
 To 7:00 a.m. to 10:00 p.m. daytime Monday through Friday
 9:00 a.m. to 11:00 p.m. daytime on Saturday and Sunday
 9:00 a.m. to 11:00 p.m. daytime Friday through Sunday
 9:00 a.m. to 11:00 p.m. daytime Thursday through Sunday
4. Sec. 50-33. - Specific prohibitions.
 It shall be unlawful to produce noise that exceeds the maximum permissible sound levels defined in Sec. 50-36. - Maximum permissible sound levels generally. Provided however, that the prohibitions of this section shall not apply to emergency work to provide public facilities or utilities, or to remove debris, when necessary to protect the public health or safety.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **First Reading and Schedule a Public Hearing for Consideration of an Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$1,900,000 - (Pages 146 - 147)**

PURPOSE: To appropriate funding for the Petersburg HS Sports Training Facility per City matching funds.

REASON: To appropriate funding for the Petersburg HS Sports Training Facility per City matching funds.

RECOMMENDATION: Hold public hearing and approve ordinance to appropriate funds.

BACKGROUND: Per the Memorandum of Agreement between the city, PCPS School Board, & the PHS Stadium Enhancement Committee, the City agreed to provide funds to the committee for the purpose of the Training facility project using the funds designated for future capital needs of PCPS.

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 23-R-46

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. ORDINANCE - Stadium Appropriation 2

**AN ORDINANCE TO APPROPRIATE FUNDING FOR THE SPORTS TRAINING FACILITY
AT PETERSBURG HIGH SCHOOL**

WHEREAS, there is an existing MOU between the City, Petersburg City School Board, and the PHS Stadium Enhancement Committee pertaining to the Stadium Enhancement Project; and

WHEREAS, the MOU memorializes the Agreement between the parties regarding funding of the project; and

WHEREAS, in accordance with the MOU, requests for funding by the City shall come from the funds designated for future capital needs of PCPS; and

WHEREAS, People's Advantage Federal Credit Union has previously contributed \$500,000.00 toward completion of the project; and

WHEREAS, the MOU requires that the Committee raise all funds necessary to complete the project estimated at \$5.4M; and

WHEREAS, the MOU further provides that upon the failure of the Committee to raise the funds to complete the project, the City has agreed to match funds raised up to the total cost to complete the project, not to exceed \$2.7 million of contribution by the City per 23-R-46; and

WHEREAS, the City has previously contributed \$500,000.00 toward completion of the project; and

WHEREAS, the Stadium Committee and PHS have requested that the City appropriate \$1,900,000 toward the PHS Stadium Enhancement Project pursuant to the MOU; and

WHEREAS, the MOU contemplates appropriation of City funds only after the Stadium Committee has failed to raise sufficient funds necessary to complete the project, the City desires to assist moving this project forward by appropriating the requested funds without waiving its right to refrain from further appropriations absent full compliance by the Committee and PCPS with the requirements of the MOU;

NOW THEREFORE BE IT ORDAINED that City Council does hereby appropriate \$1,900,000 to the PHS Stadium Enhancement Project.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: January 7, 2025

TO: The Honorable Mayor and Members of City Council

THROUGH: Leon Glaster - Interim CFO

FROM: Leon Glaster - Interim CFO

RE: **First Reading & Schedule a Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003 - (Pages 148 - 152)**

PURPOSE: Schedule a Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003

REASON: Schedule a Public Hearing for Consideration of an Ordinance to Authorize the Refund of Taxes Erroneously Paid for Tax Parcel No: 023150003

RECOMMENDATION: Approval of Ordinance

BACKGROUND:

CITY COUNCIL HEARING DATE: 1/21/2025

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. ORDINANCE TO AUTHORIZE THE REFUND OF TAXES ERRONEOUSLY PAID
2. Memo_City Council
3. PLAT

**AN ORDINANCE TO AUTHORIZE THE REFUND OF TAXES ERRONEOUSLY PAID
PURSUANT TO 58.1-3990 OF THE CODE OF VIRGINIA**

WHEREAS, 110 South Perry has contacted the City regarding taxes paid for property owned by 110 South Perry located at 400 W. Wythe Street – Tax Parcel No.: 023150003; and

WHEREAS, such parcel originally consisted of approximately (16) acres but was subdivided in year 2016 to create a smaller parcel consisting of approximately (.49 acres) which was conveyed to 110 South Perry as Tax Parcel No.: 023150003; and

WHEREAS, from the time of subdivision and conveyance to current, 110 South Perry has been billed and has paid taxes upon the entire parcel (16 acres); and

WHEREAS, 110 South Perry is therefore entitled to a statutory refund from 3 years to current for such taxes erroneously paid in accordance with §58.1-3990 of the Code of Virginia; and

WHEREAS, the Commissioner of the Revenue has expressed her concurrence to the Collector of Taxes that such refund is properly owed to the taxpayer as reflected in the attached pay history.

NOW therefore be it ORDAINED that Council does hereby authorize the statutory refund from 3 years to current for overpayments made by 110 South Perry for the difference between taxes owed for the entire parcel and taxes owed for the subdivided reduced parcel (Tax Parce No.: 023150003).

BE IT FURTHER ORDAINED that the Manager is directed to take all necessary actions to effectuate said refund forthwith.

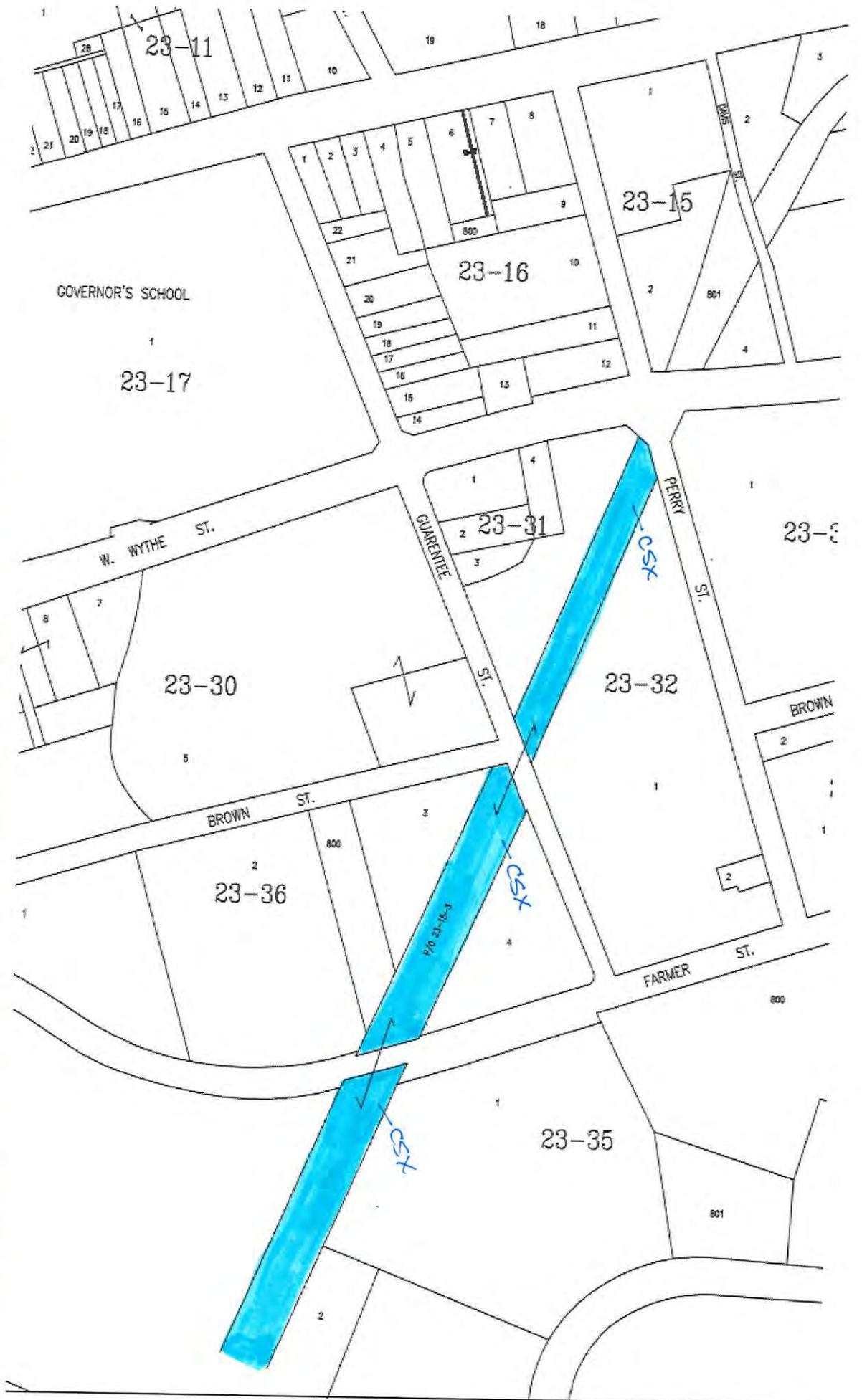
DATE: December 12, 2024
TO: City Council
CC: March Altman and Anthony Williams
FROM: Mary E. Williams
SUBJECT: Ownership Correction for Parcel 023150003, 400 W Wythe St.

In 2016, this parcel was subdivided to sell a portion (.49 acres) to 110 South Perry LLC. The Assessor at that time transferred the whole parcel under 110 South Perry LLC in error.

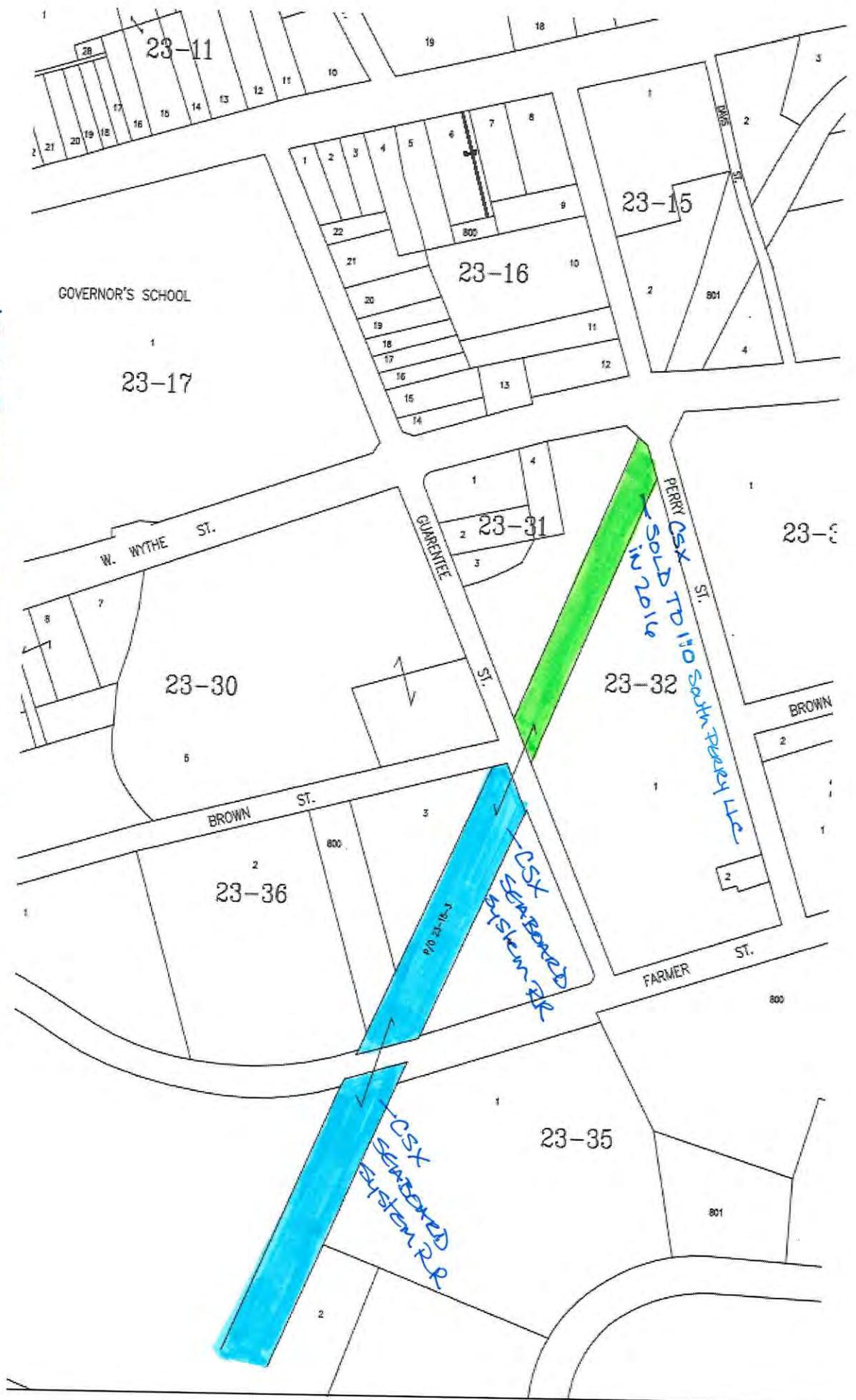
We have corrected the ownership and recommend the billing department (Customer Care and Collections) refund the payments made by 110 South Perry LLC from 07/01/2021, to current (the most the state code will allow is current tax year plus an additional 3).

Additionally, we suggest that Seaboard System Railroad (CSX), the rightful owner, be held accountable for payments made as early as July 1, 2021.

BEFORE TRACEL WAS SUBMITTED (ALL OWNED BY CSX SEABOARD SYSTEM RR)



After Parcel was subdivided (check records)



AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN OPTION AGREEMENT AND CONVEY PROPERTY UPON SATISFACTION OF TERMS

WHEREAS, the City is the fee simple owner of approximately 179 acres of land and improvements upon the property known as 2233 Halifax Road, Petersburg, VA – Parcel ID No.: 076030800; and

WHEREAS, TWG Petersburg, LLC has expressed an interest in obtaining an Option to Purchase said property from the City for the purpose of constructing a high efficiency, stacked data center or commercially similar or better development; and

WHEREAS, TWG has proposed the terms for such acquisition in the attached draft Purchase Option Agreement (**Exhibit A**) which includes terms stating that as a condition precedent to any closing pursuant to the agreement, the purchaser must first draft and obtain formal approval of Council of a Development Agreement for the data center addressing key concerns to the satisfaction and at the sole discretion of City Council which include but are not limited to noise emissions; adequate buffer zones; and water usage; and

WHEREAS, §15.2-1800 of the Code of Virginia requires that in order for the City to convey an interest property owned by the locality, it must adopt an Ordinance after first holding an duly noticed public hearing; and

WHEREAS, prior to adoption of this Ordinance, Council complied with §15.2-1800 of the Code of Virginia after publishing proper Notice in accordance with the requirements of the Code of Virginia; and

WHEREAS, City Council believes that authorizing the City Manager and City Attorney to execute the Purchase Option Agreement on behalf of the City and effectuate the sale of the property upon TWG's election to exercise the option after first satisfying all requirements of the Purchase Option Agreement is in the best interests of the City of Petersburg.

NO therefore be it ORDAINED that Council does hereby authorize the City Manager and City Attorney to execute the Purchase Option Agreement on behalf of the City and effectuate the sale of the property upon TWG's election to exercise the option after TWG has satisfied all requirements of the Purchase Option Agreement including but not limited to obtaining formal approval by Council of a Development Agreement meeting all requirements described in the Purchase Option Agreement.

PURCHASE OPTION AGREEMENT

This PURCHASE OPTION AGREEMENT (“**Option Agreement**”) is made as of December __, 2024 (“**Option Effective Date**”) by and between **CITY OF PETERSBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (“**Seller**”), and **TWG PETERSBURG LLC**, a Virginia limited liability company, or assigns (“**Buyer**”).

RECITALS

A. Seller is the fee simple owner approximately 179 acres of land and any improvements commonly known as 2233 Halifax Road, Petersburg, VA, Parcel Identification Number 076030800, a description of which is attached hereto as **Exhibit A** and which shall be updated upon to include the legal description in accordance with the Title Commitment (as defined below) (collectively, the “**Property**”).

B. Seller desires to grant Buyer the option to buy, and the Buyer desires to secure such option to buy, the Property, for the purposes of constructing a high efficiency, stacked data center or commercially similar or better development, on the terms and conditions set forth herein (the “**Option to Purchase**”).

~~C. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Contribution Agreement.~~

NOW, THEREFORE, for good and valuable consideration paid to the Seller as described herein, the receipt and sufficiency of which are hereby acknowledged, Seller hereby grants to Buyer an exclusive option to purchase the Property. The parties hereto hereby agree as follows:

1. OPTION TERM AND PRICE. The Option to Purchase period commences as of the date of this Option Agreement and expires six (6) months following the Option Effective Date, provided that by notices delivered to Seller in advance of expiration, Buyer may extend the term for up to six one (16) additional consecutive periods/period of thirty-six (306) days-months each. If Buyer exercises its Option to Purchase, the purchase price to be paid by Buyer at closing is Eight Hundred Sixty- ~~Thousand~~ Three Thousand – Four Hundred and 00/100 Dollars (\$863,400.00) (“**Purchase Price**”). Notwithstanding the term of this Option Agreement, Buyer and Seller agree that this Option Agreement shall not merge, terminate, or otherwise expire in connection with exercise of the Option, but upon such exercise, this Option Agreement shall remain in effect through closing on the sale of the Property, unless earlier terminated.

2. NOTICE TO EXERCISE OPTION. To exercise the Option to Purchase, prior to expiration of this Option Agreement, Buyer must deliver written notice of exercise to Seller. Such notice shall specify (a) the closing date, and (b) any title objections.

OPTION CONDITION: As a condition precedent to any closing pursuant to the exercise of any option contemplated under this Agreement, Buyer must present and receive formal approval of City Council of a Development Agreement for the Data Center which addresses to the sole discretion of Council concerns including, but not limited to: noise emissions; adequate buffer zones, and water usage.

3. **OPTION CONSIDERATION.** As consideration for this Option to Purchase, the Buyer shall pay the Seller five thousand dollars (\$5,000.00) (“**Option Payment**”) within twenty (20) business days following Option Effective Date. Thereafter, ~~any each~~ extension, as authorized pursuant to this Option Agreement, that the Buyer may choose to exercise, shall require an additional \$5,000.00 Option Payment to the Seller. The Option Payment(s) shall be nonrefundable (except as set forth in this paragraph below) and shall be credited to the purchase price at closing if the Buyer timely exercises the Option to Purchase. Notwithstanding the foregoing, if this Option Agreement terminates as a result of Seller’s default, the Option Payment shall be returned to Buyer with statutory interest applied.

4. **RIGHT OF ENTRY.** Commencing on the Option Effective Date and continuing until the earlier of (i) execution of the Contract, or (ii) termination of the Option Agreement, Buyer and its contractors, representatives, investors, employees, consultants, vendors, auditors and agents shall have the non-exclusive right and license to enter the Property to conduct inspection, due diligence reviews, and activities related thereto, provided that Buyer shall indemnify and hold harmless Seller from and against damages resulting from such access and inspection by Buyer. Promptly Following the Option Effective Date, Buyer may obtain a title commitment for the Property (“**Title Commitment**”) from a title company selected by Buyer (“**Title Company**”).

5. **CLOSING.** Closing shall occur on the date specified in Buyer’s exercise notice and shall be facilitated by the Title Company. On the closing date, Buyer shall deliver the Purchase Price (less the amount of the Option Payment) and the closing statement to the Title Company. On the closing date, Seller shall deliver to the Title Company a general warranty deed for recording in each Property jurisdiction, owner’s affidavit, certificate of non-foreign status, and any additional documents requested by the Title Company or reasonably necessary to consummate the transaction. At closing, Seller shall pay all “grantor’s taxes” in connection with the transfer of the Property and recordation of the deed, and Buyer shall pay all recordation and transfer taxes other than the “grantor’s taxes”.

6. **CONDITIONS TO CLOSING.** After exercising its Option to Purchase, Buyer’s obligation to close on this transaction is conditioned upon (a) there having been no damage to the Property or condemnation proceeding brought or threatened, and no condition, event or circumstance has occurred since the Option Effective Date not caused by Buyer that materially adversely affects the condition or value of the Property, (b) Seller has performed all of its obligations under this Option Agreement and all Seller representations remain true and correct (c) the Title Company is irrevocably committed to issuing title policy insuring marketable title to the Property with no monetary liens or monetary encumbrances thereon and (d) the Property has been rezoned from Agricultural (A) to M1.

7. **REPRESENTATIONS.** Each party represents and warrants to the other party that: (i) this Option Agreement has been duly executed and delivered by such party, and constitutes the valid and binding obligation of such party, enforceable against it in accordance with the terms hereof; and (ii) the execution, delivery and performance of this Option Agreement does not violate or breach the terms of any agreement to which it is a party or by which it or its property may be bound.

FY24 General Fund Balance Report

Category	Unassigned Fund Balance	Inventory and Land holding for Resale Fund Balance	Interfund Loans Fund Balance	Prepaid Loans Fund Balance	TOTALS
Beginning Fund Balance	42,500,789	3,963,243	368,945	682,573	47,515,550
Ending Fund Balance	50,862,852	4,089,421	1,201,580	682,573	56,836,426
Increase (decrease) in Fund Balance	8,362,063	126,178	832,635	-	9,320,876

