



# City of Petersburg Virginia

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## City Council Work Session

**April 1, 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. **Proclamations/Recognitions/Presentation of Ceremonial Proclamation**
    - a. National Child Abuse Prevention Month Proclamation – Page 4
    - b. Week of the Young Child, April 5-11, 2025, Proclamation – Page 5
  6. **Public Comments**
  7. **Approval of Consent Agenda (to include minutes of previous meetings):**
    - a. Minutes of Previous Meetings: - Pages 6-48
      - March 18, 2025 Closed Session
      - March 18, 2025 City Council Meeting
      - November 19, 2024 City Council Meeting
      - November 6, 2024 City Council Work Session
    - b. First Reading and Schedule a Public Hearing for Consideration of an Ordinance Authorizing the City Manager to Execute a Deed of Easement Between the City of Petersburg and Virginia Electric and Power Company to Install a Transformer and Associated Underground Conduits and Cables for the Poor Creek Pumping Station Project on City Property Located at 16 Raleigh Avenue – Pages 49-54
    - c. First Reading and Schedule an Official Public Hearing for Consideration of an Ordinance Authorizing the City Manager to Execute a Deed of Easement to Virginia Electric and Power Company Across the Property Located at 1937 Johnson Avenue – Pages 55-64
    - d. First Read and Schedule a Public Hearing for Consideration of an Amendment to the FY25 Petersburg City Public Schools Budget, in the Amount of \$4,523,723 – Pages 65-68
    - e. First Read and Schedule a Public Hearing for Consideration of an Amendment to the FY25 Grants Fund and the FY25 Streets Fund – Pages 69-74
    - f. First Read and Schedule a Public Hearing of an Ordinance Request by Crater Center, LLC to Amend the Zoning Ordinance of the City of Petersburg to Allow Recreational Substance Retail Uses in the B-2, General Commercial Zoning District with an Approved Special Use Permit and At

Least 1,000 Linear Feet from the Property Line of Any Child Day Care Center or Public, Private, or Parochial School – Pages 75-105

- g. First Read and Schedule a Public Hearing of an Ordinance for a Request by Alexander Graham, Jr., on Behalf of the Warrenton Group, to Rezone Property at 2233 Halifax Road, Parcel ID 076030800, from the A, Agricultural, District to the M-1, Light Industrial, District with Proffers – Pages 106-121
- h. First Read and Schedule a Public Hearing of an Ordinance for an Amendment to the Zoning Ordinance of the City of Petersburg Pertaining to the Introduction of Civil Penalties for Violations of the Zoning Ordinance – Pages 122-141
- i. First Reading and Schedule a Public Hearing on an Ordinance to Authorize the Purchase of Property Located at 530 E. Washington Street - Tax Parcel ID No. 012280013 – Pages 142-155
- j. A Resolution Authorizing the City Manager to Execute an Amended Development Agreement Between the City of Petersburg and ECIMED-1, LLC for the Development Of 101 West Washington Street Located in Petersburg, VA – Pages 156-160
- k. An Ordinance Authorizing the City Manager to Execute the Purchase Option Agreement Between the City of Petersburg and SUBSTRATE LLC for the Development of 130 N. Union Street and 122-124 West Tabb Street Located in Petersburg, VA – Pages 161-175
- l. An Ordinance Authorizing the City Manager to Execute a Land Use Agreement Between the City of Petersburg and Morgan Contracting to Utilize City Property (1015 Commerce Street) for the Purpose of a Lay Down/Storage Area for the Construction of the Poor Creek Force Main Project – Pages 176-182

## **8. Special Reports**

- a. Petersburg Area Transit Moving the City of Petersburg Forward -Darius Mason, Director of Mass Transit – Pages 183-193
- b. Presentation to Discuss Allocation of the Remaining \$132,090 in Community Development Block Grant (CDBG) COVID CARES Act Funds to Support Social Services – Pages 194-206

## **9. Monthly Reports**

## **10. Finance and Budget Report**

- a. FY2025-2026 Proposed Operating Budget
- b. FY24 Fund Balance Report – Pages 207-212

## **11. Capital Projects Update**

## **12. Utilities**

- a. Public Works Monthly Report - April 2025 – Pages 213-219

## **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**

# Office of the Mayor

# Petersburg



# Virginia

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## NATIONAL CHILD ABUSE PREVENTION MONTH

**WHEREAS**, children are our nation’s most vulnerable members as well as our nation’s most valuable resources, helping to shape the future of the City of Petersburg; and

**WHEREAS**, positive childhood experiences (PCEs) — like loving caregivers and safe, stable, and nurturing relationships — can help mitigate trauma and the negative impact of adverse childhood experiences (ACEs) to promote the social, emotional, and developmental well-being of children; and

**WHEREAS**, childhood trauma can have long-term psychological, emotional, and physical effects throughout an individual’s lifetime and impact future generations of their family; and

**WHEREAS**, childhood trauma, including abuse and neglect, is a serious problem affecting every community in the U.S., and finding solutions requires input and action from everyone; and

**WHEREAS**, children who live in families with access to concrete economic and social supports are less likely to experience abuse and neglect; and

**WHEREAS**, prevention is possible because of the partnerships created between families, prevention advocates, child welfare professionals, education, health, community, and faith-based organizations, businesses, law enforcement agencies, and local, state, and national governments; and

**WHEREAS**, we acknowledge that in order to solve the public health issue of abuse and neglect we must work together to change hearts and mindsets through storytelling and sharing, center the needs of families, break down bias and barriers, and inspire action from expected and unexpected partners in prevention; and

**WHEREAS**, we are committed to advancing equitable, responsive, and effective systems that ensure all children and families are healthy and thriving; and

**WHEREAS**, we recognize the need to prioritize kids and invest in more prevention initiatives like home visiting and family-strengthening policies, economic supports, and community-based child abuse prevention programs at the national, state, and local levels.

**NOW, THEREFORE**, I, Samuel Parham, Mayor of the City of Petersburg, Virginia, do hereby proclaim April as **NATIONAL CHILD ABUSE PREVENTION MONTH** in Petersburg, Virginia and urge all citizens to recognize this month by building a narrative of hope for children and families through collaboration and the creation of an ecosystem of primary prevention that does not currently exist in this country.

**IN WITNESS THEREOF**, we have hereunto set our hands and caused the Seal of the City of Petersburg to be affixed this the 1<sup>st</sup> day of April 2025.

Handwritten signature of Samuel Parham in black ink.

\_\_\_\_\_  
Mayor Samuel Parham

ATTESTED:

Handwritten signature of Tangi R. Hill in black ink.

\_\_\_\_\_  
Clerk of Council Tangi R. Hill

# Office of the Mayor

# Petersburg



# Virginia

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## WEEK OF THE YOUNG CHILD APRIL 5-11, 2025

**WHEREAS**, the first years of a child’s life are the period of the most rapid brain development and lay the foundation for all future learning and the ability to thrive and succeed in life; and

**WHEREAS**, participation in high-quality early childhood education saves taxpayer dollars, makes working families more economically secure, and prepares children to succeed in school, earn higher wages, and live healthier lives; and

**WHEREAS**, 71% of children in our state have all available parents in the workforce; and

**WHEREAS**, high-quality, full-day, affordable and consistent early childcare and education programs are currently inaccessible to too many Petersburg families; and

**WHEREAS**, high-quality early childhood education depends on high-quality early childhood educators who ensure that children, supported by families, have the early experiences they need for a strong foundation; and

**WHEREAS**, at the same time, the cost of one year of childcare for an infant in Virginia averages \$18,408 and \$13,520 for a four-year old; and

**WHEREAS**, the majority of these costs, which often exceed the cost of a year of college tuition, are born by parents, who often can’t afford it; and

**WHEREAS**, children under 5 need developmentally appropriate and culturally responsive early childcare and education settings; and

**WHEREAS**, working families need sufficient high quality childcare spaces beginning at birth to be available in the community; and

**WHEREAS**, early childhood educators need opportunities to acquire critical skills, knowledge, and competencies through pathways to credentials and higher education degrees, without incurring college debt; and

**WHEREAS**, we must work together as a community to increase awareness about the importance of early childhood care and education needs while also creating healthy environments for children to grow, thrive and become productive members of society.

**NOW, THEREFORE**, I, Samuel Parham, Mayor of the City of Petersburg, Virginia, do hereby proclaim April 5-11 as the **WEEK OF THE YOUNG CHILD**, and: commit to investments that stabilize, sustain, and support childcare and early learning so this essential workforce can continue to support children, families, and our economy.

**IN WITNESS THEREOF**, we have hereunto set our hands and caused the Seal of the City of Petersburg to be affixed this the 1<sup>st</sup> day of April 2025.

  
\_\_\_\_\_  
Mayor Samuel Parham

ATTESTED:

  
\_\_\_\_\_  
Clerk of Council Tangi R. Hill



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:**

**FROM:**

**RE:** **Minutes of Previous Meetings:**  
 - March 18, 2025 Closed Session  
 - March 18, 2025 City Council Meeting  
 - November 19, 2024 City Council Meeting  
 - November 6, 2024 City Council Work Session

**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. March 18 2025 Closed Session Minutes
2. Petersburg\_CC.2025.03.18 regular meeting
3. Petersburg\_CC.2024.11.19 regular meeting

4. Petersburg\_CC.2024.11.06 work session

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, March 18, 2025, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:06 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/337715>.

**1. ROLL CALL**

Present: Council Member Charles H. Cuthbert, Jr  
Council Member Howard Myers  
Council Member Arnold Westbrook  
Council Member Annette Smith-Lee (Late)  
Vice Mayor Darrin Hill  
Mayor Samuel Parham

Absent: Council Member Marlow Jones (Late)

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

Mayor Parham requested a motion to add discussion of §22.1-92 and 93 to the Closed Session agenda.

Council Member Hill made a motion to add discussion of §22.1-92 and 93 to the Closed Session agenda. Council Member Westbrook seconded the motion.

There was no discussion on the motion. All members present voted in the affirmative. Motion carried.

**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; and
- b. §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 a Specific Public Officer of the City of Petersburg; and
- c. §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 the Legal Requirements of 15.1-3221.6 of the Code of Virginia, and Section 106-1 of the Petersburg City Code; and

- d. §2.2-3711(A)(29) of the Code of Virginia for the Purpose of Discussion Regarding the Subject 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.

Vice Mayor Hill made a motion to enter into Closed Session for the purpose stated. 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, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; abstain: N/A.

The Council entered Closed Session at 3:09 p.m.

Council Member Jones arrived.

Council Member Myers left the Closed Session discussions.

#### **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 the 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 a roll call vote.

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

**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**

The City Council returned to the open session at 5:19 p.m.

Mayor Parham entertained a motion to direct the City Manager and City Attorney to take all actions necessary to review and develop an MOU with “Team Loaded” with terms substantially similar to those in the draft provided today, and bring any necessary formal action requirements including but not limited to necessary supplemental appropriations before Council for consideration during the regular April cycle of Council meetings.

Vice Mayor Hill made a motion to direct the City Manager and the City Attorney to take all actions necessary to review and develop an MOU with “Team Loaded” with terms substantially similar to those in the draft provided today, and bring any necessary formal action requirements including but not limited to necessary supplemental appropriations before Council for consideration during the regular April cycle of Council meetings. Council Member Smith-Lee seconded the motion.

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

On a 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 5:20 p.m.

The work session meeting of the Petersburg City Council was held on Tuesday, March 18, 2025 at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:20 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/337730>.

**1. ROLL CALL:**

Present:

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

Absent:

Present from City Council Administration:

Interim Deputy City Manager Kenneth Miller  
City Attorney Anthony C. Williams  
City Clerk Tangi R. Hill

**2. PRAYER:**

Vice Mayor Hill led the Council meeting in prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led the Council and the citizens in the pledge of allegiance.

**4. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was present.

**5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATIONS**

National Procurement Month – Lisa Scott, Purchasing Agent

Mayor Parham presented the Proclamation for National Procurement Month.

Lisa Scott, Purchasing Agent for the City of Petersburg, accepted the proclamation and gave remarks.

2025 Armed Forces Day Resolution – Brian Moore, Economic Development Director

Mayor Parham presented the Proclamation for 2025 Armed Forces Day Resolution.

Brian Moore, Economic Development Director, accepted the Proclamation.

Presentation to William Riggelman, Engineering Construction Manager, Retirement – Jerry Byerly, Public Works Director

Mayor Parham presented a Recognition of William Riggelman's service to the City of Petersburg.

William Rigglesman, Engineering Construction Manager, accepted the Recognition.

Petersburg Transit Modernization Initiative Update from Darius Mason with Petersburg Area Transit, Danielle McCray and Sarah Sciarrino with Kimley Horn, and Representatives from the Department of Rail and Public Transportation

Darius Mason, Director of Mass Transit, stated that Petersburg Area Transit (PAT) was pleased to announce a new plan designed to enhance service and accessibility for all members of the community. In collaboration with Kimley Horn and the Department of Rail and Public Transportation (DRPT), PAT had developed the Petersburg Area Transit Modernization Initiative.

Sarah Sciarrino with Kimley Horn said that the Petersburg Transit Modernization Initiative was a collaborative effort between the City of Petersburg, PAT, and the Department of Rail and Public Transportation. The project was selected for a grant from the Federal Transit Administration, specifically targeting areas of persistent poverty. The primary goal of the project is to enhance transit access within the Petersburg community and modernize PAT's operations.

Ms. Sciarrino explained there are three components to the grant: the first is a comprehensive operational analysis of PAT's paratransit service, which will examine ways to improve paratransit operations throughout the City, implement more efficient policies and procedures, and identify technology to enhance service; the second component is an accessibility gap assessment for both fixed route and paratransit service; and the third component is a low no-fuel feasibility study, which will investigate the potential of transitioning from gas, diesel vehicles to battery electric vehicles, considering costs, infrastructure needs, and service changes required.

Ms. Sciarrino said that they began this study last summer with extensive public engagement efforts with the community. They recently completed the comprehensive operational analysis of paratransit service and will discuss the results and recommendations today. This spring, they will shift focus to the Accessibility Gap Assessment and the Low No-Fuel Feasibility Study will be completed as part of the next steps.

Danielle McCray said that this effort involved extensive public engagement and community outreach to understand the needs and opportunities for the PAT service. They began by seeking feedback from riders, customers, and potential customers on improvements to the system and what they valued currently. To achieve this, they conducted a robust transit priority survey, both in paper and online formats, and also targeted paratransit customers with a separate satisfaction survey.

Ms. McCray stated that the public engagement results showed over 270 interactions with the community, and they distributed a significant amount of collateral materials. The community partners they connected with included Virginia Works, the Crater Health District, and the Department for Aging and Rehabilitative Services, all of whom provided valuable feedback and perspective on what their constituents were looking for.

Ms. McCray noted that one unique partner that proved valuable was the Non-Emergency Medical Transportation (NEMT) providers. Engaging with this group was helpful, as many residents in the community are using emergency services for non-emergency trips. The feedback from these conversations revealed an opportunity for partnership with the non-emergency transportation providers.

Ms. McCray stated that this effort resulted in over 500 responses from customers and potentially future customers in the community. The feedback from riders and customers indicates that the service is extremely valuable, often serving as a lifeline for many users. Key takeaways included a desire for extended service hours on weekends, Sunday service, improved frequency at large employment facilities and grocery stores, and more information about current bus locations and routes. There were efforts underway to improve the accessibility of information.

Ms. McCray noted that one of the highlighted takeaways was bus stop accessibility. The closer a bus stop was to an appropriate location with the necessary infrastructure for people to access it, the more likely people were to use the fixed route bus service, as opposed to the paratransit service. Therefore, there was an opportunity to evaluate the placement of bus stop infrastructure. There was also a strong desire existed to attract and retain PAT staff and encourage workforce development among the current staff to retain employees when they joined the team. Additionally, there was an opportunity to partner with apprenticeships and local technical schools to develop the necessary skills.

Ms. Sciarrino stated that several opportunities were identified to improve paratransit operations. The first was updating the ADA Paratransit Eligibility Application to include an electronic format with more streamlined questions, to sustain a consistent level of on-time performance, to increase messaging during the paratransit user application process, and to provide self-service options for frequently asked questions and weekend hours.

Ms. Sciarrino said that to recap, the next steps involved completing the accessibility gap assessment, which would examine both the fixed route and paratransit services, as well as the locations where these services were provided, to ensure that people had access to the destinations they needed to reach. Following the completion of this assessment, they would regroup and engage in further discussions before presenting their findings to the Council again.

Mayor Parham and Council Member Jones expressed concern regarding a lack of benches and canopies at their bus stops.

Mr. Mason explained that there was a grant they were currently working on; they had previously presented it to the Council last year. The project aimed to enhance bus stops with new shelters and updated signage for schedules and other information. Given the upcoming changes in the City, they were exploring alternative options to improve transit. This transit modernization study was one of the first steps.

Kenneth Miller said that they would schedule a conference with the City Manager and Transit Department staff and provide a more detailed response.

Council Member Jones expressed concern that the stakeholders involved in this study were not from low-income areas or inclusive of children attending the public school system. He reiterated that all of their community engagement must include low-income residents and neighborhoods to ensure everyone was included in these discussions.

Vice Mayor Hill added that tomorrow they would be conducting the groundbreaking ceremony for the new casino project. He asked if staff had considered new and extended routes to that area, specifically to accommodate those who would be working at the casino.

Mr. Mason confirmed that there had been discussions about that area, and further conversations were planned for the Council's workshop on April 1. He said that PAT would provide a detailed presentation to Council at that time.

Petersburg Animal Welfare Society (PAWS) - Chloe Griffin, Treasurer, Petersburg Animal Welfare Society (PAWS)

Chloe Griffin, Treasurer for the Petersburg Animal Welfare Society, said that they were committed to the success of the Petersburg Animal Shelter, a 501(c)3 nonprofit dedicated to improving animal welfare in Petersburg since 2009. This was a long-standing mission, and they had long advocated for replacing the municipal shelter, while staying committed to ensuring the success of both the new and current shelters.

Ms. Griffin said that their mission included fundraising, volunteer support, and collaboration to create a humane and sustainable shelter. Their current shelter was condemned by the state veterinarian, and there was significant opportunity to establish the new shelter with the recent budget allocation. PAWS was eager to provide adequate space for their animals' needs and ensure they were treated with compassion.

Ms. Griffin explained that despite being condemned by the state veterinarian, staff was managing intake of record numbers as the population of Petersburg grew and they faced an economic crisis, leading to a nationwide animal welfare crisis. Last year, they took in 446 dogs, 183 cats, and five pet rats, of which they were able to save 88%. They were just 2% shy of achieving no-kill status for three consecutive years, a national standard of 90%. Some of the animals were too sick, aggressive, or otherwise unable to be adopted out. In order to ensure they could consistently qualify as a no-kill shelter, they required community participation and an appropriate facility.

Ms. Griffin stated that they also planned to offer healthcare services and amenities for humane animal care. Currently, every dog requiring spay or neuter had to travel to the Richmond Animal League (RAL), a 40-minute drive for volunteers, often resulting in those volunteers getting to work an hour and a half late on Thursdays. This was necessary in order to ensure that these animals were safely spayed or neutered before they moved on to their adoptive homes. She emphasized that it was essential that they provide this service within Petersburg for the welfare of both the animals and residents.

Ms. Griffin continued that PAWS also offered marketing and outreach, public education campaigns to increase adoptions and reduce animal suffering. They also had a goal to strengthen community engagement to increase support for the shelter and coordinate with regional rescues and shelters to identify collaborative opportunities and facilitate transfers of animals. She emphasized that this was a primary venue for how animals made it safely into adoptive homes; it was crucial that they had relationships with these rescues.

Ms. Griffin stated that PAWS also hoped to fundraise for the veterinary clinic, offering low-cost services not only to the shelter pets in-house, but also to the community. Currently, their adoption fees were based on the cost of spay and neuter, and those sometimes reached \$250. They also hoped to have a volunteer coordinator; someone was needed in addition to the four current employees at Petersburg Animal Care and Control so they could focus solely on coordinating and making this a successful community-run initiative.

Ms. Griffin said that PAWS also hoped to fundraise for a separate intake and adoption area, a grooming facility, and a multi-purpose event space, where they could host more public education events. A separate adoption area was essential, as they currently held meet and greets outside due to the lack of space inside the facility, which was difficult to do during bad weather.

Ms. Griffin stated that they sought to develop clicker training, which taught dogs to be quiet and calm when a clicker was used, allowing adopters to see them in a calmer and inviting manner, as well as manners and life skills training, enrichment activities, and a fenced outdoor nature park within the new shelter facility where volunteers could take dogs on outings. They aimed to partner with the Tri-Cities Society for the Prevention of Cruelty to Animals (SPCA) and local businesses to sustain a pet food pantry, supporting the City's companion animals who qualified for Supplemental Nutrition Assistance Program (SNAP) assistance, which was crucial in keeping dogs and cats out of the shelter.

Ms. Griffin said that they requested Council help PAWS ensure long-term success through a partnership; they would like to establish a shelter advisory council with PAWS and City representatives. She believed PAWS could offer a wealth of perspective and industry best practices in this area. They

also aimed to maintain regular volunteer access, including weekends, to support the success of the volunteer program.

Ms. Griffin noted that many volunteers had jobs that required them to work Monday through Friday, and the current shelter's hours, which were limited to Monday through Friday, 10:00 a.m. to 3:00 p.m., could be quite restrictive to a regular volunteer program. To address this, they were hoping to establish a Memorandum of Understanding with the City Council to solidify their partnership and enable them to confidently fundraise for these efforts and solicit more volunteer involvement.

Ms. Griffin stated that PAWS was dedicated to making the new Petersburg Animal Shelter a success, and they remained committed to making the current shelter a success as well. They requested City leaders, businesses, and residents support and collaborate with them, as together they could create a shelter that truly served this community in the way it deserved to be served.

Council Member Jones asked if they were passing on the costs of spay/neuter to the adopters.

Ms. Griffin confirmed that they were indeed passing on the cost of these initial medical services, which were required by their state. She said that for a pet to be officially adopted, it must be spayed, neutered, and receive its rabies vaccination. As veterinary costs continued to rise, it was typically the adopter's preference for them to use the services of the Richmond Animal League. In many cases, if an adopter did not live in a locality that bordered Petersburg, it was a legal requirement that they spay or neuter the dog before it went to that adoptive home.

Council Member Jones said that it would be greatly beneficial if local veterinarians could help them with the expenses with spaying and neutering. He recalled that Disputanta and Crater had helped them a lot in the past, so perhaps they could reach out to them again.

Ms. Griffin confirmed that they had been a great partner and Disputanta had greatly helped them through their crisis last spring.

Council Member Myers thanked PAWS for presenting to Council tonight. He said that they were looking forward to sitting down and discussing the Memorandum of Understanding (MOU) with them to move forward, and were hoping to break ground in May or June of this year. He expressed his appreciation for their efforts and collaboration.

Council Member Westbrook asked if Ms. Griffin would like to comment on some of her previously expressed reservations regarding the new shelter.

Ms. Griffin said that while she would not comment on those reservations today, she would like to discuss the establishment of the shelter advisory committee. Building a shelter required a significant amount of expertise, similar to constructing a food distribution facility, given the numerous regulations that must be adhered to. In addition to passing state vet inspections and avoiding fines, there should be some consideration given to the proposed septic system for waste management for this new facility.

Ms. Griffin explained that septic systems had substantial upkeep requirements, even for standard use. In a facility that processed such a large amount of animal waste and handled numerous chemicals, a septic system was widely considered an unacceptable investment by industry professionals. She believed the PAWS group, volunteers, and staff could provide valuable insight to ensure that they created a facility that would serve the City for years to come.

Vice Mayor Hill asked if Ms. Griffin was requesting that Council create the committee for the shelter.

Ms. Griffin requested that PAWS be invited to provide input on the design of the new facility. Given that there was likely an existing committee reviewing the designs, she suggested that they consider including a few representatives from PAWS alongside a couple of passionate members of the City Council to ensure regular communication and alignment with the issues affecting their animal welfare community.

Council Member Myers confirmed that a committee had been established, which included Joanne Williams. Regarding this committee, they were doing everything they could in terms of engineering the facility, and they believed the City of Petersburg would remain responsible for addressing its needs.

**6. RESPONSES TO PREVIOUS PUBLIC INFORMATION PERIOD**

There were no items under this portion of the agenda.

**7. APPROVAL OF CONSENT AGENDA (TO INCLUDE MINUTES OF PREVIOUS MEETINGS):**

- a. Minutes of:
  - March 4, 2025 Closed Session
  - March 4, 2025 City Council Meeting
  - February 25, 2025 Joint Meeting with the Planning Commission
  - February 18, 2025 Closed Session
  - February 18, 2025 City Council Meeting
  - January 26-27, 2025 Council Advance
  - October 15, 2024 City Council Meeting

Vice Mayor Hill made a motion to approve the Consent Agenda as presented. 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.

**8. OFFICIAL PUBLIC HEARINGS**

**A Public Hearing for Consideration of an Amendment to the FY25 Petersburg City Public Schools Budget, in the Amount of \$1,900,000**

Garry Cozier, Budget Manager, said that the school division requested that their budget be amended to reflect an additional \$1.9 million. He said that the funding would come from unspent funds previously provided by the City to the school system, which would be utilized for capital improvements, cultural climate change initiatives, and instructional enhancements.

Mayor Parham said that before the public hearing, he would like to inquire if there was a monetary breakdown provided regarding the allocation of the \$1.9 million in the FY25 Petersburg City Public Schools budget.

Mr. Cozier said that he did not have a breakdown for the request.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mount Vernon Street, said that she believed this letter from the School Board that detailed this request had been sent back in October. She asked why it had taken so long to address this issue, considering it had been nearly half a year since the initial request.

Ms. Rudolph expressed concern that if this was an urgent matter, it took a very long time to resolve. She said that she also had a question regarding the resolution passed in 2020, which stated that leftover funds from the school division would be dedicated to capital projects. It appeared that some of the funds would be allocated to capital projects, while others would be used for other initiatives.

Ms. Rudolph stated that she did not have any objections to the plan itself, but she was puzzled by the inconsistency in using funds for purposes other than capital projects, as this went against the direction established by the City Council earlier. She asked why not all of the funds were directed towards capital projects, as they had discussed this issue before in the context of the field house, so the same guidance applied to spending on capital projects.

Gary Talley, 2323 Fort Rice, said that he strongly supported this initiative; their schools required all the help they could get.

Seeing no further speakers, Mayor Parham closed the public hearing.

Mayor Parham said that he wholeheartedly agreed with Ms. Rudolph's sentiments, particularly regarding the allocation of funds for capital improvements, which aligned with the original intent of the CIP. He was in favor of the proposal, but he acknowledged that it encompassed multiple items.

Vice Mayor Hill made a motion to approve the \$1.9 million for the necessary capital improvements and allocate funds for the following initiatives: five additional spots for the Appomattox Regional Governor's School, two spots at the Code RVA program, and the assistant athletic director position. Council Member Myers seconded the motion.

Council Member Westbrook stated that as a proud graduate of Petersburg High School in the class of 1994, and as an educator committed to student success, he spoke not in opposition to this \$1.9 million budget amendment, but with sincere and strategic concern about how these funds would be used to create real and measurable change for their young people.

Council Member Westbrook emphasized that this Council supported their schools, their teachers, their principals, Superintendent, and most importantly, their students. However, supporting them could not stop at writing checks; it must extend to ensuring every dollar was targeted, tracked, and tied to outcomes that broke the cycle of underperformance that had plagued Petersburg public schools for far too long. He said that they were being asked tonight to allocate nearly \$2 million in reappropriated funds, money that could make a significant difference. Yet, he asked, how would they know it did?

Council Member Westbrook noted that the proposed spending fell into three major categories: capital improvements, cultural climate change, and instructional enhancements, each of which was necessary. However, this money did not translate to higher standards of learning, test scores, better student engagement and behavior, and an increase in certified, high-quality teachers in their classrooms. If this was true, they had missed the mark, and they had failed their teachers and their children once again.

Council Member Westbrook said that as the educator on this Council, he knew firsthand that progress was not measured in square footage or software licenses; it was measured by the growth in a child's reading ability, the confidence of a new teacher who felt supported, and the student who walked into a clean, safe classroom knowing their City believed in them.

Council Member Westbrook said therefore, he was asking tonight that as they consider this amendment, they explore options for categorical funding. This would ensure that money intended for

instructional improvement was not swept into facilities, and that professional development led to certification, not just participation, and that the climate changes provided measurable student feedback, not just staff workshops. He requested quarterly reporting on progress, academic, cultural, and fiscal.

Council Member Westbrook clarified that this was not a personal attack; he had recently sent questions to the Superintendent and School Board, giving them 24 hours to respond, which they had done, but he had not had enough time to review them before tonight's meeting. He acknowledged the struggles of their school teachers, emphasizing that he wanted these funds to be used in a way that empowered them, supported them, and honored their commitments to the students of Petersburg. This amendment should not just improve their schools physically, but also uplift their teachers professionally and elevate their students academically.

Council Member Smith-Lee suggested that the \$1.9 million be used to support the certification of teachers who are not currently certified. She said that specifically, she would like to see them receive certification through Virginia State University, if feasible.

Mayor Parham confirmed that the motion would include the certification of any uncertified teachers, capital improvement program items, five positions for Appomattox Regional Governor's School, two positions at Code RVA, and the assistant athletic director position.

The motion was approved on roll call vote.

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

Vice Mayor Hill requested that Council schedule a joint meeting with the School Board before budget time.

#### A Public Hearing for Consideration of an Amendment to the FY25 General Fund Operating Budget

Mr. Cozier said that this amendment was related to their General Fund. They had experienced additional revenues across various categories, including permits, fees, licenses, funds, and forfeitures, charges for services, expenditure refunds, and use of money and property. He noted that the use of money and property, in particular, had exceeded their projected amount for this fiscal year.

Mr. Cozier said that their original projection was \$1.4 million, but they were now increasing that amount as they had already surpassed it. As would be shown in the later finance update, the total increase was \$2,193,168, which would be allocated across departments. He said that the majority of this amount would go to the Public Works and Utilities Departments, with the remainder allocated to general government and non-departmental areas.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mount Vernon Street, said that she did not see any information on public works projects mentioned by Mr. Cozier. She said that she hoped that the majority of this funding would be allocated to one-time expenses, as it was additional revenue that was unexpected and may not persist into Fiscal Year 26 and beyond. Given that, it was prudent to use it for non-recurring purposes. She said she would appreciate clarification on which aspects of this funding were expected to be sustainable and would have a lasting impact on their budget development for the next fiscal year. She said that she would like to know more about the expected continuation of the additional revenue, specifically how much of the \$2.2 million might be available in future years.

Mayor Parham closed the public hearing.

Mr. Cozier said that in response to the public comment the one-time expenses were primarily focused on non-recurring costs. He said that the only expense they planned to continue was the use of interest, or more accurately, the use of money or property, which generated interest. He said that they intended to include this in their future budget discussions, and the remaining expenses were for one-time projects and costs.

Council Member Myers made a motion to approve the Amendment to the FY25 General Fund Operating Budget in the amount of \$2,193,168. Vice Mayor Hill seconded the motion.

Council Member Cuthbert asked for Mr. Cozier to clarify the use of the amended funds.

Mr. Cozier explained they would be used for one-time costs for multiple departments.

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.

A Public Hearing to Approve a Request by Capital City Homes, LLC to Rezone with Proffers Property at 208 North Dunlop Street and 901, 905, 909, 915, 919, 921, 925, 929, 933 Commerce Street, Parcel IDs 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, 024140013, from the B-2 General Commercial and M-1 Light Industrial Districts to the R-2 Single-Family Residence District

Naomi Siodmok, Planning Director, stated that this item is a rezoning request. She provided an overview of the subject properties, which were located along Commerce and Dunlap, specifically at the corner where they intersect. The applicant was seeking to rezone these properties from B-2 General Commercial to R-2 Single-Family Residence District to construct eight detached dwellings.

Ms. Siodmok explained that 901 Commerce Street was currently zoned B-2, and the remaining parcels were zoned M-1 light industrial. There are three proffers included for consideration, which were voluntary conditions from the applicant. Council may recall that the applicant had previously submitted a request in 2023. She indicated the existing conditions of the site, looking along Commerce towards the development behind these vacant lots.

Ms. Siodmok said that three designs were provided for the two-story homes, each approximately 1,500 square feet, with onsite paved parking. The use would be limited through proffer statements. The proposed plan for the development was displayed, including the paved parking along the front of the street and the single-family homes in the back. She noted that there would be a variety of elevations proposed for this development.

Ms. Siodmok said that as stated in the proffers, no neighboring home would have the same elevation, so they would alternate. The proffers, provided by the applicant, included the following conditions: no more than eight single-family detached homes would be constructed on this property, the houses would be comparable in architectural design to the plans submitted and the elevations provided, and no adjacent house would have the same façade, ensuring that the homes would not be identical to each other. As displayed on the screen, they could see the adjoining zoning, including a planned unit development in the back.

Ms. Siodmok noted that most of the properties are M-1 Light Industrial, but there is one B-2 Commercial on the corner of Dunlap and Commerce. Reviewing their comprehensive plan, this aligns with their vision for the future, which they developed in collaboration with the community. She confirmed that it is identified as a historic core neighborhood on their future land use map, and this proposal is consistent with their goals.

Ms. Siodmok said that their vision called for smaller blocks, smaller lots, and a variety of residential uses at a moderate density. The primary land use is single-family detached homes, as well as other uses such as single-family attached, multi-family residential, and neighborhood institutions. New and infill development should fit the scale, size, and character of the existing neighborhood. Another objective of their comprehensive plan is to facilitate a diverse and attainable housing stock in the City.

Ms. Siodmok stated that this proposal did go before their Planning Commission, and they voted unanimously to recommend approval. Staff also recommends approval with the proffered conditions. She said that provided was a sample motion, and requested that if the Council made this motion to approve, that they include the proffered conditions in the motion, and if motioning for denial, to please state the reason for denial.

Mayor Parham opened the public hearing.

Vernel Gannaway, 652 Old Wagner Road, said that while he saw the diagrams, he was unclear about the income status being used to determine affordability for this property. He said that he wondered if there were individuals who could afford single-family homes of this type in this area. He said that they currently had a number of lofts, which were being maintained, but some residents struggled to afford them based on the City's criteria. He said that as the City continued to grow, he was concerned about the feasibility of this approach for their citizens. He asked if he could receive more information on the background for affordability for this development.

Marlo Greene said that she did not see in the presentation whether these proposed homes would be for resale or rental. She said their City needed to focus on increasing home ownership. She said that she was concerned about the affordability of these homes, given that they currently lacked moderate income housing options. She said that her primary question was whether these homes would be intended for resale or rental.

Mayor Parham asked if the applicant would like to address the public comments.

Barry Jones said that as for the homes he planned to start building, they would be for resale only; there would be no rentals. He said that in terms of the price point, there were several single-family new construction homes that were currently selling quickly, and their prices would be comparable to those being sold per foot. He said that therefore, the homes he planned to build would be market-rate homes.

Mayor Parham closed the public hearing.

Council Member Smith-Lee stated that she had talked with the applicant and walked the neighborhood. She acknowledged that many people in that area want houses there, but she wanted to reiterate that the homes built must be market-rate.

Council Member Jones asked if sidewalks would be included as part of this redevelopment.

Mr. Jones said that he discussed with Zoning and Planning the possibility of redeveloping the houses and redoing the sidewalk along Commerce Street, with the goal of creating a walkable and safe pedestrian area.

Council Member Westbrook stated that he would appreciate if these residences were marketed primarily to the workers of Petersburg.

Council Member Smith-Lee made a motion to Approve a Request by Capital City Homes, LLC to Rezone with Proffers Property at 208 North Dunlop Street and 901, 905, 909, 915, 919, 921, 925, 929, 933 Commerce Street, Parcel IDs 024140003, 024140005, 024140006, 024140007, 024140008, 024140009, 024140010, 024140011, 024140012, 024140013, from the B-2 General Commercial and

M-1 Light Industrial Districts to the R-2 Single-Family Residence District. Vice Mayor Hill 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.

City Attorney Williams suggested that Council Member Westbrook consider directing the City Manager to explore local incentivization options for future workforce housing. He said that this could potentially encourage the next developer to work towards the goals that he had proposed.

A Public Hearing for Consideration of an Ordinance Authorizing the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms for 3501 Halifax Road

Mayor Parham provided the background information on the item. He stated that the City desires to offer an option to purchase the property at 3501 Halifax Street for the purpose of constructing a high-efficiency stacked data center or a commercially similar or better development. He said that it was recommended that the Council hold a public hearing on March 18, 2025, to consider an ordinance authorizing the City Manager to execute an option agreement and convey property upon satisfaction of terms for 3501 Halifax Road. This option to purchase involved 94.131 acres of land, identified as parcel ID 092010001, for the purpose of constructing a high-efficiency stacked data center or a commercially similar or better development.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mount Vernon Street, said that she noticed that this property was different from the one discussed at the public hearing in March, which was located on Halifax Road and consisted of a larger parcel. She said that upon reviewing the map, she saw that this parcel was divided into approximately two or three pieces, which seemed unusual. She expressed concern because, despite having a public hearing, the plan being presented was for a different property, size, and scope.

Ms. Rudolph said that this may lead to fewer objections due to the location, but also raised the possibility of other concerns that were not addressed during the public hearing. She said that she was not opposed to the idea of selling data centers or utilizing the property, and she was aware of the assessed value being offered at 100% of the assessed value. However, the current assessment was much lower than the initial assessment. She said that it would be beneficial to know if this discrepancy was related to the current proposal. She said that given that this assessment occurred several years ago, she believed it would be helpful to provide more information on this site before Council's vote on the proposal.

Mayor Parham closed the public hearing.

Mayor Parham said that to address Ms. Rudolph's question, part of this proposal involved the offsetting of wetlands. Although the first parcel was larger, this particular proposal consolidated and excluded the wetlands from this property. He said that this was why it appeared to look different, despite being in the same area.

Council Member Westbrook said that he concurred with Ms. Rudolph, as he had been conducting thorough research on this matter. He said that he was initially concerned that the development would encroach on the Camelot neighborhood, but he understood that this was a step towards moving forward. The development agreement still needed to be finalized, and they would have a better opportunity to review the plans before the property was sold. Unfortunately, he did not see anyone from

the Warrington Group present tonight who could provide more information. He said that he hoped that they would conduct their due diligence in the months to come.

Council Member Cuthbert said that he was reviewing page 154 and noticed that there were three separate parcels highlighted in yellow. He asked if these were the parcels that totaled 94 acres. He said that when he looked at page 154, it seemed to indicate that there were three parcels without any acreage listed.

Mayor Parham clarified that those parcels were designated as wetlands.

Council Member Cuthbert asked if the three yellow parcels on page 154 were the 179 acres. He said that they had already signed an option for 179 acres, and now they had 94 acres available. He said that he was seeking clarification on how these two numbers were connected.

Mayor Parham said that the consolidation process ultimately resulted in reducing the number from 179 to 94, excluding the areas marked in yellow.

Council Member Cuthbert asked if the sale of property was at a separate address from Collier's Yard.

Council Member Myers confirmed that was correct.

Council Member Cuthbert asked where the data center was being proposed.

Council Member Myers clarified that it would be located across the street; the parcels highlighted in yellow would be preserved as wetlands in order to mitigate the impacts on that parcel.

Vice Mayor Hill made a motion to table Item 8(d) until the next meeting of City Council. 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.

**9. PUBLIC INFORMATION PERIOD**

**A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:**

**a. First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**

**b. Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

Bruce Richardson, 848 Miller Street, Petersburg, Virginia, said he would like to discuss their upcoming homebuyer education event. The Clerk of Council had forwarded each of the Council Members a homebuyer education class to be held on Saturday, March 29, at the Petersburg Public Library from

10:00 a.m. to 4:30 p.m. This event was a collaborative effort with the Southside Community Development Housing Corporation, a local nonprofit. Over the past 15 years, they had successfully hosted these events, and they had seen great turnout.

Mr. Richardson said that it was crucial that they encourage their residents to participate, as they discussed the challenges and obstacles related to home ownership, including credit and income. However, a new challenge was emerging, and that was artificial intelligence. While they were not directly addressing AI in homebuyer education, it was essential to understand how mortgage lenders were using data to determine credit worthiness, which was often extracted from the data they collected through artificial intelligence. In many areas he had led efforts, when discussing employer-assisted housing with localities, he was one of the few agents who had successfully completed this with Virginia State University.

Mr. Richardson said that five years ago, they had organized an event to discuss the importance of housing with the City of Petersburg, prior to the COVID-19 pandemic, as well as a meeting at the Tractor Museum to emphasize the importance of employee-assisted housing. If they were not preparing their workforce and providing them with this assistance, they were missing a crucial opportunity. He strongly believed that appointing a dedicated staff member as the real estate professional for employee-assisted housing was crucial. This was not a Council's duty, but rather a staff position that should be established to address this issue.

Wayne Carter, 3209 Hastings Road, said that he was a resident of the 7th Ward. He requested that the City build a sidewalk or bike path along Johnson Road from Delectable Heights to the sports park complex. He said that the rationale for this bike path or sidewalk was to provide citizens of the 7th Ward and Petersburg with a safe and accessible route for recreational purposes, including walking, biking, or running. He said that currently, running or walking along Johnson Road was hazardous due to the limited space and the presence of cars.

Mr. Carter said that seniors and young people would appreciate adequate sidewalks to walk on. He said that a bike path from Delectable Heights to the park would serve as an incentive and attraction for these young people, as well as the health-conscious individuals who occupied the former Virginia Avenue School building. He said that this bike path would provide an opportunity for residents to walk, run, and ride their bikes to the park, where they could participate in various athletic activities and enjoy fishing at the lake.

Mr. Carter said that additionally, the bike path would enable students to ride their bikes to school at the high school. He expressed concern regarding the drainage along this route as well; it was prone to flooding and standing water, which then led to health risks due to mosquitos. He said that on the route he ran on, which led to the high school and Camelot, he was concerned about the safety of cyclists, particularly when cars approached from behind. He said that a bike path built over the drainage ditch, with slotted concrete slabs that could be easily repaired, would not only improve aesthetics but also functionality for the City.

Marlo Greene said that she wanted to speak to road standards versus reality on Pocahontas Island. Tractor trailers come in around 6:30 a.m. every morning and were consistently there for about 12 hours. She explained that she and her brother measured every street on Pocahontas Island, which were all 22 feet wide. In the City Ordinance Article 3, Sections 33 through Section 28, it documented that industrial use roads were required to be 46 feet wide; residential uses should be 36 feet. She noted that the widest road on Pocahontas Island was Pocahontas Street, which was 30 feet wide. The current route by the treatment plant, coming down Sapony to Rolfe Street was 22 feet, not even half of what was required. She had provided photographs of the true conditions of the road.

Ms. Greene said that on an unrelated note, she was walking Appomattox River Trail with Mr. Williams, and noticed a man participated in public indecency on the trail. She noted that she had shared the man's license plate with Chief Christian and hoped to have a case number associated with this incident. She said that next, she wanted to mention the recent cleanup on the Appomattox River Trail, and she would like to extend her gratitude to Marquis Allen, who had a significant role in organizing this greatly successful collaborative effort between the City of Petersburg and the OCR Community Empowerment Group.

Vernel Gannaway, 652 Old Wagner Road, said that on October 16, his wife and he were involved in an accident, and he wanted to thank Officer Street, Captain Adams, and the Fire Chief for their kindness and assistance. Although they had just met him briefly before the accident, they were warm and welcoming, and their actions helped alleviate his wife's panic attack. He wanted to state on the record their good deed. He said that furthermore, he would like to bring attention to the ongoing issues in their community. Despite the change in leadership, with three new City Council Members, they still had the same problems, such as the issues with drainage.

Mr. Gannaway reiterated that the promised repairs had not been completed, and the last drain cleaning was eight years ago. When heavy rain occurred, water flooded into his property, and in some cases, it also affected the adjacent property. He added there was an easement on his property, and trucks came to use it for electrical and cable work, which also damaged his cement. He said that he wanted something done about it in a reasonable amount of time. He said he was glad to see so many Peabody alumni present tonight; the educators in Petersburg had made a significant positive impact on many people's lives and he believed they should continue that legacy.

Kara Stevens, 226 Rolfe Street, said she wanted discuss beautifying the area over on her Naked Woods in Ward 4, specifically the area used for 4th of July events, as well as the Grapes and Hops event last year. She said that the water had receded from part of the area, which revealed a disturbing amount of trash.

Ms. Stevens said that during the summer months, the trash reeked, and she would like to continue bringing activities to Pocahontas Island while ensuring the area looked presentable and reflected the kind of community she wanted to be in. She said that she would also like to bring up the issue of the house at 712 Logan Street, which was supposed to be demolished in October or November, but remained standing. It was not only an eyesore but also a potential hazard.

Ms. Stevens said that finally, she would like to discuss the Roper site, where some of the infrastructure had started to come down, but people were still hanging out there. She was concerned that they needed to find ways to make this area more significant and meaningful, while also addressing the debris and potential safety issues. She said that considering the recent information regarding how the roads there were smaller than the ordinance allowed, she was wondering what could be done about this issue.

**10. BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL**

Council Member Cuthbert asked Mr. VanVoorhees to display the older photograph of 938 Rosewood Terrace. He explained that this was known among his constituents as the "Redskins House", due to its color scheme. The house looked this way when he joined Council in 2017, and there had been repeated requests for the City to resolve the aesthetic issue. He said that finally, it was being repainted and renovated; it was no longer an embarrassment to the neighborhood. He thanked Mr. Miller for his leadership in this initiative, which had clearly led to positive changes. He believed the neighborhood was better off due to Mr. Miller's efforts and those of his team. He reiterated his gratitude to Mr. Miller and his team for this significant achievement in improving the neighborhood and community.

Council Member Cuthbert said that the next photograph was of 112-114 North Crater Road. The owner or business operating on this property had submitted a special use permit application about a year ago, on January 16, 2024, which the City had unanimously denied. The special use permit was for a stand-alone used car facility at this location at Blandford in the 4th Ward. He expressed his concern over the activities at this address, which went against the City Council's ruling on the special use permit and negatively impacted the neighborhood. He requested Mr. Miller please make a note of this issue. He said that additionally, there was a sign out front that said rezoning pending, which he did not understand.

Council Member Cuthbert asked Mr. Miller to explain Ms. Stevens' reference to the house on Logan Street. He said that it was in a state of disrepair and had no realistic future due to ineffective code enforcement over a decade. He asked what the planned timetable was for demolishing that house.

Mr. Miller said that he did not have an exact date, but he anticipated it would be within the next two weeks. He thanked Mr. Williams and his staff for expediting the process of issuing the code enforcement letter, which had enabled them to move forward with the demolition.

City Attorney Williams said that he did not have any further details, but Code Enforcement staff could tell him the timeline for demolition.

Council Member Jones thanked everyone for attending the meeting tonight, especially the Peabody alumni in the audience. He said that he understood that constituents had raised a variety of concerns, and he agreed that many issues had been outstanding for too long. While these issues did not resolve themselves overnight, it was no excuse for them to never get done.

Council Member Jones asked Council to apply more pressure, particularly on the City Manager. He said that he needed to prioritize their issues in their wards, and that responsibility fell on all of them. He said that he was aware that they had drainage and lighting issues at that location. He said that they must prioritize and apply pressure to resolve these issues. He said that they needed to make sure that everyone involved, including department heads, was aware of what was necessary and took action.

Council Member Westbrook said that he would like to extend a happy Women's History Month greeting to all the women in the audience, as well as the women of Petersburg and the nation. He would also like to take a moment to recognize the women in his life, including his mother, Elizabeth Westbrook, who raised him. There were many women seated in the back of the room who had made a positive impact on his life. He expressed his appreciation for their hard work and dedication to the City and its youth. He hoped they would continue to do great things.

Council Member Westbrook stated that secondly, he would like to address the upcoming speech and debate showcase at Petersburg High School. The debate showcase would take place tomorrow at 3:00 p.m. sharp at the high school auditorium. He was particularly excited about this event, as it highlighted the talents of three students: Ms. Taylor Thomas, Ms. Kayani Donahue, and Mr. Justice Moore. Two of these students would be competing nationally in June, and all three would be competing at the state level next weekend. He encouraged everyone to come out and support these young students.

Council Member Westbrook thanked the Arts Council and anyone else involved in the District Fine Arts Festival, which took place at Petersburg High School last Saturday. The festival featured artwork from students across the district, and he was grateful for the hard work and dedication that went into making it happen. It was great to see the arts initiative in action, and he firmly believed that the arts could be a valuable way for people to learn and express themselves. As someone who traveled frequently, he had noticed the impact of the arts on communities across the country, such as the public murals and sculptures around Washington, D.C. He was committed to continuing to support the arts in their students and City, and he would like to thank Council Member Myers for starting the Arts Council.

Council Member Westbrook said that his fourth point was that spring began on Thursday, March 20 at 5:01 a.m., which meant the grass would start to grow. He encouraged everyone to start cutting their grass, encouraging their neighbors to do the same, and maintaining their yards with mulch, flowers, and gardens. He said that as they entered the new year, he hoped they could all come together to beautify their City.

Council Member Westbrook said that his fifth point was that he had been looking for Friends Of the Lower Appomattox River (FOLAR) to make a presentation, and he would like to address the City Manager and request that FOLAR provide an update to the City Council on the progress of the trails project and the pavement on their side of Patton Park, because the bridge that was supposed to be built over that area. He said there was a lot of upcoming projects that would affect Pocahontas Island; it was supposed to extend all the way from Dinwiddie to Hopewell.

Council Member Westbrook said that his next point was to acknowledge the spiritual community in the audience. As a Christian, he also celebrated Ramadan. He said that he believed this was an opportunity to deepen their connection with God. He said that he hoped God was blessing their City, given their high density of churches.

Council Member Westbrook said that his final point was to continue working hard with the City Manager to address the issue of single-use plastic bags, which caused a significant amount of trash and litter, ultimately requiring taxpayer monies to clean up. He proposed that the City Manager's Office explore imposing a \$0.05 bag tax, which was the maximum allowed in Virginia, as they approached the budget season for Fiscal Year 26. Their community deserved to live in a clean and healthy environment, and a \$0.05 bag tax was a small step with a significant impact. It was a tool that had proven effective in other localities, and he hoped it would be successful here in Petersburg, Virginia.

Council Member Myers said that he had nothing to report at this time, but wished everyone a good evening.

Council Member Smith-Lee extended a special shout-out to Peabody alumni. She also offered her sincerest congratulations to Tanya Brown and Tara Cosby, who have graciously agreed to assist her in Ward 6 community endeavors. Additionally, she would like to extend her appreciation to Allie Jones and Naomi Jackson for their dedication to community service, particularly in supporting young children in their community.

Council Member Smith-Lee asked that everyone continue to pray for their government, especially those who have lost their jobs with the federal government. Losing a job could have a ripple effect on everything in one's life. She said that those who were facing this challenge were just one or two paychecks away from financial instability, especially those taking care of their families. She asked everyone to please pray for them.

Vice Mayor Hill noted that the Chair of the School Board, Ken Pritchett, had explained to him that he would have been glad to join today's meeting, but had been told he did not need to be in attendance. However, he would like to clarify some points. Their school currently has a partnership with Virginia State University through the Hero Program. They have students and teachers from Virginia State working with them, and university staff members evaluate their student teachers. He said that this year, the Cameron Foundation provided them with funds to help their teachers obtain certification.

Vice Mayor Hill said that additionally, Virginia Commonwealth University (VCU) has a teacher residency program in their schools, where teachers are working on their master's degrees. They are also paying for their professional licensed teachers to participate in the I-Tech program, which assists them in becoming licensed teachers. He said that Mr. Pritchett had sent him this message because of the

concerns raised by Council during the earlier school funding item. While they do have some initiatives in the pipeline, he wants to assure everyone that they are indeed in partnership with Virginia State and other surrounding schools.

Vice Mayor Hill said that he would like to take a moment to express his gratitude to Ms. Joanne Williams, their Public Information Officer, who has done an outstanding job in capturing the activities and events in Petersburg. He would also like to thank her for her efforts in removing over 30 signs from the right-of-way area in the City. He had previously asked Public Works to address this issue, and while they have made some progress, they still had work to do.

Vice Mayor Hill said that the issue of litter was a persistent one, and they must continue to strive for improvement. He said that while he would continue to ensure Public Works was aware of the issues, they as citizens must also take responsibility for their own actions. He said that he was also aware of the drainage issues that continued to be of concern and they needed to find a more effective solution. He said that he sympathized with Mr. Gannaway because he knew he had been dealing with the flooding for a very long time. He said that he would ask Public Works what they could do to resolve the issue.

Vice Mayor Hill wished everyone a Happy Women's History Month, International Women's Day, and hoped God blessed all of Petersburg's citizens.

Mayor Parham thanked Joanne and Ella for their efforts in producing a wonderful newsletter. He said that it had become a valuable resource for the community, and he felt it was now comparable to a City newspaper. Recently, he had a neighbor stop by his yard while he was doing yard work and tell him how informative and enjoyable the newsletter is. Their newsletter had grown to 10 pages, and he was pleased to see it was packed with a wide range of information. The latest issue was available, and they would continue to share updates on the good news happening in their City.

Mayor Parham said that they had had several ribbon-cutting ceremonies, and their next one was scheduled for Thursday at 3:30 p.m., celebrating the opening of the vegan restaurant, NuVegan. He said that he was also hosting a ward meeting with School Board Chair Ken Pritchett on March 24 at 6:00 p.m. at Vernon Johns, to discuss school funding and some of the concerns raised tonight regarding the schools. He said that he would reserve the rest of his time to Council Member Westbrook, if he would like to add anything.

Council Member Westbrook clarified that the reason he abstained from the vote earlier was because he was very passionate about the school system, and working with the schools for five years and having a daughter in the schools currently meant he felt very attached to the schools' operations. He expressed his support for funding the schools; however, he explained that he felt he must abstain from the vote because he needed some specific assurances from the School Board and Superintendent.

Council Member Westbrook emphasized that they were looking at multiple avenues for revitalizing Petersburg, but they would see no results if they did not empower their children and ensure they had quality education that will lead to fulfilling careers. He was not trying to be overly critical, but he wanted to see tangible improvements. His previous speech during the earlier public hearing was not said with the intention to criticize or catch them off guard. He reiterated that he would be happy to share the questions and answers from himself and the School Board as part of the public record.

**11. ITEMS REMOVED FROM THE CONSENT AGENDA**

There were no items under this portion of the agenda.

**12. FINANCE AND BUDGET REPORT**

Department of Finance Monthly Update

Garry Cozier, Budget Manager, said that this item included budget to actuals and an earned interest update. He said that provided was some information on their departments. Overall, they were still on track, with 67% of the year gone and 63% of the total budget spent in the General Fund. Looking at the other funds, many were supported by grants and other sources, which may not trend in the same way as the General Fund over the course of the year, but they were still in a very good position.

Mr. Cozier said that regarding their earned interest update, for their local government investment pool, they had earned \$1.2 million to date. He said that additionally, their interest-bearing sweep account had earned \$302,519, bringing the total to \$1.5 million in earned interest. He noted their projection for this year was \$1.4 million, and they had already surpassed that, so they were doing exceptionally well.

Vice Mayor Hill said that he wanted to know the process regarding the Budget Department's role in issuing or collecting real estate taxes, as opposed to the Commissioner of Revenue.

Mr. Cozier said that he was in the Finance Department, but as Budget Manager, he did not handle collections.

Vice Mayor Hill expressed concern that their customer service in the department could be improved. He stated that it had been brought to his attention that staff had not assisted their residents as well as they should have, and in fact had been disrespectful at times. He reiterated that it was unacceptable for any City staff to be disrespectful or unhelpful to citizens.

**13. UNFINISHED BUSINESS**

There were no items under this portion of the agenda.

**14. NEW BUSINESS**

Consideration of an Ordinance Authorizing the City Manager to Execute the Commercial Lease Agreement Between The Wilds LLC and the City of Petersburg for the Property Located at 277 River Street, Petersburg, VA

Brian Moore, Director of Economic Development, stated that this item is a request to lease the field at the harbor for the Armed Forces event. He said that they had been advised that this was a requirement by ordinance. He said that this would enable them to host the entire event within the field area, without crossing the railroad tracks. He said that they would have all necessary amenities, including bathrooms and vendors, and would feature performances by Roberta Lea and a couple of other bands. He said that staff was respectfully seeking Council's support for this item.

Vice Mayor Hill made a motion to approve the Ordinance Authorizing the City Manager to Execute the Commercial Lease Agreement Between The Wilds LLC and the City of Petersburg for the Property Located at 277 River Street, Petersburg, VA. Vice 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.

Resolution Requesting the Commonwealth Transportation Commissioner and VDOT Convey the Title to the Rights-of-Way Within the Corporate Limits of said City to the City Council of Petersburg

Brian Copple, City Engineer, stated that before Council was a resolution that was required by Virginia Department of Transportation (VDOT) to convey some right-of-way at 1161 Wagner Road, which would facilitate the construction of the data center. He said that this resolution would allow the City to retain the emergency access easement and the utility easement, while the data center owner would be the property owner. He said that this paper marked the beginning of the process for VDOT to transfer the right-of-way back to the City.

Council Member Cuthbert asked when the utility easement would be presented to Council.

Mr. Copple said that when VDOT dedicated the right-of-way to the City, they would work with the Planning Department as part of the development agreement for the data center to dedicate the right-of-way to the developer, and then the City would request the easement.

Vice Mayor Hill made a motion to approve the Resolution Requesting the Commonwealth Transportation Commissioner and VDOT Convey the Title to the Rights-of-Way Within the Corporate Limits of said City to the City Council of Petersburg. Council Member Jones 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.

Resolution Expressing the Concurrence of the City Council of the City of Petersburg with the Inducement Resolution Adopted by the Economic Development Authority of Henrico County, Virginia and Approving the Issuance of Revenue Bonds for the Benefit of Southside Regional Medical Center

Mr. Moore said they had the pleasure of hosting Ms. Erin Sutton from Dinsmore & Shohl, who represented Bon Secours Mercy Health and would provide a brief overview of the specifics of this matter and address any questions Council may have.

Erin Sutton said that she was from Dinsmore and Shohl, serving as bond counsel on this transaction. She stated that Bon Secours Mercy Health was a 501(c)(3) non-profit health system with facilities in the Richmond and Hampton Roads markets, including Southside Medical Center here in Petersburg. In accordance with their Board-approved plan of finance, Bon Secours had requested that the Economic Development Authority of Henrico County issue revenue bonds. The proceeds of these bonds would be used to refund prior outstanding debt, reimburse themselves for prior capital expenditures, and fund planned capital improvements at their healthcare facilities throughout the state.

Ms. Sutton said that on February 27, a public hearing was held by the Petersburg Economic Development Authority, pursuant to Section 147(F) of the Internal Revenue Code, which required that they hold a public hearing to obtain a tax exemption on these qualified 501(c)(3) bonds. They had held a public hearing, also known as a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing, after publishing notice in the Richmond Times Dispatch on February 20. The concurring resolution before Council tonight served two purposes. Firstly, under federal law, they needed their approval as the City Council to obtain the tax-exempt status on these bonds, as defined by the tax code. Secondly, under state law, they required a concurring resolution, which was mandated by the Industrial Revenue Act, as Henrico County was issuing the bonds.

Ms. Sutton stated that therefore, they needed Council approval to allocate some of the bond proceeds within the City of Petersburg. The portion of the bonds allocated to Southside Regional Medical Center was estimated not to exceed \$20 million, covering capital projects from the past three years and potentially future projects over the next two years. They aimed to secure all local approvals by the end

of March. She noted that these were conduit revenue bonds, and the debt service on the bonds was secured only by the funds and revenues of Bon Secours. She clarified that these would not constitute debt or general obligations of any political subdivisions, including the City of Petersburg or the Petersburg Economic Development Authority.

City Attorney Williams asked why these bonds were being issued by the Henrico Economic Development Authority instead of the Petersburg Economic Development Authority.

Ms. Sutton replied that Bon Secours is a significant health system, and at this time, their plan of finance involves issuing bonds in three different states simultaneously. She said that they are also financing in the Republic of Ireland at the same time. She said that in Virginia, the health system is financing capital expenditures at 11 different locations. She said that to accommodate this, they cannot have 11 different issuers of the bonds; therefore, they were using Henrico Economic Development Authority, as the majority of their project is taking place at St. Mary's.

Mayor Parham opened the floor to public comment. Seeing no speakers, he closed the floor to public comment and the matter rested with Council.

Vice Mayor Hill made a motion to approve the Resolution Expressing the Concurrence of the City Council of the City of Petersburg with the Inducement Resolution Adopted by the Economic Development Authority of Henrico County, Virginia and Approving the Issuance of Revenue Bonds for the Benefit of Southside Regional Medical Center. Council Member Jones 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.

**15. CITY MANAGER'S REPORT AND SPECIAL REPORTS**

Mayor Parham stated that unfortunately, City Manager Altman was unwell and could not attend tonight's meeting. He asked if Mr. Miller had anything to report.

Mr. Miller said that on behalf of the City Manager, he said that he would like to express his gratitude to all City employees who stayed and demonstrated their commitment to their City. He thanked Council for their leadership and hoped they would move forward positively.

**16. BUSINESS OR REPORTS FROM THE CLERK**

Tangi Hill, City Clerk, stated that she had no report this evening.

**17. BUSINESS OR REPORTS FROM THE CITY ATTORNEY**

Anthony Williams, City Attorney, said that he had no report this evening.

**18. ADJOURNMENT**

Mayor Parham made a motion to adjourn. All members of the Council present voted in the affirmative. Meeting adjourned.

The City Council adjourned at 8:15 p.m.

The work session meeting of the Petersburg City Council was held on Tuesday, November 19, 2024 at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:00 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/320738>.

**1. ROLL CALL:**

Present:

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  
Arnold Westbrook, Jr., Councilor – Ward 7

Absent:

Annette Smith-Lee, Councilor - Ward 6

Present from City Council Administration:

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

**2. PRAYER:**

Vice Mayor Hill led the Council meeting in prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led the Council and the citizens in the pledge of allegiance.

**4. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was present.

**5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATION**

a. Richard Bland College to Transition to an Independent Governance Structure.

Mayor Parham read a proclamation recognizing Richard Bland College's transition to an independent governance structure. Mr. Terrell Robinson accepted the recognition.

b. 2nd Accreditation Award to the Petersburg Bureau of Police from the Virginia Law Enforcement Professional Standards Commission (VLEPSC) and the Virginia Law Enforcement Accreditation Coalition (VALEAC)

Todd Clingenpeel, program manager for the Virginia Law Enforcement Professional Standards Commission, recognized the Petersburg Bureau of Police for its accreditation award.

c. Recognition of Petersburg Fire Department (Francis Road Fire)

City Council recognized the Petersburg Fire Department, specifically for their response to a recent structure fire on Francis Road.

d. Recognition of the City Manager and Finance Team

City Council recognized the City Manager and Finance Team for the Standard & Poor's upgrading of Petersburg from an A+ to an AA general obligation bond rating.

**6. RESPONSES TO PREVIOUS PUBLIC INFORMATION POSTED**

Mayor Parham stated that there were no items under previous public information posted.

**7. APPROVAL OF CONSENT AGENDA (TO INCLUDE MINUTES OF PREVIOUS MEETINGS):**

a. Minutes of Previous Meetings:  
November 6, 2024 Closed Session

b. First Reading and Schedule a Public Hearing on an Ordinance to Amend the City Charter to Add Section 2-1.2 to Provide for Non-Partisan Elections of Members of Council

c. First Reading and Schedule a Public Hearing of an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes

d. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs

e. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Alternative Financial Institution/Short-Term Loan Establishment and Small Box Discount Store Uses Within the City

f. First Reading and to Schedule a Public Hearing to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Tire Sale and Service Uses Within the City

g. First Reading and to Schedule a Public Hearing for the Consideration of an Ordinance to Amend and Reenact Section 86-31, Limitation on the Number of Pawn Shops, Article II - Pawnbrokers, and of Chapter 86, Secondhand Goods of the Petersburg City Code

h. First Reading and Schedule a Public Hearing for Consideration of an Appropriation/Grant from the VA Department of Housing and Community Development (DHCD)/Main Street Program

Vice Mayor Hill made a motion to approve the Consent Agenda as presented. 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

**8. OFFICIAL PUBLIC HEARINGS**

a. A Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding

Mayor Parham opened the public hearing and asked if there were members from the public to speak on the ordinance for state aid to public libraries additional funding. Seeing none, the Mayor closed the public hearing.

Vice Mayor Hill made a motion to approve the ordinance as presented. 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

b. A Public Hearing for Consideration of Acceptance & Appropriation of Funding from the Virginia Department of Criminal Justice Services for the 2024 Operation Ceasefire Grant

Mayor Parham opened the public hearing and asked if there were members from the public to speak on acceptance and appropriation of funding from the Virginia Department of Criminal Justice Services or the 2024 Operation Ceasefire Grant. Seeing none, the Mayor closed the public hearing.

Vice Mayor Hill made a motion to accept and authorize appropriation of funding for the 2024 Operation Ceasefire Grant. 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

c. A Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department

Mayor Parham opened the public hearing and asked if there were members from the public to speak on acceptance and appropriation of funding for the FY25 Cameron Foundation Grant for the Recreation & Leisure Department. Seeing none, the Mayor closed the public hearing.

Vice Mayor Hill made a motion to accept and authorize appropriation of funding for the FY25 Cameron Foundation Grant for the Recreation & Leisure Department. 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

- d. Public Hearing of an Ordinance to Rezone Property at 1425 and 1525 Youngs Road and 1819 and 1827 Boydton Plank Road, Parcel IDs 051070002, 051070001, 051070802, and 051070023, from the R-1 Single-Family Residence and B-2 General Commercial Districts to the RTH Residential Townhouse District

Director of Planning Naomi Siodmok presented the staff report for rezoning at Young's Road and Boydton Plank Road. She explained that the properties are looking to rezone to the Residential Townhome District, covering about 11 acres and proposing 99 townhomes with 198 parking spaces.

She noted the current zoning is R1 Single Family and B2 General Commercial.

Ms. Siodmok stated that there were no proffers included in this request, and she illustrated that the surrounding area is predominantly single-family residential. She pointed out that the proposed development does not comply with city code setbacks, architectural treatments, sidewalk requirements, and street lighting. She said there are significant concerns about the loss of trees and green space.

Ms. Siodmok highlighted that Public Works had concerns about street layout, fire access, and maintenance. She mentioned the project does not conform to the comprehensive plan, which focuses on walkable, compact development with amenities and services.

She stated that the concept plan shared with Council is not tied to this project, nor is the number of units. She said that the applicant's rezoning would be Residential Townhome District, and they would be allowed to do whatever is within that zoning designation—which was townhomes up to 12 units per acre. She shared that the staff recommended a Planned Unit Development (PUD) for more flexibility. Ms. Siodmok provided a timeline of feedback given to the applicant, noting the applicant requested to proceed despite these concerns.

She stated that staff recommended denial, but the Planning Commission approved without proffered conditions. Ms. Siodmok emphasized that no proffers tie the development to the presented concept plan or floor plans. She concluded by providing sample motions for approval, denial, or amendment, and invited any questions..

Mayor Parham opened the public hearing.

Gary Talley, 2323 Fort Rice Street, stated that this proposal did not conform to the comprehensive plan, which they spent a lot of time and money on, and he did not think they should make an exception.

There being no further public comment, the Mayor closed the public hearing.

Council Member Jones expressed appreciation for Ms. Siodmok's explanation of proffers and what they provide, and he appreciated what Mr. Talley said in reference to the comprehensive plan but did not think this area was actually included in the plan.

Council Member Cuthbert asked if the development of these tracts would cost the City anything.

Ms. Siodmok responded that there was probably already water and sewer provided here, but Public Works wanted to know the potential costs of maintenance and whether this would be a public or

private street. She also said that sidewalk, curb, and gutter would be required for the internal streets within the development, which is required by City code.

Mr. Altman said that if it was a public street, the City of Petersburg would have to maintain it—and that was not addressed in the application.

Council Member Cuthbert asked if there could be a proviso that the applicant be responsible for that maintenance.

Ms. Siodmok said that it may be beneficial to defer this and address that with the applicant, so that conditions could be included that would address that.

Council Member Cuthbert stated that he liked that idea, and he said that Council had received a letter from a Mr. Mason stating that his family owned an adjacent or neighboring property and was opposed to this development, which was one of the reasons staff was against this. Council Member Cuthbert said that he drove out to this site and tried to envision what townhouses would look like on the adjacent piece of land, and he came up to the same conclusion as staff that the scale did not conform to the surrounding community character. He confirmed with staff that an option would be to defer this to their December meeting to ensure that the applicant's proposal is in line with the comprehensive plan.

Council Member Cuthbert made a motion to defer this item to their December meeting so the applicant could work with staff on a proposal that was in better conformance with the comprehensive plan. Council Member Westbrook seconded the motion.

Mayor Parham asked if the developer could address the Council, and he wasn't sure why this was before them if staff hadn't discussed this and vetted it with the applicant.

Mr. Williams suggested that they follow Ms. Siodmok's recommendation, as Virginia statutes require that proffers be voluntary, and they didn't want to get in a situation where Council was asking for specific things from the applicant.

Ms. Siodmok said that they had this discussion with the applicant, and he chose to move forward without addressing those concerns.

Council Member Jones emphasized that Council started the year by delaying decisions and expressed his determination not to end the year in the same manner. He acknowledged the presence of trusted developers and reiterated that Council should not continue to delay progress. He said that proper maintenance of the streets was necessary and highlighted past discussions on the matter and emphasized the importance of development. He pointed out the current state of Lincoln Street, where everything was in disrepair, and emphasized that development was vital. He stated that Council had the power to facilitate development, and there were people willing to invest in the City so they should not drive away potential developers.

Council Member Jones made a substitute motion to approve the ordinance to rezone 1425 and 1525 Youngs Road and 1819 and 1827 Boynton Plank Road, Parcel IDs 051070002, 051070001, 051070802, and 051070023, from the R-1 Single-Family Residence and B-2 General Commercial Districts to the RTH Residential Townhouse District.

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

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

Council Member Cuthbert stated that they needed to be calm and deliberate in their discussions and not yell into the microphone to make a point.

Vice Mayor Hill commented that the developer should continue to work with staff on this proposal.

- e. A Public Hearing of an Ordinance for a Special Use Permit for a Vehicle Removal Operator and Associated Vehicle Storage and Tow Lot on Property at 1700 Midway Avenue, Parcel ID 028310001, in a M-1, Light Industrial District

Ms. Siodmok explained that the applicant seeks to operate a tow and vehicle storage lot at 1700 Midway Avenue, which is allowed with a special use permit in an M1 industrial zone. She noted that the Planning Commission approved the request in January, but the City Council had denied it. Ms. Siodmok mentioned the project now includes additional conditions. She presented current site photos and discussed the comprehensive plan's vision for the area to include hospitality, commercial, personal services, and small-scale manufacturing. Ms. Siodmok emphasized the area should be more walkable and vibrant, with pedestrian and bicycle infrastructure.

Ms. Siodmok detailed the conditions, including storing vehicles within a fenced area with opaque covering, limiting storage to 25 vehicles, and maintaining a clean site. She said that evergreen trees at least six feet tall must be planted along the southern property visible from West Washington Street. She specified that lighting must be inward-facing and not spill over onto other properties. She stated that parking spaces for recovered vehicles need to be striped, painted, and paved. Ms. Siodmok clarified that no vehicle repair, engine parts, or scrap metal would be allowed onsite.

She stated that the owner must notify the Zoning Administrator if a new owner takes over, ensuring compliance with the special use permit. Ms. Siodmok added that the City Council could revoke the permit for non-compliance. Ms. Siodmok reiterated that the use aligns with current zoning, though not the future land use map. She pointed out that manufacturing, distribution, and freight uses are allowed in the M1 district. She concluded by recommending approval with conditions, noting that the Planning Commission also recommended approval.

Mayor Parham opened the public hearing.

Mr. Darius Wyatt, the applicant, said that this was a small four-truck operation that would not be operated as a junkyard. He stated that this was his second special use permit, and the process was taking a toll on him.

Vice Mayor Hill made a motion to approve the ordinance for a special use permit for a Vehicle Removal Operator and Associated Vehicle Storage and Tow Lot on Property at 1700 Midway Avenue, Parcel ID 028310001, in a M-1, Light Industrial District, with the conditions as presented. Council Member Westbrook seconded the motion.

Council Member Cuthbert asked City Attorney Williams if the property would be into perpetuity if they approved this special use permit.

City Attorney Williams responded that it would continue and become the equivalent of a by-right use, and they could impose additional conditions.

Council Member Cuthbert asked if they could put a cap or an expiration date on the permit.

City Attorney Williams responded that it was not uncommon to include a “check status date” to determine whether the applicant remained in compliance with the conditions.

Council Member emphasized that they were in a new phase in Petersburg, and if a more upscale use were to be proposed for that property, it would be zoned into perpetuity as a vehicle storage lot—limiting their ability to use the property for something else.

City Attorney Williams said by limiting this, it would allow some room for other future uses.

Council Member Cuthbert made a substitute motion to modify the current motion to include a proviso that the permit come back before them in five years to evaluate whether this use is the right use for this piece of property. There was no second to the motion.

Vice Mayor Hill stated that his original motion was in effect, and it had a second. He commented that it was “crazy” for this to have to come back before Council every five years, and this applicant has gone above and beyond what has been asked of him. He said that if this applicant ceases to operate his business, it would come back before Council for any future usage. He stated that the comprehensive plan is fluid, and while it provides an overall aesthetic for how the City should look, it is ultimately up to the Council to decide what the uses are.

Mr. Williams clarified that the use would not expire, as it runs with the land. He stated that any future applicants could use the property for that same use without coming before Council.

Ms. Siodmok clarified that Condition #7 stipulates that the applicant would need to talk to the City to confirm that the use was the same.

The motion was approved on roll call vote.

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

- f. A Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses

Ms. Siodmok reported that staff would talk about regulating data centers, as there has been increased interest in these facilities in Petersburg, which are seen a lot in Northern Virginia and are now becoming more common in rural areas and small towns. She explained that they currently don't have the use listed in the zoning ordinance. She provided an example of such a facility, highlighting components like cooling equipment, secure fencing, and diesel generators for backup fuel storage. She emphasized the need to define "data center" per the code, specifying what is permitted by right and what requires a special use permit.

Ms. Siodmok shared the zoning map, indicating that industrial zones exist even in downtown areas. She mentioned that the biggest focus is protecting residents and green spaces, with considerations for noise, visual aesthetics, and more. She suggested a setback of 100 feet from residential properties or parks, a six-foot berm for noise mitigation, and specific planting requirements. She proposed a pre- and post-construction noise study to evaluate and mitigate noise issues. She said the recommendation is for no barbed wire or anti-intrusion fencing within 35 feet of the public

right of way in light industrial areas. She said that staff encouraged a closed-loop water reuse system to reduce water demand.

Ms. Siodmok said that Section 15.22-232 of the zoning ordinance says if any public facility, utility structure, or utility infrastructure is not identified in the comprehensive plan, that they have to come before the Planning Commission to make sure the location, character, etc. are compliant. She said that frequently, companies want to have a substation so they can pull more energy to their site. Ms. Siodmok noted the need to add a \$500 fee to the code for reviewing utility structures not identified in the comprehensive plan, covering advertising and notifications. She cited the comprehensive plan's support for attracting industry while emphasizing adequate infrastructure and environmental impact mitigation. She said that staff and the Planning Commission have recommended approval.

Mayor Parham opened the public hearing.

Leonard Curry, 2014 Woodland Road, stated that the Council did not do a lot of research before it made decisions. He said that data centers promised to be clean and beautiful—but public information indicated that places having these data centers find that they run 24/7/365 and people 10 miles away can hear the noise from them. Mr. Curry said that companies like Nvidia, one of the richest in the world, would run the City into the ground. He asked the Council to determine how much sound would be generated and how far the sound would go.

There being no further public comment, the Mayor closed the public hearing.

Council Member Myers made a motion for City Council to table this ordinance for further discussion. Council Member Jones seconded the motion.

Vice Mayor Hill stated that he and Council Member Westbrook had attended a conference with a class on data centers and the effects they have on the community. He said that people still think of the old original data centers, but they have come a long way and do not emit the noise they once did. He said they are “just big servers,” and for every dollar they make, they give about \$14 to the locality. He commented that data centers would be beneficial to the City, in the right location, but he was not opposed to tabling it for future discussion.

Council agreed to have the item come back on the January agenda rather than December to allow time for reading all of the information on regulations.

The motion was approved on roll call vote.

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

- g. A Public Hearing of an Ordinance to Amend and Readopt Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Administrative Clarifications on Development of Contiguous Nonconforming Lots Under Common Ownership and Requirements for Public Notice

Ms. Siodmok said that she would discuss a few items in the zoning ordinance that are outdated or unclear, and her report would focus on amending those items. Ms. Siodmok noted that one of these items is ensuring conformance with the state code regarding noticing and advertising requirements. She mentioned that they need to clarify language related to the development of nonconforming lots, which may not have the proper width or area. Ms. Siodmok highlighted current processes for zoning

ordinance changes, including rezoning, require public hearing and advertisement. She clarified that these processes involve reaching out to property owners and posting signs.

Ms. Siodmok proposed referencing state code for advertising and noticing adjoining property owners. She suggested sending notices via certified or first-class mail, depending on the number of parcels involved, as this could lead to significant cost savings. She emphasized the importance of ensuring notices to adjoining localities and military installations are done as required by state code. She said that staff recommended posting signs 10 days prior to the first hearing for rezoning or special use permits to ensure timely and accurate sign postings. Ms. Siodmok recounted an issue when they ran out of signs, which led to readvertising and restarting the process.

Ms. Siodmok explained the difficulties in comprehending a sentence related to contiguous non-conforming lots owned by the same person. She said that the original proposal was to delete this sentence, allowing single-family home development on lots that do not meet width or area requirements. She shared examples of homes developed under this interpretation, including properties at 11 Shaw Street, 520 Shaw Street, and 824 and 820 Rome Street.

Ms. Siodmok presented key changes, including noticing requirements referencing state code and clarifying language about non-conforming lots. She mentioned concerns raised by Council members and cited a map presented by a gentleman during a Planning Commission meeting. She indicated that parcels could be made up of smaller lots, which was mostly seen in R-1 zoning districts. She noted that contiguous non-conforming lots under common ownership must be consolidated to become less non-conforming. Ms. Siodmok suggested keeping the sentence for R-1 zoning districts but removing it for R-2 and R-3 districts.

She said that staff recommends approval of the latest text amendment and invited questions from Council members.

Mayor Parham opened the public hearing.

Michael Packer, 1245 Woodland Road, stated that he was in favor of the alternate proposed amendment to Article 25, Section 3.6 of the ordinance, which would remove the restriction on development of undersized same-owner contiguous lots in the R-2 and R-3 districts but maintain the restriction in the R-1 districts.

Leonard Curry, 2014 Woodland Road, stated that he supports the alternative. He noted that he is a member of the CDBG Advisory Committee, which is working on the five-year plan that HUD required the City to have to continue receiving CDBG funds.

Rick Maddox, 1570 Westover Avenue, stated that subdividing these lots does not make them better, as one of the gems of the City is Walnut Hill. He emphasized that they don't need to subdivide into 25-foot lots in their prime neighborhoods, and he would like to keep them the way they are.

Winston Sanders, 1221 Woodland Road, stated that he moved here 10 years ago from Chesterfield and loves the City and can't imagine them doing anything other than to continue to move it forward. He said that he agreed with Mr. Packer and asked Council to exercise some patience, as good things would come.

There being no further public comment, the Mayor closed the public hearing.

Council Member Jones expressed his support for the idea of diverting and having districts with 25-foot lots, emphasizing the importance of not dividing major neighborhoods. He acknowledged the patience needed and recognized the many men and women in the City who dreamt of becoming homeowners. He mentioned people stuck in the projects without programs to help them develop into homeowners and taxpayers. He commended proposals that had the potential to revitalize areas like Lincoln Street and channel people from places like Pecan Acres and Penn Oaks into building homes if their credit is good. He noted the shift in perception, with people now considering moving to Petersburg. Council Member Jones concluded by expressing his happiness and his love for the City, acknowledging the collective effort in moving it forward.

Mayor Parham made a motion to approve the ordinance to amend Article 25–Supplementary Height, Area, Bulk and Design regulations, and Article 28 changes and amendments as set forth in the zoning ordinance of the City of Petersburg pertaining to administrative clarifications on development of contiguous non-conforming lots under common ownership and requirements for public notice. He clarified that they were approving Exhibit A, Page 5 of 8 [Page 357], unless such loss is within an R-2 or R-3 district. This section would not apply to contiguous non-conforming lots under common ownership, lots under common ownership shall be consolidated to the extent possible to become, at a minimum, less non-conforming.

Council Member Cuthbert 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

**9. PUBLIC INFORMATION PERIOD**

Leslie Hayden stated that the FCC had approved a tower for radio broadcast at 101.5 FM, which would be located at 1013 Upper Appomattox Street and would have a 20-mile radius coverage. Ms. Hayden stated that the station would be a valuable resource for reliable and valuable information, stating that they were still seeking location and funding.

Michael Packer, 1245 Woodland Road, congratulated Council members from wards 2, 4, and 6 on their reelection. He also thanked the Mayor, Council members, and City Manager and his staff for their persistence in securing the casino for Petersburg, which received 81% on the referendum.

Marlo Green, 301 Rolfe Street, thanked Council for their support of Bypass Road on Pocahontas Island, and she requested an update on DCR's concerns regarding the floodplain. Ms. Green also mentioned the trees on City-owned property at 343 Magazine Road, which could potentially conceal criminal activity, including illegal dumping already taking place.

Mr. Bobby Beverly, 2305 Dundee Drive, stated that there were two incidents brought to his attention on election day, including one at Good Shepherd Elementary School, where there were improper procedures attempting to persuade voters, and another at Good Shepherd Baptist Church, where constituents said he wasn't a resident of Petersburg.

**10. BUSINESS OR REPORTS FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL**

The Mayor wished Council Member Cuthbert a happy birthday.

Council Member Cuthbert thanked him and also thanked the citizens of Ward 4 for reelecting him, stating that the City would be on a new path with the opening of the casino. He also said that he would

like a new elementary school to be the next large capital project undertaken by the City, asking Mr. Altman how to get the ball rolling with that.

Mr. Altman stated that they would need to coordinate with the school system and have conversations with the School Board and Superintendent. He said they had a few issues there currently, but they could look at their capacity to manage the project and what assistance from the City would be needed. He stated that they have planned for the construction of a new school with their initial bond issuance in 2023 for \$30 million, which they applied for the state literary loan fund. He noted that they were approved to access those funds but needed to have plans, and the school system received a \$15 million grant to allow them to move forward with plans. He said they were working with Davenport on a long-range plan, and staff could bring that back to Council for discussion and prioritization.

Council Member Cuthbert also recognized Delta Sigma Theta alumni volunteers for their involvement in the Adopt-a-Street program, which included picking up trash.

Council Member Jones wished Council Member Cuthbert a happy birthday and said even though they sometimes had disagreements, they went right back to work. He echoed Council Member Cuthbert's support for a new school, stating that their responsibility is to their children and adding that the adults in the community needed to be a good example for youth in the community.

Council Member Westbrook congratulated Omega Psi Phi fraternity on their 113-year anniversary. He also announced that Coach Terry Smith was holding her second speech and debate tournament at Petersburg High School on December 14, with 30–40 schools coming to the area. He said that she needed community judges to volunteer for 3–4 hours and listen to the youth proceed with their debate forensics, noting that as Council Member Jones had said, it's important to be able to share differences. He also mentioned upcoming sports events and the Thanksgiving Holiday.

Council Member Myers wished everyone a joyous and happy Thanksgiving holiday.

Vice Mayor Hill thanked everyone who voted and voted for him—with a 30% margin that was one of the highest in the City's history.

Mayor Parham congratulated fellow Council Members for their reelections, including Council woman Annette Smith-Lee, who was not present at the meeting, and thanked them for all the work they were doing to move the City of Petersburg forward. He recognized Parks & Recreation staff for the wonderful Veterans Day program they had held in this room, with soldiers from Fort Lee present. He wished everyone a happy Thanksgiving and mentioned the December 7 Christmas parade.

**11. ITEMS REMOVED FROM CONSENT AGENDA**

There were no items removed from the Consent Agenda.

**12. FINANCE AND BUDGET REPORT**

There were no items under this portion of the agenda.

**13. UNFINISHED BUSINESS**

**a. Consideration of Appointment to the Petersburg Arts Council**

Council Member Myers made a motion to approve the slate of appointees to the Petersburg Arts Council. 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

b. Consideration of Appointment to the Community Development Block Grant (CDBG) Citizen Advisory Board

Vice Mayor Hill made a motion to approve the slate of appointees to the Community Development Block Grant (CDBG) Citizen Advisory Board. Council Member Cuthbert 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

c. Consideration of Appointment to the Planning Commission

Vice Mayor Hill made a motion to approve the slate of appointees to the Planning Commission. Council Member Cuthbert 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

d. Consideration of Appointment to the Petersburg Redevelopment Housing Authority

Council Member Myers made a motion to approve the slate of appointees to the Petersburg Redevelopment Housing Authority. Vice Mayor Hill 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

**14. NEW BUSINESS**

a. Presentation of the 2025 Legislative Agenda

Ms. Joanne Williams stated that the agenda was shorter than usual, but at the top of the list was Poor Creek, with material and labor costs having increased to make that request \$10 million additional. She stated that the request for the Life Sciences Workforce Training Facility was a new project request for \$25 million. She also said that a charter change would be reviewed at the next meeting as a public hearing item, and the other items were the Oak Hill Bridge and JLARC study on 599 funds.

Council Member Jones asked why they had to wait on the \$4 million for the Oak Hill bridge, as the City Manager Altman responded that he has a plan to get it to Council earlier, and they requested state funding as a first source but would enact a backup plan if that did not get awarded. He clarified that he did not have an exact timeframe for the temporary bridge order, but staff would have something for Council's approval in the first quarter of 2025.

City Attorney Williams noted that there were two charter amendments for Council to consider, not just the one that was listed.

Vice Mayor Hill made a motion to approve Richard Bland College for independent governance. Council Member Myers 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

Vice Mayor Hill made a motion to approve the legislative agenda to approve the 2025 legislative agenda to include adding the non-partisan election. Council Member Myers 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, Hill, and Parham; no: N/A; Abstain: N/A; Absent: Smith-Lee.

**15. CITY MANAGER’S REPORT AND SPECIAL REPORTS**

City Manager March Altman congratulated Council for their S&P bond rating, which moved to an AA rating. He recognized Mr. Glasner and Finance staff for an outstanding job.

Council Member Cuthbert asked Mr. Altman to provide an update at their December 17 meeting on the environmental issues raised with the road across the Roper Brothers property.

Council Member Jones asked for an update with the comp and classification study.

City Manager Altman responded that they were looking at that currently and going through that department by department, and staff would be bringing it back before Council soon. He said that some of those positions were in Social Services, which were handled differently.

**16. BUSINESS OR REPORTS FROM THE CLERK**

Tangi Hill, City Clerk, stated that she had been in her position for six months and hoped for many more. She wished Council Member Cuthbert a happy birthday.

**17. BUSINESS OR REPORTS FROM THE CITY ATTORNEY**

City Attorney Williams had no report.

**18. ADJOURNMENT**

Mayor Parham made a motion to adjourn. All members of the Council present voted in the affirmative. Meeting adjourned.

The City Council adjourned at 7:51 p.m.

The work session meeting of the Petersburg City Council was held on Tuesday, November 6, 2024 at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:00 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/319401>.

**1. ROLL CALL:**

Present:

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

Absent:

Present from City Council Administration:

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

**2. PRAYER:**

Vice Mayor Hill led the Council meeting in prayer.

**3. PLEDGE OF ALLEGIANCE:**

Mayor Parham led the Council and the citizens in the pledge of allegiance.

**4. DETERMINATION OF THE PRESENCE OF A QUORUM:**

A quorum was present.

**5. PROCLAMATIONS/RECOGNITIONS/PRESENTATION OF CEREMONIAL PROCLAMATION**

a. Proclamation Honoring Mr. James R. Clark, Sr.

Mayor Parham read a proclamation recognizing Mr. James R. Clark, Sr. and declaring November 17, 2024 as James R. Clark, Sr. in the City of Petersburg.

b. Proclamation Recognizing Mr. Calvin McIntyre

Mayor Parham read a proclamation recognizing Mr. Calvin McIntyre for his award as Mr. Health and Fitness 2024.

c. Veterans Day Proclamation

Mayor Parham read a proclamation recognizing November 11, 2024 as Veterans Day and urging all residents to honor the nation's veterans.

- d. 2nd Accreditation Award to the Petersburg Bureau of Police from the Virginia Law Enforcement Professional Standards Commission (VLEPSC) and the Virginia Law Enforcement Accreditation Coalition (VALEAC)

The item was moved to the November 19, 2024 meeting agenda.

**6. PUBLIC COMMENTS**

Gary Talley, 2323 Fort Rock Street, congratulated Vice Mayor Hill on his election win and said the City needed to move forward positively. He also raised concerns about the Jewish temple at Blandford Cemetery that had not been fixed, and the two bridges that are out. He also expressed concern about the elevators not working at Carriage House.

Barb Rudolph, 1675 Mount Vernon Street, congratulated Vice Mayor Hill and Council Members Cuthbert and Smith-Lee on their election victories. She also thanked the City Manager and Finance staff for their report later on the agenda, which included ARPA spending.

**7. APPROVAL OF CONSENT AGENDA (TO INCLUDE MINUTES OF PREVIOUS MEETINGS):**

- a. Minutes of Previous Meetings:
  - September 3, 2024 Work Session
  - September 25, 2024 Joint Meeting with the Planning Commission
  - October 1, 2024 Closed Session
  - October 15, 2024 Closed Session
- b. First Reading and Schedule a Public Hearing for Consideration of Acceptance & Appropriation of Funding from the Virginia Department of Criminal Justice Services for the 2024 Operation Ceasefire Grant
- c. First Read & Schedule a Public Hearing for Consideration of an Appropriation Ordinance for State Aid to Public Libraries Additional Funding
- d. First Read & Schedule a Public Hearing on the Consideration of an Ordinance Authorizing the City Manager to Enter into a Deed of Easement with Virginia Electric and Power to Place Equipment on City Property at 1937 Johnson Avenue
- e. First Reading and to Schedule a Public Hearing of an Ordinance to Rezone Property at 1425 and 1525 Youngs Road and 1819 and 1819 and 1827 Boydton Plank Road, Parcel IDs 051070002, 051070001, 051070802, and 051070023, from the R-1 Single-Family Residence and B-2 General Commercial Districts to the RTH Residential Townhouse District
- f. First Reading and to Schedule a Public Hearing of an Ordinance for a Special Use Permit for a Vehicle Removal Operator and Associated Vehicle Storage and Tow Lot on Property at 1700 Midway Avenue, Parcel ID 028310001, in the M-1, Light Industrial District
- g. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 17, M-1 Light Industrial District Regulations, Article 18, M-2 Heavy Industrial District Regulations, Article 23, Supplementary Use Regulations – Special Uses, and Article 31, Permits, Plats, and Filing Fees, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Data Center Uses
- h. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23,

Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs

- i. First Reading and to Schedule a Public Hearing of an Ordinance to Amend and Readopt Article 25, Supplementary Height, Area, Bulk, and Design Regulations, and Article 28, Changes and Amendments, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Administrative Clarifications on Development of Contiguous Nonconforming Lots Under Common Ownership and Requirements for Public Notice
- j. First Reading & Schedule a Public Hearing for Consideration of Acceptance & Appropriation of the FY25 Cameron Foundation Grant for the Recreation & Leisure Department

Vice Mayor Hill made a motion to approve the Consent Agenda as presented. 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.

**8. SPECIAL REPORTS**

There were no items under this portion of the agenda.

**9. MONTHLY REPORTS**

There were no items under this portion of the agenda, but Council Member Smith-Lee and Council Member Jones commented on the occasionally negative tenor of public discourse.

**10. FINANCE AND BUDGET REPORT**

Budget Manager Garry Cozier provided an update on the first quarter budget to actuals and earned interest. He began with an overview of ARPA funds, explaining that the American Rescue Plan Act came about during the COVID-19 pandemic. He noted that the total award was just over \$20 million, with \$15 million spent so far and \$5 million remaining.

He detailed allocations, stating that \$9 million was budgeted for infrastructure, with \$5.3 million spent and \$4.5 million remaining. For public safety, \$2 million was budgeted and spent, leaving \$10,000 available. Economic development had a total budget of \$2.4 million, with \$1.7 million spent and \$768,000 remaining. He highlighted that administration still had \$117,000 left.

Mr. Cozier emphasized the importance of obligating funds by December 31, 2024, as any unallocated funds must be returned. He also mentioned that the funds must be spent by December 31, 2026. Moving to budget to actuals, Mr. Cozier reported that departments were tracking well, under 25% for the fiscal year, with all funds performing as expected except for Dogwood, which had revenues to counter expenses. Lastly, he provided an earned interest update, noting that the total earned year-to-date was \$639,662, tracking at about a 5.1% interest rate.

Council Member Cuthbert said if they had not delayed for nine months with the cash in the LGIP, they would have probably made another \$1.4–\$1.5 million. He said that he wrote to the City Manager about it, first on September 13th of 2023, and it wasn't until June of 2024 when the transfer was made. He noted that it was not made by City administration, it was made by the Treasurer, and he applauded them for making that transfer and cited that as the reason they have this cash. He emphasized that they really need to be more tuned in to maximizing revenue and not miss opportunities to earn revenue.

Mr. Altman confirmed for Council Member Cuthbert that the police station was still going into the Farmers Street building.

Council Member Cuthbert asked how they managed to spend \$101K on the Wilcox Lake Dam rehabilitation but not change its appearance.

Mr. Altman explained that the design work for rehabbing the lake was necessary due to the growth into the dam, and simply cutting and grubbing the overgrowth would affect the structural integrity of the dam. He said they therefore had to pay for some design work to prepare for the actual rehabilitation of the dam. Mr. Altman mentioned that they have requested grant funding to move forward with the actual work on the facility, specifically the dam itself.

Council Member Cuthbert said that he hoped the grant money came through because he much preferred spending that money than ARPA funds.

Mr. Altman agreed, adding that Ms. Williams had been working hard on grant funding.

Council Member Cuthbert stated that he would like to see her have more time in her position to work on grants, as she could perhaps leverage even more funding.

Mr. Altman stated that she works a lot of overtime, and the City gets a lot of value from that.

Council Member Cuthbert asked Mr. Altman to bring back information at their November 19 meeting regarding the possibility of support for Ms. Williams so she has more time to pursue grant funding.

Mr. Altman responded that he would bring that forth as part of next year's budget proposal, which may not be possible mid-year.

Council Cuthbert asked if they would have to wait that long.

Mr. Altman emphasized that it's more than just Ms. Williams' position—they have other needs such as establishing a structure around overall tourism.

**11. CAPITAL PROJECTS UPDATE**

There was no staff presentation for the capital projects update and report.

Mr. Altman stated that he had a written report to provide.

**12. UTILITIES**

There were no items under this portion of the agenda.

**13. STREETS**

There were no items under this portion of the agenda.

**14. FACILITIES**

There were no items under this portion of the agenda.

**15. ECONOMIC DEVELOPMENT**

There were no items under this portion of the agenda.

**16. CITY MANAGER’S AGENDA**

City Manager Altman congratulated the reelected Council Members and said that it was a historic night for Petersburg, with an 80% approval for the casino. He said they would begin to look at how to move forward, as they would need to get the facility constructed and open.

Vice Mayor Hill congratulated the reelected Council Members and recognized Council Member Smith-Lee in particular, stating that he had known her from the time he was young. He noted that the individual who had caused her such consternation was not a resident of Petersburg yet showed up here and was vocal—and they needed to be careful about listening to outside noise that was harmful to the City. He commented that the Council had been steadfast and unmovable, and they were not looking back.

**17. BUSINESS OR REPORTS FROM THE CLERK**

Tangi Hill, City Clerk, congratulated the reelected Council Members and said she was looking forward to working with them over the next four years. She also recognized the citizens of Petersburg for their approval of the casino and encouraged residents to get their applications in for serving on committees.

**18. BUSINESS OR REPORTS FROM THE CITY ATTORNEY**

Anthony Williams, City Attorney, said that he had no report this evening but recognized the City residents for their approval of the casino.

**19. ADJOURNMENT**

Mayor Parham made a motion to adjourn. All members of the Council present voted in the affirmative. Meeting adjourned.

The City Council adjourned at 5:55 p.m.

**This Deed of Easement is exempt from recordation taxes pursuant to §58.1-811A(3) and §58.1-811C(4) of the Code of Virginia and exempt from Clerk’s fees pursuant to §17.1-266 of the Code of Virginia.**

TAX MAP PARCEL I.D. NO:066050008  
16 RALEIGH AVE, Petersburg VA 23805

**DEED OF EASEMENT**

THIS DEED OF EASEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by and between CITY OF PETERSBURG, VA (“Grantor”), a municipal corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 135 North Union Street, Petersburg, Virginia 23803, and VIRGINIA ELECTRIC AND POWER COMPANY (“Grantee”), a Virginia public service corporation whose principal office is in Richmond, Virginia, its successors, assigns lessees and agents.

**WITNESSETH:**

1. For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the “Easement”) upon property of the Grantor located at 16 RALEIGH AVE; Tax Map Parcel ID No.: 066050008, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend FIFTEEN ( 15 ) feet in width across the lands of GRANTOR; and

1.3 to apportion, lease, or license the voice, text, data, internet service, and other communications rights herein in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to apportion, lease, or license surplus communications capacity to third parties for the exercise of such rights.

2. The easement granted herein shall extend across the lands of GRANTOR situated in CITY OF PETERSBURG, Virginia, as more fully described on Plat(s) Numbered 02-25-0008, attached to

and made a part of this Deed of Easement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by GRANTOR, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

4. GRANTEE shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by GRANTEE shall remain the property of GRANTOR.

5. For the purpose of exercising the right granted herein, GRANTEE shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement. GRANTEE shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

6. GRANTEE shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay GRANTOR, at GRANTEE'S option, for other damage done to GRANTOR'S property inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by GRANTEE in the process of the construction, inspection, and maintenance of GRANTEE'S facilities, or in the exercise of its right of ingress and egress; provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.

7. GRANTOR, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE'S exercise of any of its rights hereunder. GRANTOR shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, GRANTOR may construct on the easement fences, landscaping (subject, however, to GRANTEE'S rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with GRANTEE'S exercise of any of its rights granted hereunder. In the event such use does interfere with GRANTEE'S exercise of any of its rights granted hereunder, GRANTEE may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by GRANTOR and acceptable to GRANTEE. In the event any such facilities are so relocated, GRANTOR shall reimburse GRANTEE for the cost thereof and convey to GRANTEE an equivalent easement at the new site.

8. GRANTEE'S right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of GRANTEE'S obligations as a public service company or such other obligations as may be related to or incidental to GRANTEE'S stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. The easement granted hereby shall additionally be subject to all terms and conditions contained in (Exhibit A) which shall be recorded with and as a part of this Deed of Easement. Any conflict between (Exhibit A) and this Deed of Easement shall be resolved in favor of this Deed of Easement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

11. GRANTOR hereby represents to GRANTEE that to the best of GRANTOR'S knowledge, (a) GRANTOR is seized of and has the right to convey this easement and the rights and privileges granted hereunder; and (b) GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that they have been duly authorized to execute this easement on behalf of said GRANTOR as described in the attached Ordinance (Exhibit B) adopted by Petersburg City Council on \_\_\_\_\_.

[signatures on following pages]

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its authorized officer or agent, described below, on the date first written.

GRANTOR:

CITY OF PETERSBURG, VIRGINIA

By: \_\_\_\_\_  
John M. Altman, Jr., CITY MANAGER

APPROVED AS TO FORM:

\_\_\_\_\_  
ANTHONY C. WILLIAMS, DATE  
CITY ATTORNEY

COMMONWEALTH OF \_\_\_\_\_

County/City of \_\_\_\_\_; to wit:

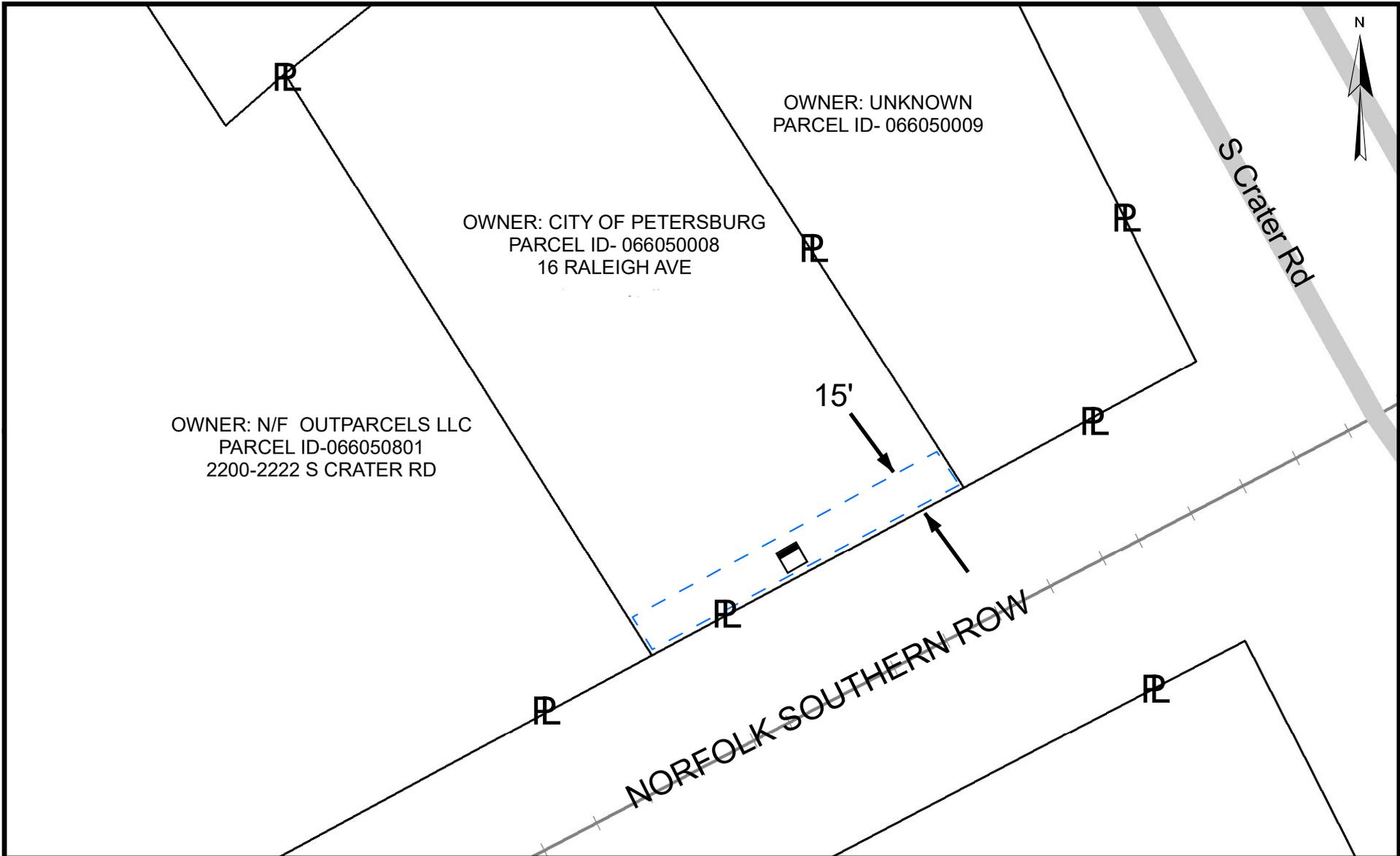
I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid do hereby certify that John M. Altman, Jr., City Manager for the City of Petersburg, Virginia, whose identity was verified by valid photographic identification, did personally appear before me and acknowledge the foregoing writing dated \_\_\_\_\_ in the jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

Notary ID No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

SEAL



<b>LEGEND</b> - - - Location of Boundary Lines of Right-of-Way 15' in Width. = <b>R</b> = Indicates Property Line is Right-of-Way Boundary 15' in Width.	District 02	Scale NTS	<b>OH/UG</b> PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Energy Virginia</b>	
	District-Township-Borough PETERSBURG	County - City PETERSBURG		State VA
	Office PETERSBURG	Plat Number 02-25-0008		
	Work Request Number 10718028	Grid Number M0233		
DATE: 1-27-2025	BY: MATTHEW RASNICK	OWNER INITIALS: _____	Page 6 of 6	

EXHIBIT B

**AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY IN FURTHERANCE OF THE CITY OF PETERSBURG'S POOR CREEK PUMPING STATION PROJECT LOCATED AT 16 RALEIGH AVENUE.**

---

**WHEREAS**, the City is the owner of certain property located at 16 Raleigh Avenue (Tax Map Parcel ID No.: 055050008); and

**WHEREAS**, Virginia Electric and Power Company has indicated that they will need an easement across the foregoing property to construct, maintain, and operate equipment necessary for the provision of services to said pump station; and

**WHEREAS**, it is the belief of City Council that the granting of such easement is in the best interest of the City of Petersburg.

**NOW THEREFORE BE IT ORDAINED** that City Council for the City of Petersburg, Virginia does hereby authorize and direct the City Manager and City Attorney to take all necessary action to facilitate the conveyance of easements as described in Exhibit A.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager  
Jerry Byerly, Director of Public Works

**FROM:** Brian Copple

**RE:** **First Reading and Schedule an Official Public Hearing for Consideration of an Ordinance Authorizing the City Manager to Execute a Deed of Easement to Virginia Electric and Power Company Across the Property Located at 1937 Johnson Avenue**

---

**PURPOSE:** An Ordinance to authorize the City Manager to execute a Deed of Easement with Virginia Electric and Power to lay equipment and lines across property located at 1937 Johnson Avenue.

**REASON:** In order to install a transformer, underground lines and other appurtenances, Virginia Power and Electric requires an easement to facilitate this installation. Letter of Request from Dominion Energy dated June 10, 2024.

**RECOMMENDATION:** Recommend approval.

**BACKGROUND:** As part of Virginia Electric and Power Company's Strategic Underground Program, VA Electric and Power requires an easement in order to install underground lines and facilities, remove overhead lines, and to access this equipment for installation, maintenance, and repair. This Strategic Underground Program is part of a state-wide initiative that VA Electric and Power is undertaking in order to provide more reliability and dependability to their customers. This location was selected by a historic record of power outages in this location. This easement will be no cost to the City and will increase the dependability of VA Electric and Power Company's distribution service by placing these lines underground.

**COST TO CITY:** None

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 4/15/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** Planning Commission

**AFFECTED AGENCIES:** Public Works; Public Utilities; City Attorney's Office; Planning and Development; Economic and Community Development; Assessor; Finance; Fire Department; Police Department; City Manager's Office; Mayor's Office

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** None

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:**

1. DomVA Power Deed of Easement request
2. AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED OF EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY ACROSS THE PROPERTY LOCATED AT 1937 JOHNSON AVENU

**This Deed of Easement is exempt from recordation taxes pursuant to §58.1-811A(3) and §58.1-811C(4) of the Code of Virginia and exempt from Clerk's fees pursuant to §17.1-266 of the Code of Virginia.**

TAX MAP PARCEL I.D. NO: 068080012  
1937 Johnson Avenue

### DEED OF EASEMENT

THIS DEED OF EASEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between THE CITY OF PETERSBURG, VA ("Grantor"), a municipal corporation formed and operating under the laws of the Commonwealth of Virginia, whose principal office is located at 135 North Union Street, Petersburg, Virginia 23803, and VIRGINIA ELECTRIC AND POWER COMPANY ("Grantee"), a Virginia public service corporation whose principal office is in Richmond, Virginia, its successors, assigns lessees and agents.

#### WITNESSETH:

1. For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") upon property of the Grantor located at 1937 Johnson Avenue; Tax Map Parcel ID No.: 068080012, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and other transmission facilities, and all equipment, accessories and appurtenances desirable in connection therewith, for the purpose of transmitting voice, text, data, internet services, and other communications services, including the wires and attachments of third parties; and for lighting purposes; including but not limited to the rights:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as GRANTEE may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said easement shall extend FIFTEEN ( 15 ) feet in width across the lands of GRANTOR; and

1.3 to apportion, lease, or license the voice, text, data, internet service, and other communications rights herein in whole or in part to third parties as may be useful or practical, including the rights to transmit third party data and the right to apportion, lease, or license surplus communications capacity to third parties for the exercise of such rights.

2. The easement granted herein shall extend across the lands of GRANTOR situated in CITY OF PETERSBURG, Virginia, as more fully described on Plat(s) Numbered 16-24-0196, attached to

and made a part of this Deed of Easement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.

3. All facilities constructed hereunder shall remain the property of GRANTEE. GRANTEE shall have the right to inspect, reconstruct, remove, repair, improve, relocate on and within the easement area, including but not limited to the airspace above the property controlled by GRANTOR, and make such changes, alterations, substitutions, additions to or extensions of its facilities as GRANTEE may from time to time deem advisable.

4. GRANTEE shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by GRANTEE shall remain the property of GRANTOR.

5. For the purpose of exercising the right granted herein, GRANTEE shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of GRANTOR. The right, however, is reserved to GRANTOR to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, GRANTEE shall have such right of ingress and egress over the lands of GRANTOR adjacent to the easement. GRANTEE shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to GRANTOR.

6. GRANTEE shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay GRANTOR, at GRANTEE'S option, for other damage done to GRANTOR'S property inside the boundaries of the easement (subject, however, to GRANTEE'S rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by GRANTEE in the process of the construction, inspection, and maintenance of GRANTEE'S facilities, or in the exercise of its right of ingress and egress; provided GRANTOR gives written notice thereof to GRANTEE within sixty (60) days after such damage occurs.

7. GRANTOR, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with GRANTEE'S exercise of any of its rights hereunder. GRANTOR shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, GRANTOR may construct on the easement fences, landscaping (subject, however, to GRANTEE'S rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with GRANTEE'S exercise of any of its rights granted hereunder. In the event such use does interfere with GRANTEE'S exercise of any of its rights granted hereunder, GRANTEE may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by GRANTOR and acceptable to GRANTEE. In the event any such facilities are so relocated, GRANTOR shall reimburse GRANTEE for the cost thereof and convey to GRANTEE an equivalent easement at the new site.

8. GRANTEE'S right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of GRANTEE'S obligations as a public service company or such other obligations as may be related to or incidental to GRANTEE'S stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. The easement granted hereby shall additionally be subject to all terms and conditions contained in (Exhibit A) which shall be recorded with and as a part of this Deed of Easement. Any conflict between (Exhibit A) and this Deed of Easement shall be resolved in favor of this Deed of Easement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

11. GRANTOR hereby represents to GRANTEE that to the best of GRANTOR'S knowledge, (a) GRANTOR is seized of and has the right to convey this easement and the rights and privileges granted hereunder; and (b) GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that they have been duly authorized to execute this easement on behalf of said GRANTOR as described in the attached Ordinance (Exhibit B) adopted by Petersburg City Council on \_\_\_\_\_.

[signatures on following pages]

IN WITNESS WHEREOF, GRANTOR has caused its name to be signed hereto by its authorized officer or agent, described below, on the date first written.

GRANTOR:

THE CITY OF PETERSBURG, VIRGINIA

By: \_\_\_\_\_  
John M. Altman, Jr., CITY MANAGER

APPROVED AS TO FORM:

\_\_\_\_\_  
ANTHONY C. WILLIAMS,                      DATE  
CITY ATTORNEY

COMMONWEALTH OF \_\_\_\_\_

County/City of \_\_\_\_\_; to wit:

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid do hereby certify that John M. Altman, Jr., City Manager for the City of Petersburg, Virginia, whose identity was verified by valid photographic identification, did personally appear before me and acknowledge the foregoing writing dated \_\_\_\_\_ in the jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

Notary ID No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

SEAL

GRANTEE: VIRGINIA ELECTRIC AND POWER COMPANY

By: \_\_\_\_\_

COMMONWEALTH OF \_\_\_\_\_

County/City of \_\_\_\_\_; to wit:

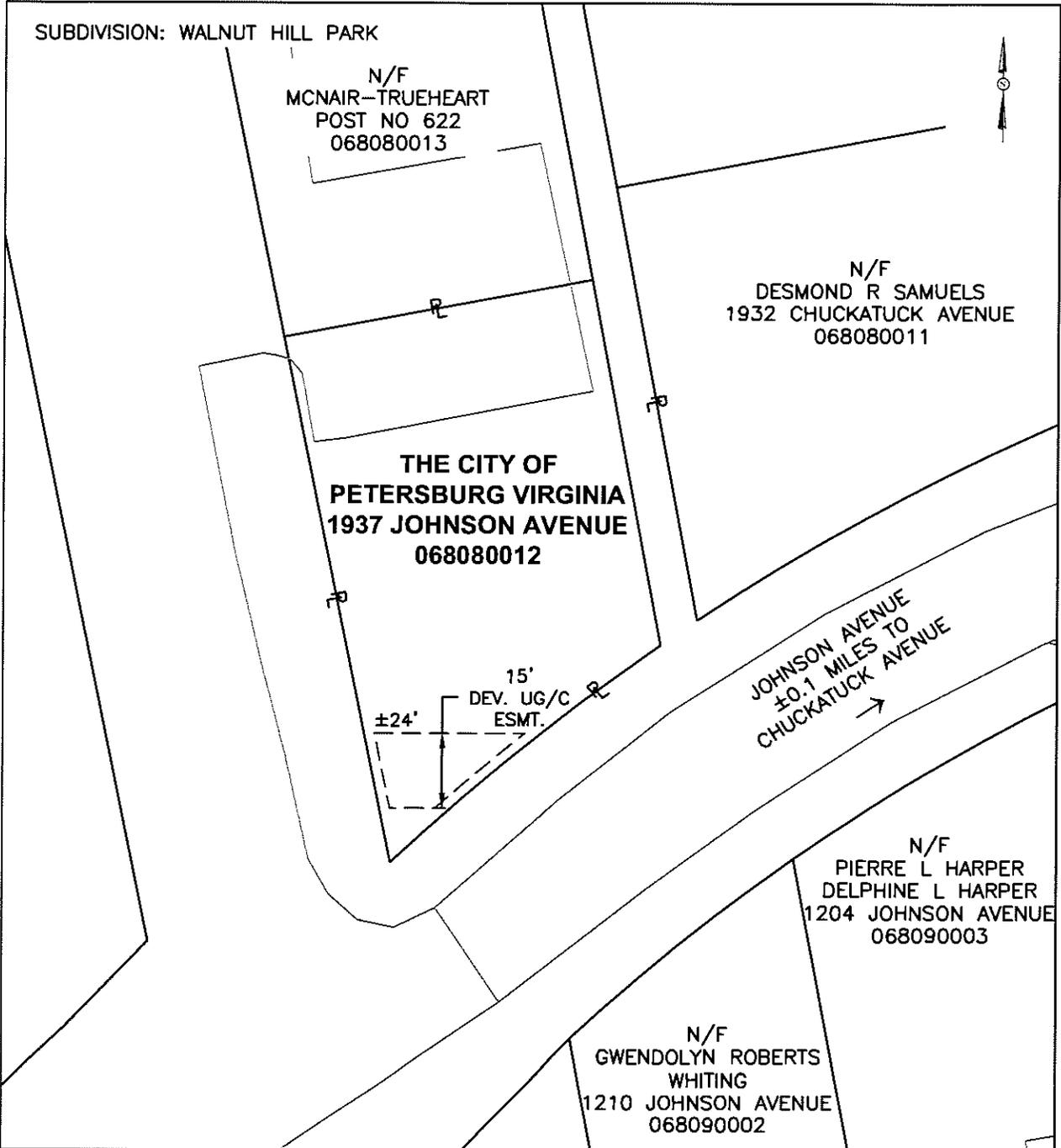
I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid do hereby certify that Shaun Reilly as Manager of Electric Delivery Design-System for Virginia Electric and Power Company, whose identification was confirmed by valid photographic identification, did personally appear before me and acknowledge the foregoing writing dated \_\_\_\_\_ in the jurisdiction aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Notary Public

Notary ID No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

SEAL



<b>LEGEND</b> - - - Location of Right-of-Way Boundary = R = Indicates Property Line is Right-of-Way Boundary *NOTE: The centerline of the facilities in the field determine the centerline of the easement.	Region	Local Office	State	PLAT TO ACCOMPANY UG RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Energy Virginia</b>	
	Central	Petersburg	VA		
	County-City	City of Petersburg	Grid Number		M0233
	Work Request No.	DEVID No.	Scale		Not to Scale
Date	05/20/2024	By	M. Carter		
OWNER INITIALS _____				Page 6 of 6	

row\_10660546\_0196.dwg

# Petersburg, Virginia

Parcel: 068080012

## Summary

<b>Owner Name</b>	CITY OF PETERSBURG	<b>National Historic District:</b>	
<b>Owner Mailing Address</b>	135 N. Union St Petersburg, VA 23803	<b>Enterprise Zone:</b>	
<b>Property Use</b>	438	<b>Opportunity Zone:</b>	
<b>State Class:</b>	7 Exempt Local	<b>VA Senate District:</b>	16
<b>Zoning:</b>	B-2	<b>Va House District:</b>	63
<b>Property Address</b>	1937 JOHNSON RD Petersburg, VA	<b>Congressional District:</b>	4
<b>Legal Acreage:</b>	.165	<b>City Ward:</b>	3
<b>Legal Description:</b>	PARK PT LTS 15-18 & PT 14 BK1 SEC 1	<b>Polling Place:</b>	Petersburg High School Gymnasium
<b>Subdivision:</b>	Walnut Hill Park	<b>Primary Service Area:</b>	
<b>Assessment Neighborhood Name:</b>		<b>Census Tract:</b>	8110
<b>Local Historic District:</b>		<b>Elementary School:</b>	Walnut Hill
		<b>Middle School:</b>	Vernon Johns Middle School
		<b>High School:</b>	Petersburg High School

## Improvements

<b>Finished (Above Grade):</b>	4,368	<b>Shed:</b>	
<b>Basement:</b>		<b>Total Rooms:</b>	
<b>Attached Garage:</b>		<b>Bedrooms:</b>	
<b>Detached Garage:</b>		<b>Full Baths:</b>	1
<b>Enclosed Porch:</b>		<b>Half Baths:</b>	
<b>Open Porch:</b>		<b>Foundation:</b>	
<b>Deck/Patio:</b>		<b>Central A/C:</b>	100%

## Ownership History

Previous Owner Name	Sale Date	Sale Price	Doc # or Deed Book/pg
	12/30/1899	\$0	505/32

## Assessments

Valuation as of	01/01/2019	01/01/2020	01/01/2021	01/01/2022	01/01/2023
<b>Effective for Billing:</b>	07/01/2019	07/01/2020	07/01/2021	07/01/2022	07/01/2023
<b>Reassessment</b>					
<b>Land Value</b>	\$62,800	\$62,800	\$62,800	\$62,800	\$27,200
<b>Improvement Value</b>	\$151,700	\$151,700	\$151,700	\$151,700	\$151,700
<b>Total Value</b>	\$214,500	\$214,500	\$214,500	\$214,500	\$178,900

## Property Tax (Coming Soon)

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as County of Petersburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

**AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED OF EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY ACROSS THE PROPERTY LOCATED AT 1937 JOHNSON AVENUE – TAX MAP PARCEL NO.: 068080012**

WHEREAS, the City is the owner of certain property located at 1937 Johnson Avenue, Petersburg, VA (Tax Map Parcel No.: 068080012 (hereinafter “the Property”)); and

WHEREAS, Virginia Electric and Power Company has requested an easement upon the Property for the purpose of transmitting and distributing electric power; for its own internal telephone and other communications purposes; and communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity; for fiber optic cables, wires, attachments, and the transmission facilities, and all equipment, accessories, and appurtenances desirable in connection therewith; and

WHEREAS, said easement is described in the attached draft Deed of Easement and depicted in the accompanying plat entitled “Plat to Accompany Right of Way Agreement Virginia Electric and Power Company doing business as Dominion Energy Virginia” dated 05/20/2024, Work Request No.: 10660546; and

WHEREAS, City Council believes that it is in the best interests of the City to grant said easement.

NOW therefore be it ORDAINED that the City Manager and City Attorney are hereby authorized to take all actions necessary to execute and allow for the recordation of said Deed of Easement.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** Petersburg City Public Schools

**RE:** **First Read & Schedule a Public Hearing for Consideration of an Amendment to the FY25 Petersburg City Public Schools Budget, in the Amount of \$4,523,723**

**PURPOSE:** To Schedule a Public Hearing for Consideration of an Amendment to the FY25 Petersburg City Public Schools Budget, in the Amount of \$4,523,723

**REASON:** Petersburg Public Schools has received additional revenue from federal sources, and needs to carry forward awards from FY24 to FY25.

**RECOMMENDATION:** Staff recommends approval and appropriation of the amendment.

**BACKGROUND:** The City of Petersburg adopted the Petersburg City Public Schools budget on May 21, 2024 in the amount of \$79,558,324. PCPS is requesting an amendment to that operating budget in the amount of \$4,523,723 bringing the amended budget to \$84,082,047.

**COST TO CITY:** \$0

**BUDGETED ITEM:** PCPS Budget Amendment

**REVENUE TO CITY:** \$0

**CITY COUNCIL HEARING DATE:** 4/15/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Petersburg City Public Schools

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** 24-ORD-14

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. FY25 PCPS Budget Amendment Ordinance (20250401) Final
2. FY25 Budget Amendment 04012025 Finalized



**AN ORDINANCE TO AMEND THE FISCAL YEAR 2024-2025 PETERSBURG CITY PUBLIC SCHOOLS OPERATING BUDGET**

---

**WHEREAS**, the City Council of the City of Petersburg adopted the Petersburg City Public Schools FY25 Operating Budget on May 21, 2024; and

**WHEREAS**, the Petersburg Public Schools has either received additional revenue from federal sources during the fiscal year or needs to carry forward awards from FY 2024 to FY 2025; and

**WHEREAS**, the proposed amendment of the Petersburg Public Schools Grants Fund (Fund 07) amends the Fund in the amount of \$ 2,775,422 ; and

**WHEREAS**, the proposed amendment of the Petersburg Public Schools General Fund (Fund 01) amends the Fund in the amount of \$ 1,748,301; and

**WHEREAS**, the total proposed amendment of the Petersburg Public Schools FY25 Budget amends the budget in the amount of \$4,523,723;

**NOW THEREFORE BE IT ORDAINED** that City Council does hereby approve and adopt the Fiscal Year 2025 Petersburg Public Schools budget amendment, and appropriates all funds as set forth in the amendment below:

**SCHOOL FUNDS**

<b>Revenues</b>	<b>Approved Budget</b>	<b>Changes</b>	<b>Amended Budget</b>
From General Sources	\$64,892,661	\$1,748,301	\$66,640,962
From Grant Sources	\$14,665,663	\$2,775,422	\$17,441,085
Total Revenues	\$79,558,324	\$4,523,723	\$84,082,047
<b>Appropriations</b>			
Non-Categorical	\$79,558,324	\$4,523,723	\$84,082,047
Total School Operating Fund	\$79,558,324	\$4,523,723	\$84,082,047
<b>Total FY25 School Budget Amendment</b>	<b>\$79,558,324</b>	<b>\$4,523,723</b>	<b>84,082,047</b>

	<b>FY 2025 Adopted</b>	<b>FY 2025 Proposed</b>	<b>Change</b>
<b>Operating Fund</b>			
Local Fees	269,408	269,408	-
Erate	225,000	225,000	-
Sales Tax	5,872,886	5,872,886	-
State	46,163,889	46,163,889	-
City Transfer	12,361,478	12,361,478	-
Encumbrance Carryover	-	1,748,301	1,748,301
<b>Total Operating</b>	<b>64,892,661</b>	<b>66,640,962</b>	<b>1,748,301</b>
Food Service	3,100,000	3,100,000	-
Special Revenue (Grants)	11,565,663	14,341,085	2,775,422
<b>Total all funds</b>	<b>79,558,324</b>	<b>84,082,047</b>	<b>4,523,723</b>



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** March Altman, Jr.

**RE:** **First Read & Schedule a Public Hearing for Consideration of an Amendment to the FY25 Grants Fund & the FY25 Streets Fund**

**PURPOSE:** To Schedule a Public Hearing for Consideration of an Amendment to the FY25 Grants Fund & the FY25 Streets Fund

**REASON:** The Grants Fund is being amended to add a new grant for the Sheriff's Department & the Streets Fund is being amended to fund the repair of Oak Hill Bridge.

**RECOMMENDATION:** Staff recommends approval and appropriation of the amendments.

**BACKGROUND:** The Petersburg Sheriff's Office has been awarded the Byrne/JAG Grant from DCJS in the amount of \$49,200 with a \$16,396 local match.

The Streets Fund is being amended to utilize unspent funds from previous fiscal years to repair Oak Hill Bridge. Estimated at \$4M.

**COST TO CITY:** \$4,065,596

**BUDGETED ITEM:** Grants, Budget Amendment

**REVENUE TO CITY:** \$4,049,200

**CITY COUNCIL HEARING DATE:** 4/15/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:** Petersburg Sheriff's Office, Public Works - Street Operations

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. Petersburg City 547932

2. Grant Ordinance - FY25 Byrne-JAG
3. FY25 Streets Amendment Ordinance 2 - Surplus



# 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](http://www.dcjs.virginia.gov)

March 24, 2025

Mr. John Altman  
City Manager  
135 N. Union St.  
Petersburg, Virginia 23803

RE: 544418-Byrne/JAG Program- Sheriff's Office Equipment

Dear Mr. John Altman:

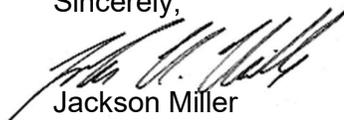
Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **547932** and was approved for a total award of **\$65,596**, funded through Award Number **2019-MU-BX-0026, 2020-MU-BX-0035, 15PBJA-21-GG-00258-MUMU and 15PBJA-22-GG-00616-MUMU**. The project period is **4/1/2025** through **9/30/2025**.

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 [www.dcjs.virginia.gov/grants/ogms-training-resources](http://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](mailto:grantsmgmt@dcjs.virginia.gov). If you have questions, contact your DCJS Grant Monitor **Nicole Phelps** at **804-786-1577** or via email at [nicole.phelps@dcjs.virginia.gov](mailto:nicole.phelps@dcjs.virginia.gov).

Sincerely,



Jackson Miller  
Director

## STATEMENT OF GRANT AWARD (SOGA)

Virginia Department of Criminal Justice Services  
1100 Bank Street, 12<sup>th</sup> Floor  
Richmond, VA 23219

### 544418-Byrne/JAG Program- Sheriff's Office Equipment

Subgrantee:	Petersburg City	UEI Number:	YS41NNRLGL78
DCJS Grant Number:	547932	Grant End Date:	9/30/2025
Grant Start Date:	4/1/2025	Indirect Cost Rate:	_____%
Federal Grant Number:	2019-MU-BX-0026, 2020-MU-BX-0035, 15PBJA-21-GG-00258-MUMU and 15PBJA-22-GG-00616-MUMU		
Federal Awardee:	BJAG	*If applicable	
Federal Catalog Number:	16.738		
Federal Start Date:	10/01/2018, 10/01/2019, 10/01/2020, 10/01/2021		
Project Description:	To strengthen Crime Control.		

Federal Funds:	<b>\$49,200</b>
State General Funds:	<b>\$ 0</b>
State Special Funds:	<b>\$ 0</b>
Local Match:	<b>\$16,396</b>
Total Budget:	<b>\$65,596</b>

Project Director	Project Administrator	Finance Officer
Lt. Christopher Bailey Lieutenant 8 Courthouse Avenue Petersburg, Virginia 23803 804-733-2369 clbailey@petersburg-va.org	Mr. John Altman City Manager 135 N. Union St. Petersburg, Virginia 23803 804-733-2301 maltman@petersburg-va.org	Mr. Leon Glaster Chief Financial Officer 144 N. Sycamore St. Petersburg, Virginia 23803 510-862-8842 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:**

544418-Byrne/JAG Program – Sheriff’s Office

**Total Revenue** **\$49,200**

- 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:**

544418-Byrne/JAG Program – Sheriff’s Office

**Total Expense** **\$49,200**

**AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025 FOR THE SPECIAL REVENUE STREET OPERATIONS 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 Streets Fund, are made for the following resources and revenues of the City, for the fiscal year ending June 30, 2025.

<b>Previously adopted Revenues</b>	<b>\$8,037,703</b>
<b>ADD:</b>	<b><u>\$4,000,000</u></b>
Use of Surplus	
<b>Total Revenue</b>	<b>\$12,037,703</b>

- 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:

<b>Previously adopted Expenditures</b>	<b>\$8,037,703</b>
<b>ADD:</b>	
Oak Hill Bridge Repair	<b><u>\$4,000,000</u></b>
<b>Total Expense</b>	<b>\$12,037,703</b>



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** System Admin, March Altman, Jr.

**RE:** **First Read and to Schedule a Public Hearing of an Ordinance Request by Crater Center, LLC to Amend the Zoning Ordinance of the City of Petersburg to Allow Recreational Substance Retail Uses in the B-2, General Commercial Zoning District with an Approved Special Use Permit and At Least 1,000 Linear Feet from the Property Line of Any Child Day Care Center or Public, Private, or Parochial School**

**PURPOSE:** The applicant, Crater Center, LLC, has filed a petition to City Council to reconsider permitting recreational substance retail establishment uses in the B-2 District with a special use permit.

**REASON:** On July 30, 2024, City Council adopted an amendment to the Zoning Ordinance which limits recreational substance retail uses to the M-1, Light Industrial Zoning District after a special use permit is granted and if the use is at least 1,000 feet from a child day care center or school. The Planning Commission recommended approval of this amendment on June 6, 2024, but recommended the use be allowed in the B-2, General Commercial District in addition to the M-1 District. The applicant has filed a petition for City Council to reconsider permitting the use in the B-2 District, which would allow the applicant to apply for a special use permit for a recreational substance retail establishment use at 3209 South Crater Road.

**RECOMMENDATION:** The Planning Commission recommended denial in a 6 (ayes) -1 (nays) vote. Staff recommends approval.

### **BACKGROUND:**

1. June 6, 2024 – Planning Commission recommended approval of a text amendment which would limit recreational substance retail uses to the B-1, B-2 and M-1 zoning districts with an approved special use permit.
2. July 30, 2024 – City Council approved the text amendment with a change limiting the use to only the M-1 zoning district with a special use permit.
3. January 30, 2025 – Staff received petition by applicant to amend the Zoning Ordinance by allowing recreational substance retail uses in the B-2 district with a special use permit.
4. March 6, 2025 - The Planning Commission, in a 6 (ayes) - 1 (nay) vote, recommended denial of the petition.

**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. 25-ZTA-03 Memo
2. 2. 25-ZTA-03
3. 3. ZTA Application
4. 4. Letter from Property Owner
5. 5. Images of Store
6. 7. ARTICLE 23 - Proposed Change
7. 8. B-2 Purpose
8. Ordinance



## City of Petersburg

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

# MEMORANDUM

**DATE:** April 2025

**TO:** City Council

**FROM:** Planning Commission and Planning and Community Development

**RE:** 2025-ZTA-03: Consideration of an ordinance approving a request by Crater Center, LLC to amend the Zoning Ordinance of the City of Petersburg to allow recreational substance retail uses in the B-2, General Commercial Zoning District with an approved special use permit and at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school.

## EXECUTIVE SUMMARY

On July 30, 2024, City Council adopted an amendment to the Zoning Ordinance which limits recreational substance retail uses to the M-1, Light Industrial Zoning District after a special use permit is granted and if the use is at least 1,000 feet from a child day care center or school. The Planning Commission recommended approval of this amendment on June 6, 2024, but had recommended the use be allowed in the B-2, General Commercial District in addition to the M-1 District. The applicant has filed a petition for City Council to reconsider permitting the use in the B-2 District which would allow a recreational substance retail establishment use of the applicant's property at 3209 South Crater Road if a special use permit is granted. Staff recommends approval of the text amendment as requested.

## CHRONOLOGY OF EVENTS

1. June 6, 2024 – Planning Commission recommended approval of a text amendment which would limit recreational substance retail uses to the B-1, B-2 and M-1 zoning districts with an approved special use permit.
2. July 30, 2024 – City Council approved the text amendment with a change limiting the use to only the M-1 zoning district with a special use permit.
3. January 30, 2025 – Staff received petition by applicant to amend the Zoning Ordinance by allowing recreational substance retail uses in the B-2 district with a special use permit.

4. March 6, 2025 - The Planning Commission, in a 6 (ayes) - 1 (nay), recommended denial of the petition.

## **BACKGROUND**

The Zoning Ordinance defines recreational substances as 1) any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco, 2) any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form, or 3) any product, including any raw materials from hemp that are intended to be consumed by inhalation. A recreational substances retail use, commonly referred to as a 'vape' or 'tobacco' shop is any business whose operation involves "the retail sale of Recreational Substances and includes recreational substances as 25% or more of its total inventory or 15% or more of its total display shelf area."

Due to concerns over the growing number of recreational substance retail establishments in the city, Planning Staff were directed to present an amendment to the Zoning Ordinance in 2024 to limit these uses. Staff drafted a text amendment which would require a special use permit for a recreational substance retail establishment and restrict the use to the B-1, Shopping Center, B-2, General Commercial, and M-1, Light Industrial zoning districts as well prohibiting the use within 1,000 linear feet of the any property with a day care center or school. Planning Commission recommended approval of the text amendment as drafted, but before adopting the amendment, Council changed the text language to only allow the use in the M-1 District with a special use permit and subject to the separation from day care centers and schools. Prior to the text amendment, these uses were allowed in all the city's commercial zoning districts as well as the mixed-use and industrial districts with no additional regulations.

The applicant owns several commercial properties in the city and rented space at 3209 South Crater Road to a tenant who intended to open a recreational substance retail establishment, or vape shop at the property, which is in the B-2 zoning district. The applicant and tenant were unaware that this use was no longer allowed in the B-2 District and the applicant and the tenant has completed renovations to the store with the intention to open and operate a vape shop at the location. Upon learning that the use is not allowed at that location, the applicant has filed a petition to have the Zoning Ordinance amended to allow recreational substance retail in the B-2 District as well as the M-1 District. If approved, a special use permit would still be required for any recreational substance retail establishment, and they would still be prohibited within 1,000 feet of day care centers or schools.

The application states that allowing recreational substance retail uses in the B-2 District would be of economic benefit to the city as they would generate tax revenue as well as benefit surrounding businesses by drawing in more shoppers. The application states that these establishments are allowed in commercial districts in neighboring localities and that regulations

at the State level are favorable to these uses. The applicant states the proposed amendment will allow vacant retail spaces to be filled and bring business to the city.

The application was accompanied by a letter from the applicant detailing the request as well as photos showing the renovations by the tenant of 3209 South Crater Road.

Please note the regulations proposed and existing in the Zoning Ordinance pertain specifically to tobacco, nicotine, and hemp products that are consumed through inhalation. Retail sale of marijuana products is not currently legal in Virginia and edible products derived from hemp are regulated at the Federal Level, superseding local regulations.

### **COMPREHENSIVE PLAN CONSIDERATIONS**

While the Comprehensive Plan does not provide guidance specific to recreational substance retail use, the plan does stress the importance of healthy citizens and communities. Public health is identified as one of the key themes of the plan, which commits the City to making decisions “intended to advance public health and safety” over the next 20 years. While there are considerations for a diverse economy and support for retail in general, public health was the major focal point of the amendment passed in 2024 with the goal of limiting the prevalence of recreational substance retail uses.

### **RECOMMENDATION**

The Planning Commission, in a 6 (ayes) - 1 (nay) vote, recommended denial of the petition. Staff recommend approval of the requested text amendment. Staff acknowledge that in some instances, tobacco and vape shops may be an acceptable retail use in the General Commercial District but note a special use permit should be required to analyze each proposed establishment and apply any conditions that may be needed to mitigate negative impacts. This is reflected in the proposed amendment and matches the staff’s original recommendation pertaining to recreational substance retail uses.

CITY COUNCIL  
MEETING

APRIL 2025



# 2025-ZTA-03:

Consideration of an ordinance approving a request by Crater Center, LLC to amend the Zoning Ordinance of the City of Petersburg to allow recreational substance retail uses in the B-2, General Commercial Zoning District with an approved special use permit and at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school.

# Background

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- June 6, 2024- Planning Commission recommended approval of a text amendment which would limit recreational substance retail uses to the B-1, B-2 and M-1 zoning districts with an approved special use permit and prohibit them within 1,000 feet of day care facilities or schools.
- July 20, 2024 - City Council approved the text amendment with a change limiting the use to only the M-1 zoning district with a special use permit.
- Recreational substances are defined as tobacco products, nicotine and vaping products, and any hemp products consumed by inhalation.

# Request

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- Applicant owns several commercially-zoned properties, including 3209 South Crater Road; space was leased to tenant with intent of opening a recreational substance retail establishment (vape/tobacco shop)
- Applicant is requesting Zoning Ordinance language be modified to allow the use in the B-2 District subject to the SUP and distance from day care centers and schools:

## Article 4. Special uses enumerated:

- Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the **B-2 and M-1 Districts** only.

# Comprehensive Plan Considerations

---

- Comprehensive plan encourages a diverse economy and support for retail in general, public health was the major focal point of the amendment passed in 2024 with the goal of limiting the prevalence of recreational substance retail uses.
- Comprehensive Plan stresses the importance of healthy citizens and communities. Public health is identified as one of the key themes of the plan, which commits the City to making decisions “intended to advance public health and safety” over the next 20 years.

# Additional Considerations

---

- Regulations proposed and existing in the Zoning Ordinance pertain specifically to tobacco, nicotine, and hemp products that are consumed through inhalation; retail sale of marijuana products is not currently legal in Virginia and edible products derived from hemp are regulated at the Federal Level, superseding local regulations.
- Tobacco and vape shops may be an acceptable retail use in the General Commercial District at certain locations, but special use permit is required but to analyze each proposed establishment for appropriateness and apply any conditions that may be needed to mitigate negative impacts.

# Recommendation

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Planning Commission recommended denial in a 6 (ayes) to 1 (nay) vote.

Staff recommended approval, as drafted, to align with the previous recommendation made for this item in June/July 2024.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance approving a request by Crater Center, LLC to amend the Zoning Ordinance of the City of Petersburg to allow recreational substance retail uses in the B-2, General Commercial Zoning District with an approved special use permit and at least 1,000 linear feet from the property line of any child day care center or school.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...



## City of Petersburg

### Department of Planning and Community Development

#### **PROCEDURES FOR PETITION FOR ZONING ORDINANCE AMENDMENT**

1. Applicant files petition with the Petersburg Department of Planning and Community Development, City Hall, 135 N Union Street, Petersburg, Virginia 23803.
2. **The Filing fee for Petitions for Zoning Ordinance Amendment is \$1,500.** A Check or Money Order *made payable to the City of Petersburg* is to accompany the application.
3. The Department of Planning and Community Development Staff will refer the petition to the Planning Commission to hold a public hearing and consideration the petition. Department of Planning and Community Development staff shall advertise the public hearing twice during a fourteen-day period, and the Planning Commission will hold a public hearing, and make a recommendation to the City Council regarding the petition.
4. The City Council schedules then advertises a public hearing regarding the petition.
5. The City Council holds a public hearing then considers the petition with the Planning Commission recommendation and renders a final decision to approve or disapprove the petition.

*PLEASE NOTE: The Zoning Ordinance Amendment process may take up to three months.*

# PETITION FOR ZONING ORDINANCE AMENDMENT

RETURN TO: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
(CITY HALL, THIRD FLOOR, ROOM 304)  
FILING FEE: \$1,500 (CHECK OR MONEY ORDER) AT THE TIME OF SUBMITTAL

CASE NUMBER: \_\_\_\_\_

APPLICANT: Bryan Robinson (Crater Center, LLC)

ADDRESS: 3209 S. Crater Road, Petersburg, VA 23805

I, Bryan Robinson hereby petition for a zoning ordinance amendment for  
Section 4(37), Article 23 of the Zoning Ordinance

## **A. DESCRIPTION OF PROPOSED AMENDMENT**

To amend the 6<sup>th</sup> whereas clause of Ordinance #24-ZTA-03 which was adopted July 30, 2023 as follows:

**Current Language:** “Whereas the City Council desires to allow the use in the M-1 Light Industrial

District only, and subject to the approval of a Special Use Permit; **Proposed Amended Language:**

Whereas the City desires to allow the use in both B-2 General Commercial as well as M-1 Light Industrial Districts only, and subject to the approval of a Special Use Permit”

## **B. JUSTIFICATION FOR ZONING ORDINANCE AMENDMENT**

- 1. The proposed amendment is in the interest of the public health, safety, morals and general welfare of the community because: (Provide a detailed statement of reasons why the proposed amendment should be granted).**

In its recommendation to City Council, the Planning Commission initially recommended that B-2 General Commercial be included in the Ordinance. The Planning Commission recommendation came after a careful, well vetted, and thorough study. Indeed, the Planning Commission felt that it was appropriate for B-2 General Commercial to be included for a recreational substance retail store/Vape store. 3209 S. Crater Road is in fact located in a B-2 General Commercial Zone. Accordingly, the proposed Amendment is consistent with what the Planning Commission initially requested of City Hall.

- 2. The material impact of the proposed amendment will not be detrimental to the public welfare of the City because:**

In years past, perhaps a “Vape Store” or “Marijuana Store” was considered seedy and unbecoming. That is no longer the case. The Virginia General Assembly has now legalized marijuana and marijuana related products and

has given it's unconditional blessing to Vape Stores. There is no logical reason that a Vape Store should be limited to M-1 Light Industrial District in these enlightened times.

With the new Casino coming to Petersburg, Petersburg is a growing vibrant and blossoming city with unlimited potential. The contiguous Counties and Cities of Chesterfield, Colonial Heights, Hopewell, Henrico County, Chesterfield County recognize this and now allow retail Vape Stores in regular B-2 General Commercial Districts. Petersburg Should do likewise.

---

Finally, the Vape Retail Store will comply with all revisions of the Virginia Code. The interior of the building has already been built out into a very attractive retail setting environment (see attached pictures). If this Vape Store is allowed to operate, it will attract many retail customers to the 3000 block of S. Crater Rd. who are desirous of purchasing a Vape product. These customers currently must travel to either Hopewell or Colonial Heights – two (2) jurisdictions that already allow Vape Stores in a B-2 General Commercial area. The positive economic impact on contiguous business establishments and the resulting tax revenue is self-evident.

---

**3. The proposed amendment will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).**

The economic and tax revenue benefits to the City of Petersburg are self-evident. Currently, individuals who are desirous of purchasing Vape related products must travel to the Cities of Colonial Heights and/or Hopewell where vape products can be purchased in a B-2 General Commercial District. It is generally agreed and assumed that Customers that visit one retail store in a strip center often visit other stores in the contiguous area for their retail needs. Accordingly, not only is the Vape store losing customers but other retail establishments in the 3000 block of Crater Rd. are also suffering.

---

**4. Describe your experience with the ordinance section in question (Provide references and/or examples).**

I am a long-time retail resident of the City of Petersburg and have operated retail stores within the City of Petersburg for years. I love this city and I want to see it continue to grow (see attached letter for further info). My tenant, Mr. Banaga, intends to sell Vape products of the highest quality and in full compliance with all Virginia Code Sections and City Ordinances. I sincerely believe that Mr. Banaga can create a retail Vape Store environment that will not only be attractive, but will invite upscale retail clients to not only my store as well as other stores in the 3000 block of Crater Rd.

---

There is another, personal factor, that should be considered. Shortly prior to October 30, 2024, when Mr. Banaga was considering signing a lease for the location and investing a considerable amount of money in his "buildout", Mr. Banaga went down to City Hall and personally inquired as to whether or not a Vape Shop with unlimited Vape product could be opened at 3029 S. Crater road. He was advised in the affirmative that he could do so. Thereafter, Mr. Banaga invested over \$120,000.00 in the renovation of this store (see attached pictures). Mr. Banaga signed a year Lease with me and for the last, past four (4) months has been paying the lease expense.

**C. CONTACT INFORMATION**

Signed:

 (sole member)

Mailing Address:

Crater Center, LLC

3029 S. Crater Road, Petersburg, VA 23805

Phone Number:

804-798-0000

Email Address:

BRYAN@LANDVA.COM

**TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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**ACTION RECORD**

**Date Filed (with Planning Department):** \_\_\_\_\_

**Date of Planning Commission Public Hearing:** \_\_\_\_\_

**Planning Commission Action(s):** \_\_\_\_\_

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**Date of City Council Hearing:** \_\_\_\_\_

**City Council Action(s):** \_\_\_\_\_

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Crater Center LLC  
PO Box 14800  
Richmond, Virginia 23221  
804-798-0000  
Bryan Robinson, Sole Member

January 22, 2025

To whom it may concern,

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I own several commercial buildings in Petersburg. I'm the landlord for Mr. Akram Banaga, who is seeking permission to open a store at 3209 South Crater Road. I've known Mr. Banaga for almost two years and he has contributed and invested in our community by opening two other stores in Petersburg with other landlords, in addition to wanting to open this third store at my building.

I encourage you to please allow him to open his store, employ our people, and pay taxes to our city. I can't tell you how many tenants have told me how much harder and more expensive it is to operate in Petersburg than other nearby localities. We need to open our arms to people who risk their capital to serve us, not tell them no. If you think having occupied buildings in our city can be so bad we must regulate them, tell me how much worse is having whole blocks of empty buildings, created because we over regulated.

All these regulations aren't saving our city, they're killing it.

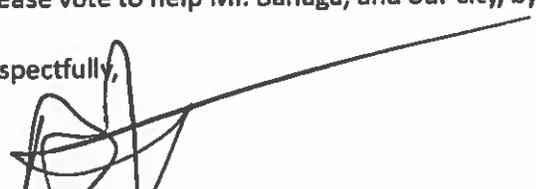
As all of us are aware, Petersburg faces significant economic challenges as it has lost it's retail dominance with the movement of almost all retail activity in the area to Colonial Heights. It has also lost the economic engine of manufacturing it used to enjoy with companies like Brown & Williamson and Titmus Optical.

We are blessed to have existing buildings, but many are vacant. We must keep them occupied, so they can eventually catch up, and be repurposed to being contributors to our economy because commercial buildings pay much more taxes and use far fewer services than residential buildings. Vacant buildings fall down within five years of roof failure. Landlords can't keep roof systems maintained if there's no rent being paid. To keep these buildings available for our future, paying taxes, and employing our people, we must keep them rented.

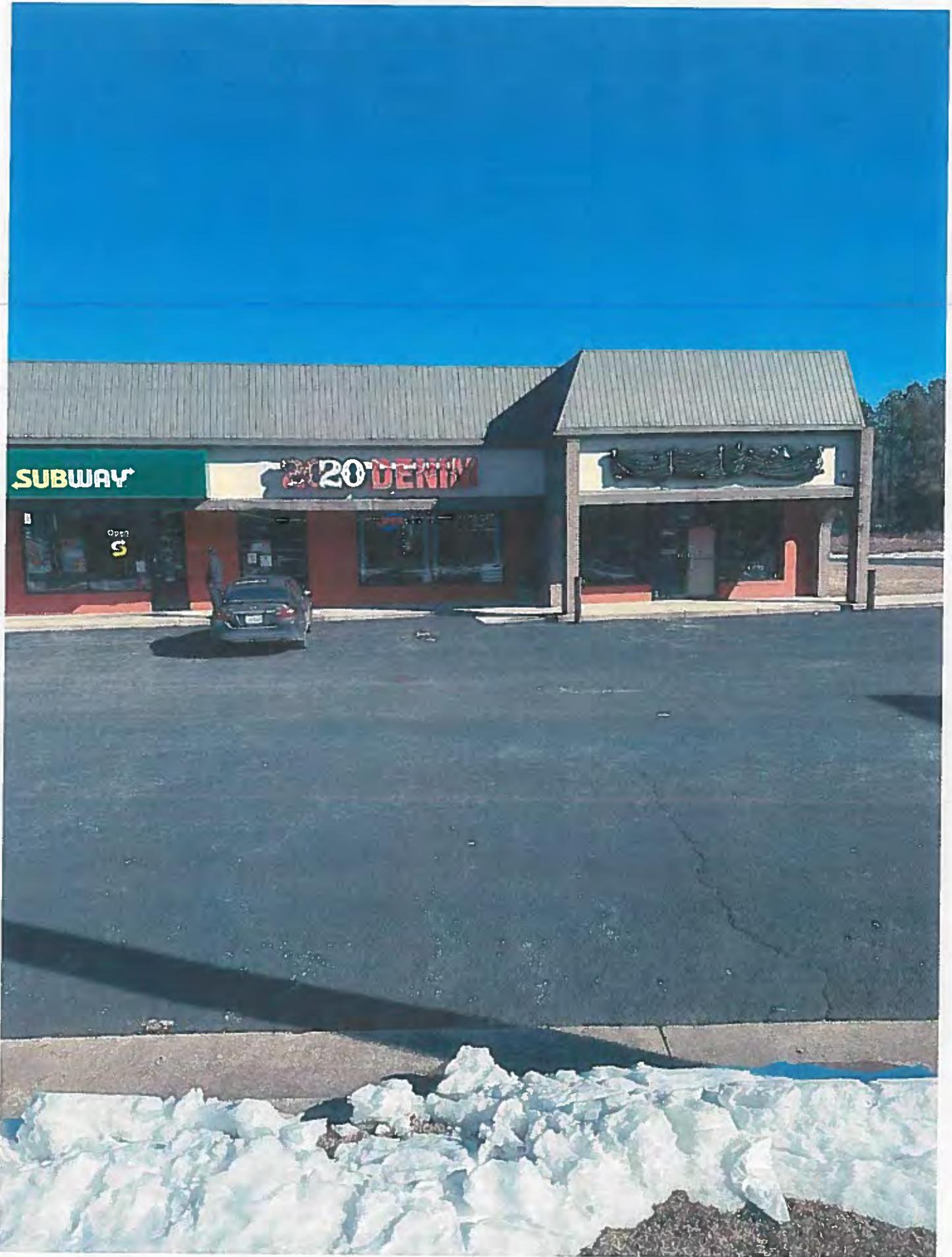
I personally have lost 4 or 5 prospective tenants recently at my buildings alone because their use was not allowed by our regulations. We should be bending over backwards to help businesses come to our city.

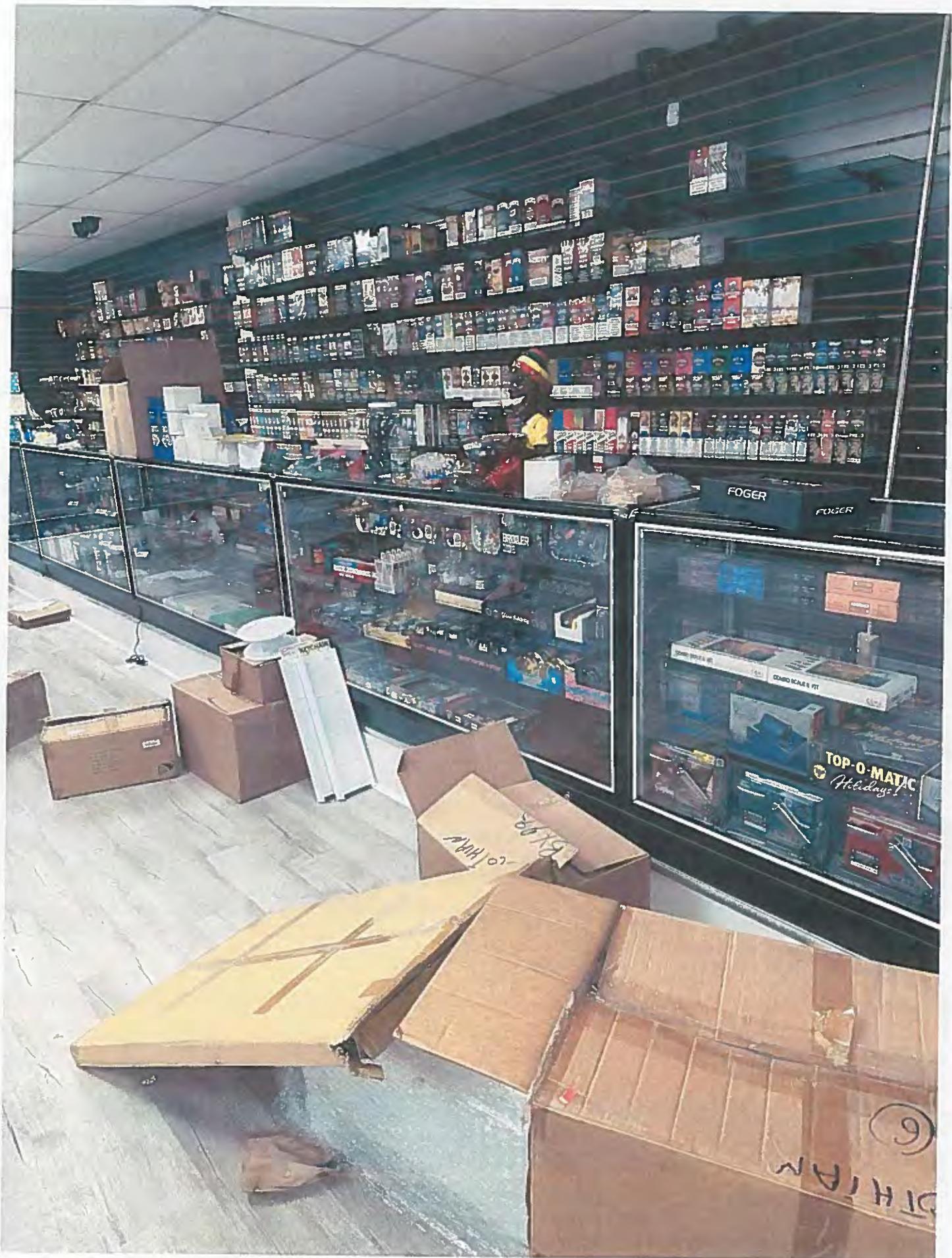
Please vote to help Mr. Banaga, and our city, by approving the amendment being proposed.

Respectfully,

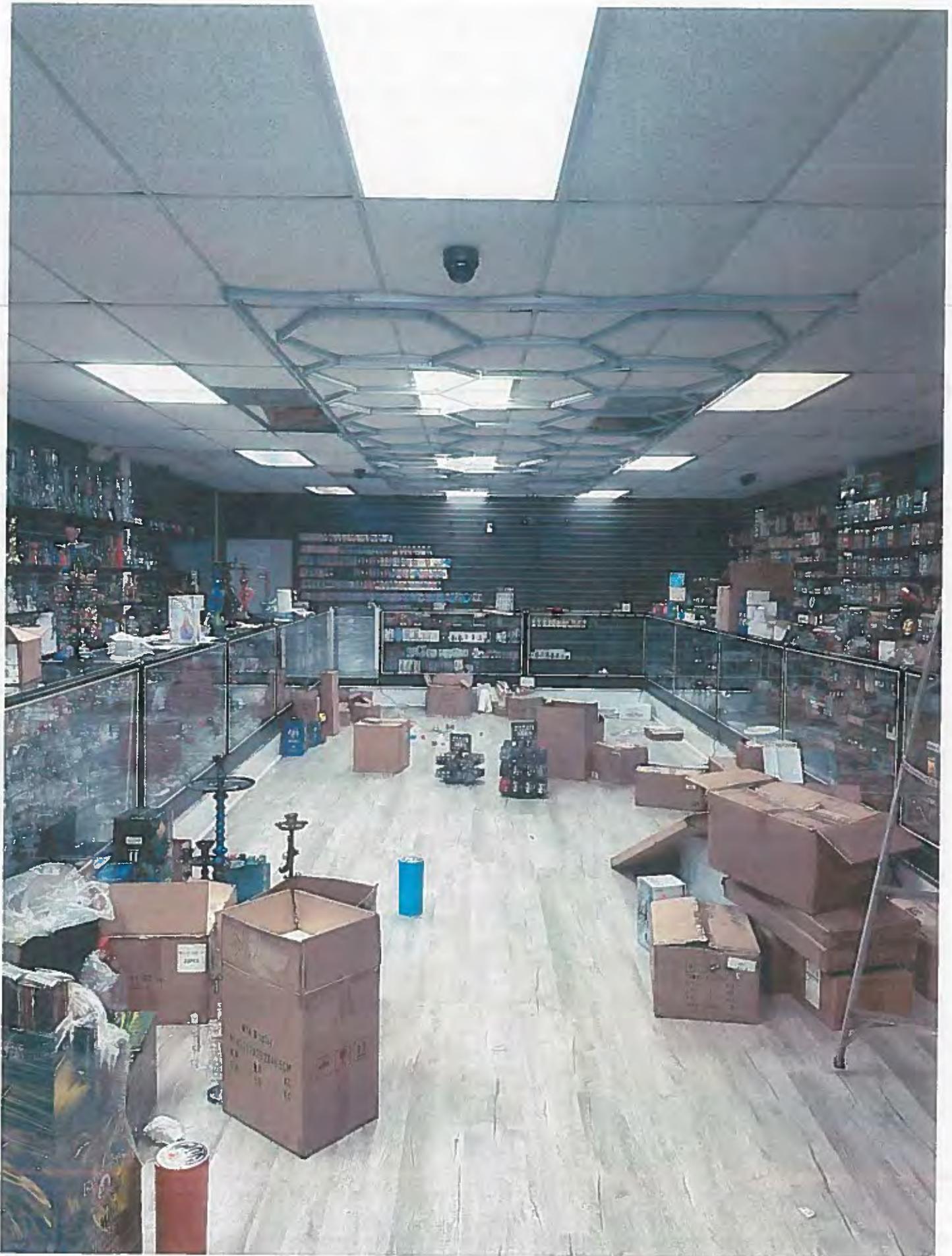


Bryan Robinson









## ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

### Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

### Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

### Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

### Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;
- (6) Public or government buildings;

- 
- (7) Hospitals or sanitariums;
  - (8) Cemetery;
  - (9) Sports arena or stadium;
  - (10) Race track;
  - (11) Radio or television tower or broadcasting station;
  - (12) Child care centers in residential district.
  - (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
    - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
    - (b) One-half (½) off-street parking space per sleeping room;
    - (c) Resident-manager on premises;
    - (d) Permitted sign area not to exceed two (2) square feet;
    - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
  - (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
  - (15) Nightclub in B-2 and M-1 zoning district only and subject to the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
    - a. A nightclub shall not serve alcoholic beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.;
    - b. A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar;
    - c. No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided;
    - d. The establishment shall maintain a current, active business license at all times while in operation;
    - e. The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation;
    - f. An application for a nightclub use shall include a management program with required elements as follows:
      - 1. Staffing levels;
      - 2. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this floor plan shall be posted on the premises in a prominent location viewable by patrons;
      - 3. Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.

- 
- g. An application for a nightclub use shall include a security plan with provisions for the following:
    - 1. The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted;
    - 2. Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation.
  - h. The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed;
  - i. A special use permit granted for a nightclub use shall be subject to review two (2) years after approval for compliance with the conditions of approval.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
  - (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
  - (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
  - (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
  - (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
  - (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
  - (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
  - (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
  - (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
  - (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
  - (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
  - (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
  - (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
  - (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
  - (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
  - (31) Homeless shelter.
  - (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
  - (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.

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- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) district, with the following conditions:
- a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
  - b. No exterior alterations to the residence;
  - c. Not transferable;
  - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate of fifteen (15) square feet;
  - e. No more than two (2) employees;
  - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
  - g. Three (3) Off-street parking spaces provided on-site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the B-2 and M-1 Districts only.
- (39) Small box discount stores, such to be permitted within the B-1, B-2, B-3, M-1, MXD-1, and MXD-2 Districts only, , with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
- a. A new small box discount store shall be located at two (2) miles from any existing small box discount store;
  - b. A minimum of ten (10) percent of floor space shall be dedicated to the sale of fresh foods as defined by the United States Food and Drug Administration
- (40) Short-term loan establishments, such to be permitted within the B-2 and M-1 Districts only, with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
- a. The short-term loan establishment shall be located at least two thousand (2000) feet from any parcel occupied by an adult entertainment establishment;
  - b. The short-term loan establishment shall be located at least two thousand (2000) feet from any residential zoning district or existing residential use;
  - c. The short-term loan establishment shall be located at least-two thousand (2000) feet from any parcel occupied by a religious assembly or institution; a school or child-care center serving students in grades K-12; a public park, public playground, or public recreation and community building; or a public library;
  - d. The short-term loan establishment shall be located at least two thousand (2000) feet from another short-term loan establishment

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- (41) Data centers which cannot meet the standards of Article 17 Section 2.3 or Article 18 Section 2.6, such to be permitted within the M-1 and M-2 Districts only.

(Ord. No. 19-41, 9-17-2019; Ord. No. 19-44, 9-17-2019; Ord. No. 23-20, Exh. A, 3-21-2023)

Editor's note(s)—Ord. No. 23-20, adopted March 21, 2023, set out provisions intended as subsection (36).

Inasmuch as there were already provisions so designated, said ordinance has been codified herein as subsection (37) at the discretion of the editor.

#### **Section 4.1. Special use permits for communication towers; criteria and procedures.**

(1) *Definitions.*

- a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
- b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
- c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.

- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.

- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:

- a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
- b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
- c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
- d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.

- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping,

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zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.

- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

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**Section 5. [Restrictions upon accessory buildings, cellars and basements.]**

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

## B-2, General Commercial District

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### **[Purpose.]**

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing.

**AN ORDINANCE AMENDING AND READOPTING ARTICLE 23. – SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG FOR THE PURPOSE OF ALLOWING RECREATIONAL SUBSTANCE RETAIL USES IN THE B-2, GENERAL COMMERCIAL ZONING DISTRICT SUBJECT TO APPROVAL OF A SPECIAL USE PERMIT AND AT LEAST 1,000 LINEAR FEET FROM THE PROPERTY LINE OF ANY CHILD DAY CARE CENTER OR PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 23. –Supplementary Use Regulations – Special Uses which specifies uses that are permitted in the city with the issuance of a special use permit; and

WHEREAS, recreational substance retail uses are currently only allowed within the M-1, Light Industrial Zoning District subject to the approval of a special use permit and at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school; and

WHEREAS, the City received a petition by Crater Center, LLC, owner of property at 3209 South Crater Road to amend Article 23 to also allow recreational substance retail uses in the B-2, General Commercial Zoning District subject to the approval of a special use permit and at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school; and

WHEREAS; the PetersburgNEXT Comprehensive Plan is supportive of a diverse economy with varied retail uses, but also encourages efforts intended to advance public health; and

WHEREAS; the City Council believes the recreational substance retail uses, when subject to thorough review via a special use permit, could align with the goals of the Comprehensive Plan to diversify the economy; 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 the City Council does hereby approve an ordinance amending and readopting Article 23. – Supplementary Use Regulations – Special Uses as set forth in the Zoning Ordinance as indicated in Exhibit A.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** Naomi Siodmok, Director of Planning and Community Development

**FROM:** System Admin, March Altman, Jr.

**RE:** **First Read and to Schedule a Public Hearing of an Ordinance for a Request by Alexander Graham, Jr., on Behalf of the Warrenton Group, to Rezone Property at 2233 Halifax Road, Parcel ID 076030800, from the A, Agricultural, District to the M-1, Light Industrial, District with Proffers**

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**PURPOSE:** The City has received a request to rezone property at 2233 Halifax Road from the A, Agricultural to the M-1, Light Industrial District to accommodate the construction of a data center development. The property is currently owned by the City but under an option agreement with Warrenton Group.

**REASON:** A rezoning from A, Agricultural District, to M-1, Light Industrial District, to permit a data center at 2233 Halifax Road.

**RECOMMENDATION:** The Planning Commission will hear this case on April 3, 2025, to make a recommendation.

**BACKGROUND:** Below is the order of events for this case:

1. January 7, 2025 – City Council voted to authorize the City Manager to enter into an option agreement and convey the subject property to Warrenton Group.
2. January 21, 2025 – City Council approved Zoning Ordinance amendment permitting and regulating data center uses in the city.
3. February 25, 2025 – Staff received petition for rezoning.
4. March 19, 2025 – Staff met with Warrenton Group representative to discuss potential proffers to accompany the petition.
5. April 3, 2025 - This case will go before Planning Commission for a recommendation.

**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. Ordinance 25-REZ-03
2. Application
3. Plat
4. Site Concept Draft2

**AN ORDINANCE TO APPROVE A PETITION TO REZONE PROPERTY LOCATED AT 2233 HALIFAX ROAD, PARCEL IDENTIFICATION NUMBER 076030800 FROM A, AGRICULTURAL DISTRICT TO M-1, LIGHT INDUSTRIAL DISTRICT WITH PROFFERS**

WHEREAS, the City of Petersburg received a petition from The Warrenton Group to rezone the property located at 2233 Halifax Road from A, Agricultural District to M-1, Light Industrial District; and

WHEREAS, The Warrenton Group proffered conditions for the City's consideration including setbacks, architectural treatment, landscape buffers, noise, recycled water, and cultural resources; and

WHEREAS, a concept plan was provided showing the use of the property for a data center and associated substations; and

WHEREAS, the use with the presented proffers are in compliance with PetersburgNEXT Comprehensive Plan which identifies the site as General Industrial on the future land use map, which supports industry next to roads and rail, but notes that ample setbacks and buffering should be provided and largely impervious areas should provide adequate stormwater management and address environmental justice concerns; and

WHEREAS, the applicant updated the proposed proffers to address concerns and bring the proposal closer to conformance with the Comprehensive Plan; 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 the City Council does hereby approve the petition to rezone property located at 2233 Halifax Road, parcel identification number 076030800 from A, Agricultural District to M-1, Light Industrial District with proffers as presented in Exhibit A.

**Summary of Proffers to be Negotiated between the  
Applicant and the City of Petersburg  
Relating to 2233 Halifax Road**

1. Setbacks. Where the data center (“Project”) adjoins residential properties, the primary structures would be set at least 100 feet from the shared boundary with each residence.
2. Architectural Treatment. Substations will be screened from adjacent roads and residences, and mechanical equipment and refuse collection areas shall be fully screened by landscaping and/or architectural features.
3. Enhanced Landscape Buffer. A natural and landscaped buffer shall be provided along the northern and eastern boundary lines of the Property in the area generally shown on the concept plan entitled “The Warrenton Group Data Center Concept - 2” prepared by Timmons Group and dated February 21, 2025. Such buffer shall be sized to provide adequate visual screening (upon the maturity of the new landscape elements) for the existing homes on the properties adjoining such buffer, subject to existing landscaping, topography, utility easements and environmental areas, all as determined at the time of site plan review. Landscaping within such buffer area shall consist of a combination of existing and new deciduous and evergreen trees and plant material.
4. Noise. Applicant shall cause the data center to meet the noise limitation of 79 dBA during the day and 72 dBA at night, as measured from the property line. A pre-construction noise study shall be ordered by the Applicant and delivered to the City when completed; a post-construction noise study shall be submitted to the City 90 days after receipt of the Certificate of Occupancy for the Project. The noise study shall be prepared by a Commonwealth Licensed Professional Engineer who will verify applicable maximum sound levels.

Where vegetated buffers are required along any property line abutting a residential property, a berm 6 feet in height with grade lower than 2:1, width of [25] feet, and 120 plants per 100 linear feet will be constructed.

5. Recycled Water. If water-based cooling is employed for the facility, a closed-loop system shall be utilized unless waived by the Director of Public Works.
6. Electric Demand. Applicant has been in contact with Dominion Power about the capacity of existing power transmission lines that would serve the Project, and participates in periodic conference calls with Dominion about ordering construction materials for the two substations needed for the Project.
7. Title Matters. Applicant is in receipt of a title commitment from Stewart Title Guaranty Company dated February 20, 2025. The commitment identifies a number of utility easements which Applicant is in the process of researching to determine whether any or all of them can be vacated. As of the date of this submission, Applicant is not aware that any of such easements that would cause a reconfiguration of the Project or a reduction in Project size.
8. Environmental and Historic and Cultural Resources Assessments. Applicant will develop a stormwater management plan for the Project that will meet or exceed Virginia's Best Management Practices, ensuring cleaner runoff and a healthier ecosystem. To the extent required by the Virginia Department of Environmental Quality ("DEQ") and the Federal Army Corps of Engineers ("the Corps"), the Applicant will engage with them on issues of wetland and stream impacts and how those impacts can be avoided and/or minimized to the maximum extent practicable. Should the Corps, DEQ or the Virginia Department of Historic Resources identify any historic properties within the Corps permit area, a cultural resources

survey will be conducted on the Project site and a report prepared regarding the results of such survey.

DRAFT

**PETITION FOR REZONING**

RETURN TO: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
(CITY HALL, THIRD FLOOR, ROOM 304)  
FILING FEE: \$1,500 (CHECK OR MONEY ORDER) AT THE TIME OF SUBMITTAL

**CASE NUMBER:** \_\_\_\_\_  
**APPLICANT:** The Warrenton Group  
**ADDRESS:** 14 Ridge Square, NW, Suite 300  
Washington D.C., 20016

I, Alexander C. Graham, Jr, as agent for the applicant hereby petition to rezone the following described properties  
from zoning district A - Agricultural to zoning district M-1, Light Industrial

**A. DESCRIPTION OF PROPOSED USE: (INCLUDE ANY PROFFERED CONDITIONS)**

See attached Response A.  
\_\_\_\_\_  
\_\_\_\_\_

**B. PROPERTY INFORMATION**

1. Tax Parcel Identification Number(s):

076030800  
\_\_\_\_\_

2. Current Street Address(es) if assigned:

2233 Halifax Road, Petersburg, VA 23805  
\_\_\_\_\_

3. Approximate Area:

7,522,216 sq. ft. 172.68 acres

4. Public Street Frontage:

1300 ft. Halifax Road  
210 ft. Vesonder Road, Ramblewood Road, Bogese Drive, and Briarwood Road combined.

5. A boundary plat of this property outlining the area to be rezoned must be attached to this petition.

6. The following deed restrictions may affect the use of this property: \*\*Boundary line will be marked in yellow\*\*  
Not applicable.

7. Brief:

Said deed restrictions will expire on: Not applicable.

**C. JUSTIFICATION FOR REZONING**

- 1. The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (Provide a detailed statement of reasons why the proposed rezoning should be granted).**

See Attached Response C.1.

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- 2. The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement).**

See Attached Response C.2.

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- 3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).**

See Attached Response C.3.

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- 4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).**

See Attached Response C.4.

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**D. CERTIFICATION:**

The undersigned applicant certifies that they:

(a) are the owner, lessee or agent for (specified in writing)

(b) possess a proprietary interest in (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING, and that the foregoing information and statements herein provided, and all other information herewith submitted, are in all respects true and correct to the best of their knowledge and belief.

Signed: Alexander C. Graham, Jr., Alexander C. Graham, Jr., counsel for the Applicant, The Warrenton Group

Mailing Address: PO Box 1320  
Richmond, VA 23218

Phone Number: Office - (804) 420-6458, Cell - (804) 357-1053

Email Address: sgraham@williamsmullen.com

APPROVED

\_\_\_\_\_  
City Attorney

TO BE FILED IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**ACTION RECORD**



Date Filed (with Planning Department): \_\_\_\_\_

Date of Planning Commission Public Hearing: \_\_\_\_\_

Planning Commission Action(s): \_\_\_\_\_

Date of City Council Hearing: \_\_\_\_\_

City Council Action(s): \_\_\_\_\_

## RESPONSE “A” TO JUSTIFICATION FOR REZONING

The proposed use is for a data center that will support and secure the future of critical AI infrastructure in the Tri-Cities region. An initial Concept Plan for the site prepared by the Timmons Group is included with this Petition. Applicant intends to submit Proffers to address (a) the mitigation of pre-construction and system operation noise, (b) architectural treatment, (c) setbacks greater than those required by the City Zoning text amendment adopted on January 21, 2025, (d) enhanced landscape buffers consisting of existing and new deciduous and evergreen trees between the Project site and existing residences to the North and Northeast of the Project site, and (e) security fencing at least 35 feet from a public street. The Project site does not share a boundary with any public parks. The initial Concept Plan shows six 145,000 SF two-story buildings, 2 power substations, and numerous storm water management ponds. The cooling systems will use recycled water. The initial Concept Plan will be refined as more engineering occurs, and later iterations of those plans will be shared with Planning Department Staff as they become available.

## RESPONSES TO JUSTIFICATION FOR REZONING

### **Response: C.1**

Goal 1 of the City's recently adopted Comprehensive Plan (adopted 5/21/24) is aimed at developing a plan to transfer or sell City-owned property to private investors, and lists development of Collier Yard among the City's economic objectives (see p.271).

The current agricultural zoning is inconsistent with the highest and best use of the property. The parcel is ill-suited for agricultural use due to its proximity to existing industrial infrastructure and the adjacent 230 kV power line, which makes it far more suitable for industrial development, such as a data center. Rezoning to M-1, light industrial use, will align the property's use with adjacent industrial properties, creating a cohesive land-use pattern that supports the City's economic growth objectives.

### **Response: C.2**

The proposed rezoning to M-1, light industrial use, which now permits data center development, will transform an under-utilized, tax-exempt, City-owned property into a revenue-generating asset, contributing significantly to the City's tax base without placing additional burdens on public services.

The property's proximity to a 230 kV transmission line ensures efficient access to power, reducing the need for disruptive infrastructure expansion. Additionally, M-1, light industrial zoning setbacks and buffers will be proffered to protect the residential neighborhood to the North and Northeast, maintaining privacy and mitigating noise both during the construction period and during the operation of the data center.

This redevelopment will promote job creation, economic growth, and technological advancement, consistent with the City's long-term development goals while ensuring compatibility with surrounding land uses. The subject property is also characterized by substantial wetlands, but due to the size of the site, the proposed buildings can be situated so as to avoid or mitigate impacts to these wetlands.

**Response: C.3**

This is a unique opportunity for the City to convert a large, non-revenue-generating parcel into a significant source of tax revenue and economic development. The proposed use will not only generate substantial tax contributions, but also create high-quality jobs, further supporting the local economy. The City would have more real estate and machinery tax revenues that could be directed to the improvement of the public school system and other priorities.

From a planning perspective, M-1, light industrial zoning provides built-in setbacks, screening, and buffer requirements that ensure compatibility with neighboring residential properties while allowing for sustainable redevelopment.

By granting this rezoning, the City will unlock the property's economic potential, align land use with modern infrastructure, and support the broader community welfare, all while preserving and enhancing the property's value and enabling its highest and best use.

**Response: C.4**

Given the City's small land area, and significant existing development, very few sites remaining in the City that are large enough to support investment of the magnitude being proposed in this petition.

The subject property is uniquely suited for industrial use, due to its direct adjacency to a 230 kV power transmission line—a critical infrastructure component for high-demand technology facilities. Despite this advantageous positioning, the current agricultural zoning prohibits industrial development, preventing the property from being re-purposed for its highest and best use.

While there are other properties zoned M-1, light industrial use within the City, they lack the essential combination of size, City ownership, and proximity to high-voltage power infrastructure required for a data center or similar industrial uses. Additionally, many existing industrial properties in the City are already developed or are too small to support a large-scale industrial facility with proper setbacks and buffers.

JUN 3, 2013

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING	TANGENT
C1	23.98'	1550.00'	0°53'11"	23.98'	N85°25'40"E	11.99'
C2	122.36'	85.30'	82°11'23"	112.14'	N22°28'06"E	74.40'
C3	383.47'	577.43'	38°03'00"	376.46'	N37°41'06"W	199.11'
C4	412.04'	5504.34'	4°17'20"	411.94'	N05°24'29"E	206.12'
C5	256.45'	5649.65'	2°36'03"	256.43'	N87°21'05"W	120.25'

LINE	LENGTH	BEARING
L1	130.11'	S83°56'53"E
L2	158.20'	S29°55'53"E
L3	88.94'	S15°35'07"E
L4	135.61'	S85°52'15"W
L5	200.63'	S45°44'34"E
L6	210.00'	S04°07'45"E
L7	70.42'	N85°52'15"E
L8	175.08'	S05°01'05"E
L9	150.53'	N77°24'15"E
L10	221.47'	S13°03'17"E
L11	17.59'	N76°56'43"E
L12	225.00'	S27°52'34"E
L13	15.00'	N62°07'26"E
L14	279.40'	S27°52'34"E
L15	120.02'	N42°51'44"W
L16	10.00'	N04°10'30"W
L17	88.60'	N13°40'10"W
L18	131.40'	N01°28'00"E
L19	327.43'	N04°19'45"E
L20	56.89'	N41°46'41"E

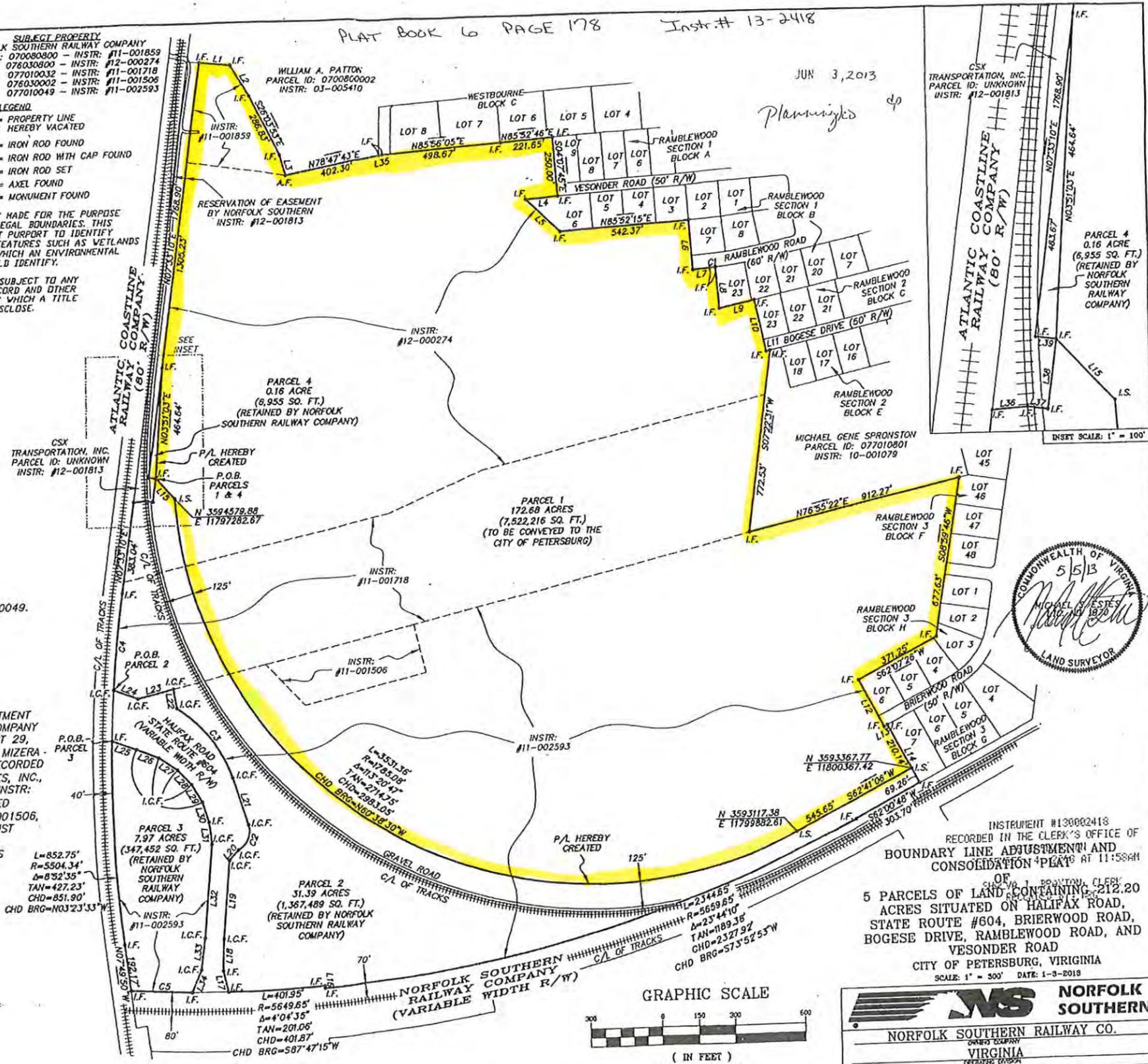
LINE	LENGTH	BEARING
L21	208.05'	N18°39'36"W
L22	81.17'	N10°35'13"W
L23	154.08'	S76°17'27"W
L24	108.58'	N69°07'47"W
L25	108.74'	S69°36'58"E
L26	99.62'	S88°05'55"E
L27	97.17'	S56°17'44"E
L28	84.74'	S42°45'08"E
L29	86.70'	S31°08'34"E
L30	88.02'	S17°27'05"E
L31	92.57'	S07°38'27"E
L32	390.80'	S04°19'45"W
L33	131.40'	S07°11'29"W
L34	98.91'	S22°19'44"W
L35	14.56'	N77°05'44"E
L36	51.03'	N86°00'02"E
L37	30.00'	S82°26'50"E
L38	100.00'	N07°33'10"E
L39	30.00'	N82°26'50"W

**SUBJECT PROPERTY**  
 NORFOLK SOUTHERN RAILWAY COMPANY  
 PARCEL ID: 070080800 - INSTR: #11-001859  
 076030800 - INSTR: #12-000274  
 077010032 - INSTR: #11-001718  
 076030002 - INSTR: #11-001506  
 077010049 - INSTR: #11-002593

**LEGEND**  
 - - - - - PROPERTY LINE HEREBY VACATED  
 I.F. = IRON ROD FOUND  
 I.C.F. = IRON ROD WITH CAP FOUND  
 I.S. = IRON ROD SET  
 A.F. = AXEL FOUND  
 M.F. = MONUMENT FOUND

THIS SURVEY WAS MADE FOR THE PURPOSE OF IDENTIFYING LEGAL BOUNDARIES. THIS SURVEY DOES NOT PURPORT TO IDENTIFY ENVIRONMENTAL FEATURES SUCH AS WETLANDS OR POLLUTANTS WHICH AN ENVIRONMENTAL ASSESSMENT WOULD IDENTIFY.

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.



**CERTIFICATE**  
 I, THE UNDERSIGNED OWNER, DO CONSENT TO THE BOUNDARY LINE ADJUSTMENT AND CONSOLIDATION AS SHOWN ON THIS PLAT BETWEEN PARCELS 070080800, 076030800, 077010032, 076030002, AND 077010049.

NORFOLK SOUTHERN RAILWAY COMPANY  
 BY: Malcolm G. Koop  
 TITLE: Real Estate Manager

**SOURCE OF TITLE**  
 THE LAND EMBRACED WITHIN THE LIMITS OF THIS BOUNDARY LINE ADJUSTMENT AND CONSOLIDATION WAS CONVEYED TO NORFOLK SOUTHERN RAILWAY COMPANY FROM TERRY M. DAVIS AND HARRIETT C. MOORE, BY DEED DATED AUGUST 29, 2011 AND RECORDED AUGUST 30, 2011, IN INSTR: #11-001859, FROM MIZERA DEVELOPMENT CORPORATION BY DEED DATED JANUARY 20, 2012 AND RECORDED FEBRUARY 2, 2012, IN INSTR: #12-000274, FROM CARLSON ENTERPRISES, INC., BY DEED DATED AUGUST 3, 2011 AND RECORDED AUGUST 9, 2011, IN INSTR: #11-001718, FROM GEORGE E. WOLFREY AND LOIS W. WOLFREY BY DEED DATED JULY 15, 2011 AND RECORDED JULY 15, 2011, IN INSTR: #11-001506, AND FROM MICHAEL D. PRITCHARD, TRUSTEE OF THE MIZERA FAMILY TRUST DATED SEPTEMBER 8, 2003 BY DEED DATED NOVEMBER 19, 2011 AND RECORDED NOVEMBER 29, 2011, IN INSTR: #11-002593 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT, CITY OF PETERSBURG, VIRGINIA.

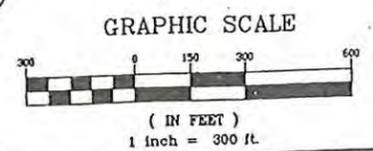
Michael S. Estes, L.S.  
 MICHAEL S. ESTES, L.S.

APPROVED BY CITY OF PETERSBURG

DATE: 6.26.13  
Michelle B. Peters  
 DIRECTOR OF PLANNING

**Townes**  
 SITE ENGINEERING  
 9850 LORI ROAD, SUITE 201  
 CHESTERFIELD, VIRGINIA 23832  
 PHONE: (804) 748-9011 FAX: (804) 748-2590

DRAWN BY: MWP CHECKED BY: \_\_\_\_\_



INSTRUMENT #130002418  
 RECORDED IN THE CLERK'S OFFICE OF  
 BOUNDARY LINE ADJUSTMENT AND  
 CONSOLIDATION PLAT  
 OF  
 5 PARCELS OF LAND CONTAINING 212.20  
 ACRES SITUATED ON HALIFAX ROAD,  
 STATE ROUTE #604, BRIERWOOD ROAD,  
 BOGESE DRIVE, RAMBLEWOOD ROAD, AND  
 VESONDER ROAD  
 CITY OF PETERSBURG, VIRGINIA  
 SCALE: 1" = 300' DATE: 1-3-2013

**NORFOLK SOUTHERN**  
 NORFOLK SOUTHERN RAILWAY CO.  
 VIRGINIA





PARCEL 4 ZONE: A  
0.16 ACRE  
(6,955 SQ. FT.)  
(RETAINED BY NORFOLK  
SOUTHERN  
RAILWAY COMPANY)

PARCEL 1 ZONE: A  
172.88 ACRES  
2233 HALIFAX RD  
(TO BE CONVERTED TO THE  
CITY OF PETERSBURG)

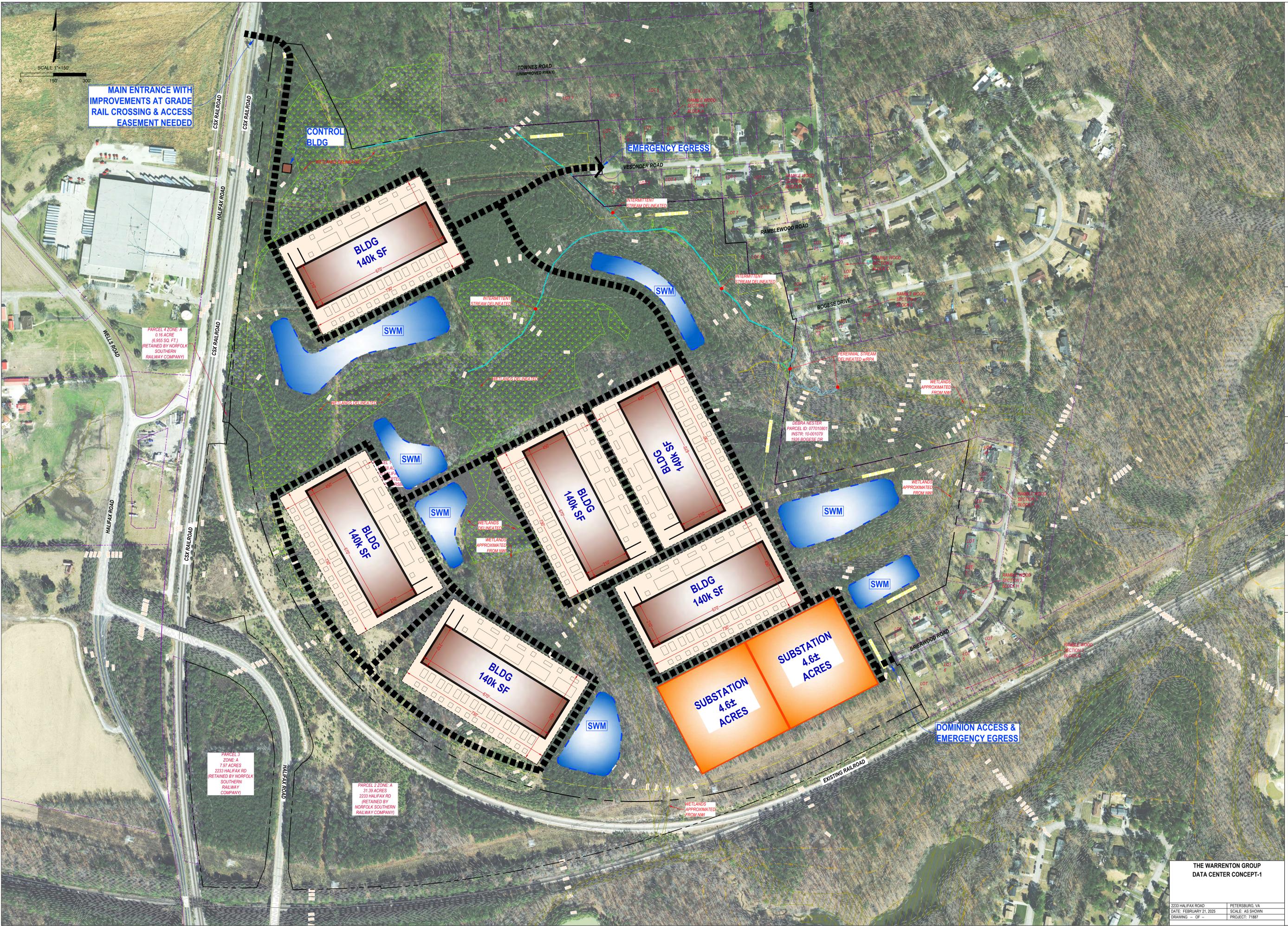
PARCEL 3  
ZONE: A  
7.97 ACRES  
2233 HALIFAX RD  
(RETAINED BY NORFOLK  
SOUTHERN  
RAILWAY COMPANY)

PARCEL 2 ZONE: A  
31.39 ACRES  
2233 HALIFAX RD  
(RETAINED BY  
NORFOLK SOUTHERN  
RAILWAY COMPANY)

DEBRA NESTER  
PARCEL ID: 07701081  
INSTR: 10-001019  
1926 BOGESE DR

**DATA CENTER CONCEPTS  
BASE MAP**

2233 HALIFAX ROAD	PETERSBURG, VA
DATE: FEBRUARY 21, 2025	SCALE: AS SHOWN
DRAWING -- OF --	PROJECT: 71887



THE WARRENTON GROUP  
DATA CENTER CONCEPT-1

2233 HALIFAX ROAD	PETERSBURG, VA
DATE: FEBRUARY 21, 2025	SCALE: AS SHOWN
DRAWING -- OF --	PROJECT: 71887



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 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 Read and to Schedule a Public Hearing of an Ordinance for an Amendment to the Zoning Ordinance of the City of Petersburg Pertaining to the Introduction of Civil Penalties for Violations of the Zoning Ordinance**

**PURPOSE:** Planning Staff are seeking to update the Zoning Ordinance to allow the pursuit of civil penalties for zoning violations. Currently, Staff's only option is to file criminal charges for zoning violations, but there has been extremely limited success prosecuting violators and gaining compliance through this process. Staff believe civil penalties would more effectively address most zoning violations and are recommending approval of the text amendment as drafted. Fees are recommended at \$200 for the first violation and \$500 for subsequent violations.

**REASON:** To provide another route for enforcement of zoning violations through civil penalties to assist in resolving ongoing cases that have had limited success through the criminal process.

**RECOMMENDATION:** Planning Commission recommended approval of the proposed text amendment in a 6 (ayes) to 0 (nays) vote.

**BACKGROUND:** The Zoning Ordinance currently provides that any zoning violation is to be treated as a criminal misdemeanor. This requires a criminal summons to be issued by a magistrate and the case brought before the court in a criminal trial. Over the last several years, the Planning Department has had very little success with addressing violations through this process. In many instances, summons have not been served due to the Police Department having higher-priority items or because violators are not in the State of Virginia. In some cases, summonses are served, but cases are dropped due to technicalities or errors in the filing. As of the writing of this report, there are 25 outstanding zoning violations that staff have been unable to bring into compliance because violators have not complied willingly nor been served summons to appear in court for resolution.

**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. 5. 15.2-2209
2. 1. 25-ZTA-02 Memo
3. 2. 25-ZTA-02
4. 4. Article 33 - Proposed Changes
5. Ordinance

## § 15.2-2209. Civil penalties for violations of zoning ordinance

Notwithstanding subdivision A 5 of § 15.2-2286, any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance. The schedule of offenses shall not include any zoning violation resulting in injury to any persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under subdivision A 4 of § 15.2-2286 or action by the governing body under § 15.2-2208.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

The zoning administrator or his deputy may issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

No provision herein shall be construed to allow the imposition of civil penalties (i) for activities related to land development or (ii) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way.

1985, c. 417, § 15.1-499.1; 1986, c. 97; 1987, cc. 78, 99; 1988, cc. 513, 813, 869, 895; 1989, c. 566; 1990, cc. 473, 495; 1992, c. 298; 1993, c. 823; 1994, c. [342](#); 1995, c. [494](#); 1996, c. [421](#); 1997, c. 587; 2003, c. [192](#); 2006, c. [248](#); 2008, c. [727](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



## City of Petersburg

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

# MEMORANDUM

**DATE:** April 2025

**TO:** City Council

**FROM:** Planning Commission and Planning and Community Development

**RE:** 2025-ZTA-02: Consideration of an ordinance approving an amendment to the Zoning Ordinance of the City of Petersburg pertaining to the introduction of civil penalties for violations of the zoning ordinance.

## EXECUTIVE SUMMARY

Planning Staff are seeking to update the Zoning Ordinance to allow the pursuit of civil penalties for zoning violations. Currently, Staff's only option is to file criminal charges for zoning violations, but there has been extremely limited success prosecuting violators and gaining compliance through this process. Staff believe civil penalties would more effectively address most zoning violations and are recommending approval of the text amendment as drafted.

## CHRONOLOGY OF EVENTS:

1. February 6, 2025 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.
2. March 6, 2025 – Planning Commission recommended approval of the proposed text amendment in a 6 (ayes) to 0 (nays) vote.

## BACKGROUND

One of the functions of the City's Department of Planning and Community Development is to enforce the Zoning Ordinance, which includes addressing zoning violations. Zoning violations commonly pertain to illegal use of a property, including contractor and vehicle storage on properties not zoned for those uses, and failure to go through proper channels before completing work, including changes to properties in the city's historic districts without Architectural Review Board approval or installing signage without a permit.

Zoning violations are typically addressed through an administrative process in which a violator receives a notice of violation with a period to appeal, but if the violation is not brought into compliance through this administrative process, the next step is to take legal action to address the issue.

The Zoning Ordinance currently provides that any zoning violation is to be treated as a criminal misdemeanor. This requires a criminal summons be issued by a Magistrate and the case be brought before the court in a criminal trial. Over the last several years, the Planning Department has had very little success with addressing violations through this process. In many instances, summons have not been served due to the Police Department having higher-priority items or because violators are not in the State of Virginia. In some cases, summonses are served, but cases are dropped due to technicalities or errors in the filing. As of the writing of this report, there are 25 outstanding zoning violations that Staff have been unable to bring into compliance because violators have not complied willingly nor been served summons to appear in court for resolution.

The Code of Virginia Section 15.2-2209 allows localities to establish civil penalties, or monetary fines or sanctions, for zoning violations. The locality can set a schedule of penalties and subsequently issue civil summons for violations that are not brought into compliance through the administrative process. Civil summons would be filed by the City Attorney and the summons could be served across state lines unlike criminal summons. A violator would have the option to pay the fine or to dispute in general district court. If the case went to court, it would be tried as a civil case where the City would need to demonstrate the violation exists through a preponderance of evidence as opposed to beyond a reasonable doubt as required in criminal cases.

Per State Code, penalties could be set at up to \$200 for an initial summons and up to \$500 for each additional summons. Planning is proposing that the maximum fees be established. Each day that a violation exists is considered a separate offense and multiple charges can be filed if the violation continues. If civil penalties for a violation accumulate to \$5,000, the violation would then be pursued criminally. The City would also retain the option to pursue criminal penalties for any violation resulting in harm to a person or particular cases where it may be unlikely to get a response from a violator through civil penalties.

Planning Staff believe that the introduction of civil penalties for violations will make enforcement of the Zoning Ordinance more successful. The additional control over the serving of warrants would get more cases into court and Staff believe it would be much more effective to have the cases tried as civil rather than criminal.

Please note most zoning violations are brought into compliance through the administrative violation process. Staff's goal is to work with property owners to address issues when possible and legal action, whether civil or criminal, is reserved for cases where violators are unwilling to bring a violation into compliance.



## **COMPREHENSIVE PLAN CONSIDERATIONS**

The PetersburgNEXT Comprehensive Plan speaks to the challenges of addressing issues on properties owned by absentee landowners, particularly those that live outside of Petersburg or Virginia. Civil summons can more easily served across state lines and Staff believe they would be more likely to get the attention of an absentee owner, particularly if fines were to accumulate.

The plan also recommends that City ordinances be reviewed to ensure that penalties for violations are clear and utilized to the maximum extent possible. Planning staff believe the introduction of civil penalties to address zoning violations will allow for the most effective enforcement of the Zoning Ordinance.

## **RECOMMENDATION**

Planning Commission recommended approval of the proposed text amendment in a 6 (ayes) to 0 (nays) vote.

Staff recommend approval of the proposed text amendment, as drafted.

CITY COUNCIL  
MEETING

APRIL 2025

## 2025-ZTA-02:

Consideration of an ordinance approving an amendment to the Zoning Ordinance of the City of Petersburg pertaining to the introduction of civil penalties for violations of the zoning ordinance

# Background

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- Violations of the Zoning Ordinance are currently handled as criminal misdemeanors
- Planning/Zoning staff have had limited success in addressing violations as criminal offenses
- Staff believe introduction of civil penalties would more effectively address violations and propose amendment to Article 33

# Zoning Violations

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Currently, Zoning has 25 open violations outside of administrative violation process:

- 5 violations for abandoned vehicle storage
- 2 violations for illegal contractor equipment storage
- 5 violations for failure to maintain signage
- 13 violations for sign permitting issues; includes violations for illegal sign types, signs installed without proper permits, or signs exceeding maximum signage allowed

# Civil Penalties

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- “Monetary fine or sanction imposed on someone who breaks a law or regulation”
- Per State Code § 15.2-2209, localities may establish civil penalties for violations of zoning ordinances; up to \$200 for initial offense, up to \$500 for additional offenses
- Schedule of penalties is set, Zoning Administrator can file civil summons if violation is not brought into compliance
- Each new day violation exists is considered separate offense, but cannot be charged more than once in ten-day period
- If civil penalties accumulate to \$5,000, violation is pursued as criminal

# Civil vs. Criminal Penalties

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- City can issue civil summons and summons can be served across state lines; criminal summons depend on rules that vary state-to-state
- Violator has option to pay fine or to dispute at general district court in civil hearing
- Standard of proof for civil cases are preponderance of evidence; threshold for criminal cases is beyond a reasonable doubt
- City will retain option to pursue criminal penalties

# Comprehensive Plan Considerations

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- Comprehensive Plan speaks to the challenges of addressing issues on properties owned by absentee landowners, especially when out of city or state; civil summons can be more easily served across state lines and staff believe they will get attention of property owners
- Comprehensive Plan recommends ordinance be reviewed to ensure that penalties for violations are clear and utilized to the maximum extent possible; Staff believe the option to pursue civil OR criminal penalties will allow for the most effective enforcement of the Zoning Ordinance.

# Recommendation

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Planning Commission recommended approval of the proposed text amendment in a 6 (ayes) to 0 (nays) vote.

Staff recommends approval.

# Change to Ordinance (Post Planning Commission)

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Per the recommendation of Legal, the fees have been integrated into this ordinance.

Those fees are proposed to be \$200 for the initial summons (after the 30 days to comply) and \$500 for each additional summons/violation.

These fees are the maximum permissible by the State. Planning Commission did not act on these fees.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance amending the Zoning Ordinance of the City of Petersburg pertaining to the introduction of civil penalties for violations of the zoning ordinance.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

## **ARTICLE 33. ENFORCEMENT, VIOLATION AND PENALTIES**

### **Section 1. [Violation.]**

- (1) It shall constitute a violation of this ordinance for any person either owner, agent, or occupant, to do any of the things for which a permit is required by this ordinance without having first obtained such a permit.
  - a. Any such permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the Zoning Administrator shall determine that they have issued a permit under such circumstances, they shall revoke the permit and give notice to the holder by mail to the address set out in the permit application and by posting such notice in some conspicuous place upon the premises. Any person who shall proceed thereafter with such work or use without having obtained a new permit in accordance with this chapter shall be deemed guilty of a violation of this ordinance.
- (2) It shall constitute a violation of this ordinance for any person to erect, construct, reconstruct, alter, repair, or convert any building or use any land in a manner which does not comply with the provisions of this ordinance.
- (3) It shall constitute a violation of this chapter for any person either owner, agent or occupant, to disobey, neglect or refuse to comply with or resist the enforcement of any of the provisions of this ordinance. Each day upon which any such violation shall continue shall constitute a separate violation.
- (4) It shall be unlawful for any person to violate any of the provisions of this ordinance in such a manner as to result in injury to any person.

### **Section 2. [Duty of Zoning Administrator, police and other city officers.]**

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance, and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of said ordinance. It shall also be the duty of all officers and employees of the city, and especially of all members of the police department, to assist the Zoning Administrator by reporting to him any seeming violation in new construction, reconstruction, or land uses.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

### **Section 3. [Authority of Zoning Administrator to deal with violations.]**

In any case any building is erected, constructed, reconstructed, altered, repaired or converted, or any building or land is used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

### **Section 4. [Penalty.]**

- (1) Any person or corporation who shall violate any of the provisions of this ordinance, or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000).

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The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinbefore provided.

- (2) In lieu of any criminal penalty otherwise chargeable under this section, civil penalties may be levied in accordance with the Code of Virginia Section 15.2-2209 as amended for any violation which does not result in injury to any person. ~~Civil penalties shall be levied in accordance with a schedule of fines as set by the City Council or as prescribed by Virginia Statute.~~
- a. Any person who, having been served with a notice of violation to abate or remedy a violation of a kind provided in Section 1, shall fail to comply with such order within thirty (30) days after such service or shall continue the violation with respect to the violation named in such notice shall be subject to a civil penalty of two hundred dollars (\$200.00) for the initial summons or violation, and five hundred dollars (\$500.00) for each additional summons or violation. Each day during which the violation is found to have existed shall constitute a separate offense. Specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of five thousand dollars (\$5,000.00).
  - b. Designation of a particular violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total five thousand dollars (\$5,000) or more, the violation may be prosecuted as a criminal misdemeanor.

**AN ORDINANCE AMENDING AND READOPTING ARTICLE 33. – ENFORCEMENT, VIOLATION, AND PENALTIES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG TO INTRODUCE CIVIL PENALTIES FOR VIOLATIONS OF THE ZONING ORDINANCE**

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 33. – Enforcement, Violation, and Penalties which allows the Zoning Administrator to enforce the zoning ordinance, including seeking penalties for violation; and

WHEREAS, Article 33 currently limits penalties for violations of the Zoning Ordinance to Criminal Misdemeanors; and

WHEREAS, the Zoning Administrator has faced challenges with pursuing criminal penalties for violations of the Zoning Ordinance, including failure to have criminal summons served and technical errors resulting in violation proceedings being dismissed; and

WHEREAS; Code of Virginia Section 15.2-2209 empowers the City to adopt an ordinance establishing civil penalties for violations of the Zoning Ordinance with a fixed schedule of fines; and

WHEREAS; the Zoning Administrator and Department of Planning and Community Development believe the adoption of civil penalties for violations of the Zoning Ordinance will allow more effective and timely enforcement of the Zoning Ordinance; and

WHEREAS, the City Council is supportive of City Staff efforts to bring properties in violation of the Zoning Ordinance into compliance; 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 the City Council does hereby approve an ordinance amending and readopting Article 33. – Enforcement, Violation, and Penalties as set forth in the Zoning Ordinance as indicated in Exhibit A.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:**

**FROM:**

**RE:** **First Reading and Schedule a Public Hearing on an Ordinance to Authorize the Purchase of Property Located at 530 E. Washington Street - Tax Parcel ID No. 012280013**

**PURPOSE:** First reading and schedule a public hearing on an Ordinance to purchase the property located at 530 E. Washington Street.

**REASON:** Presentation of offer received by City Manager for City to purchase property at 530 E. Washington Street.

**RECOMMENDATION:** Approve Ordinance.

**BACKGROUND:** Presentation of offer received by City Manager for City to purchase property at 530 E. Washington Street.

**COST TO CITY:** \$790,000.00

**BUDGETED ITEM:**

**REVENUE TO CITY:** \$210,000.00 (difference in assessed value and purchase price)

**CITY COUNCIL HEARING DATE:**

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. AN ORDINANCE TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED AT 530 E
2. A - offer 530 E Washinton St - SALE
3. PURCHASE AGREEMENT -- 530 E WASHINGTON ST



**AN ORDINANCE TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED AT 530 E. WASHINGTON STREET – TAX PARCEL ID NO. 012280013**

WHEREAS, Troubleshot, LLC is the current owner of the property located at 530 E. Washington Street (“the Property”); and

WHEREAS, an offer (**Exhibit A**) was received by the City Manager from the current owner to sell the property to the City for SEVEN HUNDRED-NINETY THOUSAND and 00/100 (\$790,000.00) **net of costs**; and

WHEREAS, the Property has a long history of neglect, and is currently a blighting influence upon the surrounding area; and

WHEREAS, City Council believes that the purchase of such property in an effort to eliminate such blighting influence would be in the best interests of the City of Petersburg.

NOW therefore be it ORDAINED that City Council does hereby direct the appropriation of the funds identified in this Ordinance from the General Funds of the City for the purposes described herein, and does hereby authorize the City Manager and City Attorney to execute the Purchase Agreement (**Exhibit B**) and take all actions necessary to effectuate the purchase of said property forthwith upon terms and in accordance with the March 12, 2025 offer letter (Exhibit A) received by the Manager.

Troubleshoot LLC  
c/o J. David McCormack  
245 E Bank St.  
Petersburg, VA 23803

March 12, 2025

March Altman  
City Manager, City of Petersburg  
135 N Union St, Suite 202  
Petersburg, VA 23803

Dear Mr. Altman,

I am writing to offer the City of Petersburg the property at 530 E. Washington St. The price, net of costs, is \$790,000.

I look forward to working with you on this sale.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. David McCormack', written in a cursive style.

J. David McCormack

**CITY OF PETERSBURG  
REAL ESTATE PURCHASE AGREEMENT**

**Assessed Value:** \$1,000,000.00

**Consideration:** \$790,000.00

**Tax Map No.:** #012280013

This Commercial Real Estate Purchase Agreement (the "Agreement") is dated April 23, 2025, between TROUBLESHOT, LLC, hereinafter referred to a "Seller" and party of the first part, and CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia hereinafter referred to as "Purchaser", and party of the second part, and Pender & Coward (the "Escrow Agent") and recites and provides the following:

**RECITALS:**

The Seller owns certain parcel(s) of property and all improvements thereon and appurtenances thereto located in Petersburg, Virginia, commonly known as: 530 E. Washington Street, Petersburg, Virginia, Tax Map Number: #012280013 and further described as:

*All that certain tract, piece or parcel of land lying and being in the City of Petersburg, Virginia shown and described as Parcel "A" containing 2.73 acres, more or less, and Parcel "B" containing 0.22 acre, more or less, on that certain plat made by Harvey L. Parks, Inc., Land Surveyor, entitled "PLAT OF 2 PARCELS OF LAND SITUATED SOUTH OF EAST WASHINGTON STREET AND NORTH OF EAST WYTHE STREET IN THE CITY OF PETERSBURG, VA", dated April 13, 1994, revised on April 21, and 26, 1994, a copy of which is recorded with that certain deed on April 28, 1994, in the Clerk's Office, Circuit Court, City of Petersburg, Virginia, in Deed Book 524, page 85, and to which reference is made for a more particular description of the property.*

as indicated in the recorded deed for the property (**Attachment A**) which is herein adopted and incorporated as if set forth fully herein (hereinafter "Property").

Purchaser desires to purchase the Property and Seller agrees to sell the Property subject to the following terms and provisions of this Agreement:

1. **Sale and Purchase:** Subject to the terms and conditions hereof, Seller shall sell and Purchaser shall purchase, the Property. The last date upon which this Agreement is executed shall be hereinafter referred to as the "Effective Date".
2. **Purchase Price:** The purchase price for the Property is SEVEN HUNDRED NINETY THOUSAND and 00/100 dollars (\$790,000.00) (the "Purchase Price"). The Purchase Price shall be payable all in cash by wired transfer or immediately available funds at Closing.
3. **Closing:** Closing shall take place on or before thirty (30) business days after the completion of the Due Diligence Period described in Section 4. Purchaser may close on the Property prior to completion of the Due Diligence Period with reasonable advance notice to Seller. At Closing, Seller shall convey to Purchaser, by Special Warranty Deed, good and marketable title to the Property in fee simple, subject to any and all easements, covenants, and restrictions of record and affecting the Property and current taxes.

In the event a title search done by Purchaser during the Due Diligence Period reveals any title defects that are not acceptable to the Purchaser, Purchaser shall have the right, by giving written notice to the Seller within the Due Diligence Period, to either (a) terminate this Agreement, in which event this Agreement shall be null and void, and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party and the entire Deposit is refunded to the Purchaser or (b) waive the title objections and proceed as set forth in this Agreement. Seller agrees to cooperate with Purchaser to satisfy all reasonable requirements of Purchaser's title insurance carrier.

4. **Due Diligence Period:** Not to exceed sixty (60) calendar days after the Effective Date. The Purchaser and its representatives, agents, and employees shall be given reasonable right of access to the property for the purpose of necessary inspections during the due diligence period. The Purchaser agrees that each survey, report, study, and test report shall be prepared for the benefit of, and shall be certified to, the Purchaser and Seller (and to such other parties as the Purchaser may require). A duplicate original of each survey, report, study, test report shall be delivered to Seller's counsel at the notice address specified in this document within ten (10) days following Purchaser's receipt thereof.

Purchaser shall be responsible for paying all closing costs associated with the purchase including but not limited to Seller's attorney fees, applicable grantor's tax (if any), and the cost associated with preparation of the deed and other Seller's documents required hereunder.

**5. Seller's Representations and Warranties: Seller represents and warrants as follows:**

- a. To the best of Seller's knowledge, there is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Seller relating to the Property or against the Property. Seller is not subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator which results in a material adverse effect on the Property or the operation thereof.
- b. To the best of Seller's knowledge, there are no pending or threatened (in writing) condemnation or eminent domain proceedings which affect any of the Property.
- c. To the best of Seller's knowledge, neither the execution nor delivery of the Agreement or the documents contemplated hereby, nor the consummation of the conveyance of the Property to Purchaser, will conflict with or cause a breach of any of the terms and conditions of, or constitute a default under, any agreement, license, permit or other instrument or obligation by which Seller or the Property is bound.
- d. Seller has full power, authorization and approval to enter into this Agreement and to carry out its obligations hereunder. The party executing this Agreement on behalf of Seller is fully authorized to do so, and no additional signatures are required.
- e. The Property has municipal water and sewer lines and has gas and electric lines at the line. Seller makes no representation as to whether the capacities of such utilities are sufficient for Purchaser's intended use of Property.
- f. Seller has not received any written notice of default under, and to the best of Seller's knowledge, Seller and Property are not in default or in violation under, any restrictive covenant, easement or other condition of record applicable to, or benefiting, the Property.

As used in this Agreement, the phrase "to the best of Seller's knowledge, or words of similar import, shall mean the actual, conscious knowledge (and not constructive or imputed knowledge) without any duty to undertake any independent investigation whatsoever. Seller shall certify in writing at the Closing that all such representations and warranties are true and correct as of the Closing Date, subject to any changes in facts or circumstances known to Seller.

**6. Purchaser's Representations and Warranties:**

- a. There is no claim, action, suit, investigation or proceeding, at law, in equity or otherwise, now pending or threatened in writing against Purchaser, nor is Purchaser subject to the terms of any decree, judgment or order of any court, administrative agency or arbitrator, that would affect Purchaser's ability and capacity to enter into this Agreement and transaction contemplated hereby.
- b. Purchaser has full power, authorization, and approval to enter into this Agreement and to carry out its obligation hereunder. The party executing this Agreement on behalf of Purchaser is fully authorized to do so, and no other signatures are required.

**7. Condition of the Property:** Purchaser acknowledges that, except as otherwise set forth herein, the Property is being sold "AS IS, WHERE IS AND WITH ALL FAULTS". Seller makes no warranties or representations regarding the condition of the Property, including without limitation, the improvements constituting a portion of the Property or the systems therein.

**8. Escrow Agent:** In the event of doubt as to its duties or liabilities under the provisions of this Agreement, the Escrow Agent may, in its sole discretion, continue to hold the monies that are the subject of this escrow until the parties mutually agree to the disbursement thereof, or until a judgment of a court of competent jurisdiction shall determine the rights of the parties thereto. In the event of any suit where Escrow Agent interpleads the Deposit, the Escrow Agent shall be entitled to recover a reasonable attorney's fee and cost incurred, said fees and cost to be charged and assessed as court costs in favor of the prevailing party. All parties agree that the Escrow Agent shall not be liable to any party or person whomsoever for mis-delivery to Purchaser or Seller of the Deposits, unless such mis-delivery shall be due to willful breach of this Agreement

or gross negligence on the part of the Escrow Agent. The Escrow Agent shall not be liable or responsible for loss of the Deposits (or any part thereof) or delay in disbursement of the Deposits (or any part thereof) occasioned by the insolvency of any financial institution unto which the Deposits is placed by the Escrow Agent or the assumption of management, control, or operation of such financial institution by any government entity.

9. **Risk of Loss:** All risk of loss or damage to the Property by fire, windstorm, casualty or other cause is assumed by Seller until Closing. Except for damages proximately caused by Purchaser, its employees, agents, or assigns, in the event of a loss or damage to the Property or any portion thereof before Closing, Purchaser shall have the option of either (a) terminating this Agreement, in which this Agreement shall then be deemed null and void and none of the parties hereto shall then have any further obligation to any other party hereto or to any third party, or (b) affirming this Agreement, in which event Seller shall assign to Purchaser all of Seller's rights under any applicable policy or policies of insurance and pay over to Purchaser any sums received as a result of such loss or damage. Seller agrees to exercise reasonable and ordinary care in the maintenance and upkeep of the Property between the Effective Date and Closing. Purchaser and its representatives shall have the right to make an inspection at any reasonable time during the Due Diligence Period or prior to Closing.
10. **Condemnation:** If, prior to Closing, all of any part of the Property shall be condemned by governmental or other lawful authority, Purchaser shall have the right to (1) complete the purchase, in which event all condemnation proceeds or claims thereof shall be assigned to Purchaser, or (2) terminate this Agreement, in which event the Deposit shall be returned to Purchaser and this Agreement shall be terminated, and this Agreement shall be deemed null and void and none of the parties hereto shall then have any obligation to any other party hereto or to any third party, except as otherwise provided in this Agreement.
11. **Notices:** All notices and demands which, under the terms of this Agreement must or may be given by the parties hereto shall be delivered in person or sent by Federal Express or other comparable overnight courier, or certified mail, postage prepaid, return receipt requested, to the respective hereto as follows:

**SELLER:**

The City of Petersburg  
March Altman, City Manager  
135 North Union Street  
Petersburg, VA 23803

(copy) The City of Petersburg  
Anthony C. Williams, City Attorney  
135 N. Union Street  
Petersburg, VA 23803

**PURCAHSER:**

Troubleshoot, LLC  
c/o: J. David McCormack  
245 E. Bank Street  
Petersburg, VA 23803

Notices shall be deemed to have been given when (a) delivered in person, upon receipt thereof by the person to whom notice is given, (b) as indicated on applicable delivery receipt, if sent by Federal Express or other comparable overnight courier, two (2) days after deposit with such courier, courier fee prepaid, with receipt showing the correct name and address of the person to whom notice is to be given, and (c) as indicated on applicable delivery receipt if sent via certified mail or similar service.

12. **Attorneys' Fees and Costs:** Except as otherwise provided in this Agreement, should either party hereto incur costs, including attorney's fees, to enforce the terms of this Agreement, the substantially prevailing party shall be entitled to recover all such costs and attorney's fees from the non-substantially prevailing party.
13. **Modification:** The terms of this Agreement may not be amended, waived or terminated orally, but only by an instrument in writing signed by the Seller and Purchaser.
14. **Assignment; Successors:** This Agreement may not be transferred or assigned without the prior written consent of both parties. In the event such transfer or assignment is consented to, this Agreement shall inure to the benefit of and bind the parties hereto and their respective successors and assigns.

15. **Counterparts:** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one of the same instrument.
16. **Survival:** All of the representations, warranties, covenants and agreements made in or pursuant to this Agreement made by Seller shall survive the Closing and shall not merge into the Deed or any other document or instrument executed and delivered in connection herewith.
17. **Captions and Counterparts:** The captions and paragraph headings contained herein are for convenience only and shall not be used in construing or enforcing any of the provisions of this Agreement.
18. **Governing Law; Venue:** This Agreement and all documents and instruments referred to herein shall be governed by, and shall be construed according to, the laws of the Commonwealth of Virginia. Any dispute arising out of performance or non-performance of any term of this Agreement shall be brought in the Circuit Court for the City of Petersburg, Virginia.
19. **Entire Agreement:** This Agreement contains the entire agreement between Seller and Purchaser, and there are no other terms, conditions, promises, undertakings, statements or representations, expressed or implied, concerning the sale contemplated by this Agreement. Any and all prior or subsequent agreements regarding the matters recited herein are hereby declared to be null and void unless reduced to a written addendum to this Agreement signed by all parties in accordance with Section 16.
20. **Copy or Facsimile:** Purchaser and Seller agree that a copy or facsimile transmission of any original document shall have the same effect as an original.
21. **Days:** Any reference herein to "day" or "days" shall refer to calendar days unless otherwise specified. If the date of Closing or the date for delivery of a notice or performance of some other obligation of a party falls on a Saturday, Sunday or legal holiday in the Commonwealth of Virginia, then the date for Closing or such notice of performance shall be postponed until the next business day.
22. **Title Protection** – During the due diligence period, purchaser may research title issues associated with the property and may purchase title insurance at his own expense or terminate the agreement in accordance with the provisions of this contract in the event that issues regarding title are discovered.

**IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and years first written.**

**PURCHASER:** City of Petersburg, Virginia

By: \_\_\_\_\_  
                     John M. Altman, Jr.,  
 Title: City Manager  
 Date: \_\_\_\_\_

**SELLER:**  
 Troubleshoot, LLC

By: \_\_\_\_\_, J. David McCormack  
 Title: Member/Manager  
 Date: 3/32/25

**ESCROW AGENT:**

By: _____,	Approved as to form: Date: _____
Title: _____	By: _____, Anthony Williams
Date: _____	Title: City Attorney

Prepared by:

John M. Vandenhoff, Esquire  
VSB # 46486  
The Law Offices of John M. Vandenhoff, PLLC  
4914 Fitzhugh Avenue, Suite 105  
PO Box 6202  
Richmond, VA 23230

Return to:

Candace M. Winston  
Safe Harbor Title Company  
4900 Augusta Avenue, Suite 150  
Richmond, VA 23230

Parcel ID No.: 012280013  
Consideration: \$600,000  
Assessed Value: \$1,000,000

DEED OF BARGAIN AND SALE

THIS DEED OF BARGAIN AND SALE, made this 6 day of February, 2025, by and between, **KATUMBH, LLC**, a Virginia limited liability company ("**Grantor**"), *to be indexed as a grantor*, formerly **KATUMBH, INC.**, a Virginia corporation (the "**Converted Entity**"), *to be indexed as a grantor*, and **TROUBLESHOT LLC**, a Virginia limited liability company ("**Grantee**"), *to be indexed as grantee*, provides as follows:

WITNESSETH:

WHEREAS, the improved commercial real estate described below was conveyed to the Converted Entity by Deed from Bharat Shah and Hinaben Shah, also known as Hina Shah, husband and wife, dated June 7, 2006, recorded August 11, 2006 in the Clerk's Office, Circuit Court, City of Petersburg, Virginia as Instrument No. 060004031; and

WHEREAS, on May 13, 2008, the Converted Entity converted to Grantor, a Virginia limited liability company; and

WHEREAS, Grantor has agreed to sell such real estate to Grantee.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, Grantor does grant and convey, with GENERAL WARRANTY and with ENGLISH COVENANTS OF TITLE unto Grantee, in fee simple, the following described real estate, to-wit:

**SCHEDULE "A" ATTACHED, WHICH IS  
HEREBY INCORPORATED INTO THIS DEED**

This conveyance is made subject to such covenants, restrictions, conditions and easements of record as may lawfully affect said property.

[Signature appears on next page]

WITNESS the following signature(s) and seal(s):

KATUMBH, LLC, a Virginia limited liability company, formerly KATUMBH, INC., a Virginia corporation

By: Santokh Singh (SEAL)  
Santokh Singh, Manager

STATE OF Virginia :

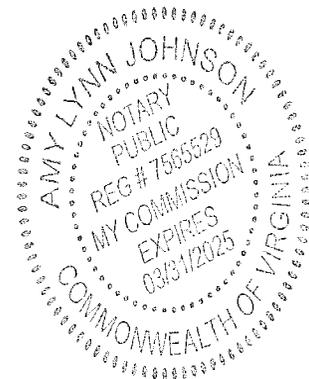
CITY/COUNTY OF Henrico , to wit:

The foregoing deed was acknowledged before me this 16 day of February, 2025, by Santokh Singh, as Manager of Katumbh, LLC, on behalf of such company.

Amy Lynn Johnson  
Notary Public

My commission expires: 3/31/2025

Grantee Address:  
245 E. Bank Street  
Petersburg, VA 23803



## SCHEDULE "A"

### Legal Description

ALL that certain tract, piece or parcel of land lying and being in the City of Petersburg, Virginia, shown and described as Parcel "A" containing 2.73 acres, more or less, and Parcel "B", containing 0.22 acre, more or less, on that certain plat made by Harvey L. Parks, Inc., Land Surveyor, entitled "PLAT OF 2 PARCELS OF LAND SITUATED SOUTH OF EAST WASHINGTON STREET AND NORTH OF EAST WYTHE STREET IN THE CITY OF PETERSBURG, VA", dated April 13, 1994, revised on April 21, and 26, 1994, a copy of which is recorded with that certain deed on April 28, 1994, in the Clerk's Office, Circuit Court, City of Petersburg, Virginia, in Deed Book 524, page 85, and to which reference is made for a more particular description of the property hereby conveyed.

IT BEING FURTHER described on that Plat of Survey entitled "Plat of 2 Parcels of Land Situated South of East Washington Street and North of East Wythe Street in the City of Petersburg, VA", more particularly described as:

#### Parcel "B"

BEGINNING at a V.D.H. & T. monument at the intersection of interstate 95 and E. Wythe Street, thence N. 15 degrees 28' 16" E. 74.10' to a pipe found; thence N. 75 degrees 37' 00" E. 57.00' to a point; thence S. 24 degrees 14' 00" E. 38.80' to a point thence S. 16 degrees 07' 00" E. 49.50' to a point on the North line of E. Wythe Street; thence S. 72 degrees 37' 00" W. 125.63' to a V.D.H. & T. monument found being the Point of Beginning.

#### Parcel "A":

BEGINNING at a rod found at the southeast corner of interstate 95 and E. Washington Street; thence N. 57 degrees 52' 00" E. 101.90' to a rod found; thence 32 degrees 48' 00" E. 100.00' to a rod found; thence N. 57 degrees 41' 00" E. 120.00' to a rod found; thence 57 degrees 22' 00" W. 60.00; to a rod found; thence 32 degrees 38' 00" E. 54.00' to a pipe found; thence 57 degrees 22' 00" W. 10.55' to a point, thence S. 30 degrees 47' 00" E. 10.43' to a point, thence N. 57 degrees 27' 20" E. 6.30' to a rod found; thence S. 32 degrees 11' 29" E. 215.53' to a rod found, thence S. 59 degrees 45' 18" W. 11.59' to a pipe found; thence with an irregular curb to the right with a survey tie line S. 66 degrees 34' 56" W. 324.61' to a rod; thence N. 16 degrees 07' 00" W. 3.08' to a point; thence N. 16 degrees 07' 00" W. 49.50' to a point, thence N. 24 degrees 14' 00" W. 38.80' to a point, thence S. 72 degrees 37' 00" W. 57.00' to a pipe found; thence N. 11 degrees 29' 00" E. 93.18' to a pipe found; thence N. 12 degrees 37' 00" E. 20.00' to a rod found; thence N. 02 degrees 05' 00" E. 133.80' to a rod found; thence N. 05 degrees 24' 00" W. 145.36' to a rod found being the point of beginning.

BEING the same real estate conveyed to Katumbh, Inc., a Virginia Corporation, by Deed from Bharat Shah and Hinaben Shah, also known as Hina Shah, husband and wife, dated June 7, 2006, recorded August 11, 2006 in the Clerk's Office, Circuit Court, City of Petersburg, Virginia as Instrument No. 060004031.

INSTRUMENT 202500786  
RECORDED IN THE CLERK'S OFFICE OF  
PETERSBURG CIRCUIT COURT ON  
MARCH 11, 2025 AT 08:15 AM  
\$1000.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$500.00 LOCAL: \$500.00  
MAYTEE E. PARHAM, CLERK  
RECORDED BY: SBG



**OFFICIAL RECEIPT  
PETERSBURG CIRCUIT COURT  
DEED RECEIPT**

DATE : 03/11/2025                      TIME : 08:15:38                      CASE # : 730CLR202500786  
 RECEIPT # : 25000002412    TRANSACTION # : 25031100003    PACKAGE NAME : SHTC24-695 TROUBLESHOT LLC  
 CASHIER : SBG                      REGISTER # : H996                      FILING TYPE : DBS                      PAYMENT : FULL PAYMENT  
 INSTRUMENT : 202500786                      BOOK :                      PAGE : RECORDED : 03/11/2025                      AT : 08:15  
 GRANTOR : KATUMBH, LLC                      EX : N                      LOC : CI  
 GRANTEE : TROUBLESHOT LLC                      EX : N                      PCT : 100%  
 RECEIVED OF : SAFE HARBOR TITLE COMPANY, LLC  
 ADDRESS : 245 E. BANK STREET PETERSBURG, VA 23803  
 ELECTRONIC FUND TRANSFER : \$4,380.33  
 DESCRIPTION 1 : 530 WASHINGTON ST E                      PAGES : 004                      OP : 0  
 NAMES : 0  
 CONSIDERATION : \$600,000.00                      AVAL : \$1,000,000.00                      PIN OR MAP : 012280013

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	145	VSLF	\$3.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEES	\$1.00
038	STATE GRANTOR TAX	\$500.00	214	CITY GRANTEE TAX	\$833.33
039	STATE GRANTEE TAX	\$2,500.00	220	COUNTY GRANTOR TAX	\$500.00
106	TECHNOLOGY TRST FND	\$5.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$                      4,380.33  
 AMOUNT PAID : \$                      4,380.33



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** **A Resolution Authorizing The City Manager To Execute An Amended Development Agreement Between The City Of Petersburg And ECIMED-1, LLC For The Development Of 101 West Washington Street located in Petersburg, VA**

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**PURPOSE:** A Resolution Authorizing The City Manager To Execute An Amended Development Agreement Between The City Of Petersburg And ECIMED-1, LLC For The Development Of 101 West Washington Street located in Petersburg, VA.

**REASON:** This action is necessary to facilitate the process of selling the City - owned property at 101 West Washington Street in Petersburg, VA.

**RECOMMENDATION:** The Department of Economic Development recommends approval of the Resolution approving the Development Agreement amendment and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City - owned property in accordance with applicable legal requirements.

**BACKGROUND:** The City of Petersburg City Council approved an Ordinance authorizing the City Manager to execute a purchase agreement related to the sale of City - Owned property located at 101 West Washington Street.

**COST TO CITY:** N/A

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** Revenue from the sale of property and associated fees and taxes.

**CITY COUNCIL HEARING DATE:** 4/1/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** City Manager, Economic Development, City Attorney

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS: N/A**

**ATTACHMENTS:**

1. ECI.Petersburg.First Amendment (01702936xBE3E4)

## FIRST AMENDMENT TO REAL ESTATE PURCHASE AGREEMENT

**THIS FIRST AMENDMENT TO REAL ESTATE PURCHASE AGREEMENT** ("this Amendment"), dated as of \_\_\_\_\_, 2025, by and between CITY OF PETERSBURG, a municipal corporation of the Commonwealth of Virginia (the "Seller") and ECIMED-1, LLC, a Virginia limited liability company (the "Purchaser"), recites and provides:

### RECITALS:

A. By Real Estate Purchase Agreement dated August 7, 2024 (the "Agreement"), the Seller agreed to sell and the Purchaser agreed to purchase a certain parcel of property located at 101 W. Washington St, Petersburg, Virginia, as more particularly described therein.

B. The Seller and the Purchaser now desire to amend the Agreement to as described below.

### AMENDMENT:

For and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Seller and the Purchaser hereby agree as follows:

1. Definitions. Unless specifically defined herein, all capitalized terms used in this Amendment shall have the meanings set forth in the Agreement. The recitals to this Amendment are hereby incorporated into and made a part of this Amendment.

2. Due Diligence Period. The Due Diligence Period is hereby extended until June 15, 2025 ("Due Diligence Period") for the following purposes:

- (a) Use Restriction: To allow time for the Seller, with the Developer's cooperation, to obtain a release of the use restriction set forth in the Deed of Exchange dated November 14, 2013 recorded in the Clerk's Office of the Circuit Court of City of Petersburg, Virginia as Instrument number 13-003228, which requires the Property to be used by City or its successors and assigns "for public purposes, including by way of example and without any other limitation, government buildings and improvements, and other uses benefitting the public";
- (b) VA Lease: To allow time for Developer, with the City's cooperation, to determine if the Central Virginia VA Health Care System will lease space within the building which will determine the square footage of the building;
- (c) Parking Agreement: To allow time for the parties to finalize a long-term parking agreement to allow Developer to lease up to 220 spaces in the City-owned parking deck located approximately one block south of the Property on Union Street or an alternative parking plan acceptable to Developer; and
- (d) Development Agreement: To allow time for approval of the Development

{01702936;v1}1

Agreement by City Council.

3. Closing. As provided in the Agreement, Closing shall occur no later than 90 days after the expiration of the Due Diligence Period.

4. Ratification. Except as expressly amended hereby, the Agreement is hereby ratified and confirmed and remains in full force and effect. In the event of any inconsistency between the terms of the Agreement and this Amendment, the terms of this Amendment shall in all cases govern.

5. Successors and Assigns. This Amendment shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, personal representatives, successors and permitted assigns.

6. Entire Agreement. This Amendment, together with the Agreement, constitutes the entire agreement between the parties hereto with respect to the subject matter thereof and their rights and obligations relating thereto and the amendments effected hereby and supersedes all prior discussions, understandings, agreements and negotiations between the parties hereto. This Amendment and the Agreement may be modified only by a written instrument duly executed by the parties hereto.

7. Counterparts. This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall together constitute one and the same instrument.

[SIGNATURE ON FOLLOWING PAGE(S)]

**IN WITNESS WHEREOF**, the Seller and the Purchaser have executed or caused this Amendment to be executed on their behalf by their duly authorized representatives as of the date first above written.

**PURCHASER:**

By: \_\_\_\_\_  
Name: Ari Hirsch  
Title: Manager  
Date: \_\_\_\_\_

**SELLER:**

City of Petersburg, Virginia

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Manager  
Date: \_\_\_\_\_

**Approved as to form:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Attorney  
Date: \_\_\_\_\_



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Moore

**RE:** **An Ordinance Authorizing The City Manager To Execute the Purchase Option Agreement Between The City Of Petersburg and SUBSTRATE LLC For The Development Of 130 N. Union Street and 122-124 West Tabb Street located in Petersburg, VA**

**PURPOSE:** An Ordinance Authorizing The City Manager To Execute the Purchase Option Agreement Between The City Of Petersburg And SUBSTRATE LLC For The Development Of 130 N. Union Street and 122-124 West Tabb Street located in Petersburg, VA.

**REASON:**

**RECOMMENDATION:** The Department of Economic Development recommends approval of the Ordinance approving the Purchase Option Agreement and authorizing the City Manager and the City Attorney to execute all documents to facilitate the sale of City-owned property in accordance with applicable legal requirements.

**BACKGROUND:** The City of Petersburg City Council considered an Ordinance authorizing the City Manager to execute the purchase agreement related to the sale of city-owned property located at 130 N. Union Street and 122-124 West Tabb Street located in Petersburg, VA.

N/A

**CITY COUNCIL HEARING DATE:** 4/1/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** City Manager, Economic Development, City Attorney

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** N/A

**REQUIRED CHANGES TO WORK PROGRAMS:** N/A

**ATTACHMENTS:**

1. Boundary Line Adjustment and Easement\_v.3
2. Boundary Line Adjustment and Easement\_v.3 (1)

3. Item 8.d. -

**Prepared by:**  
George W. Gray, III, Esquire (VSB #87578)  
Kerns & Kastenbaum, PLC  
4900 Radford Avenue  
Richmond, VA 23230

**Consideration:** \$1,343.78.00  
**Assessment:** \$2,687.55 (portion)

**Tax Parcel Nos.:** Portion of 011240011,  
130 N. Union Street, Petersburg, VA 23803 (Grantor’s Parcel), and  
Portion of 011240004,  
122-124 W. Tabb Street, Petersburg, VA 23803 (Grantee’s Parcel)

This deed is exempt from the tax imposed by Virginia § 58.1-802 and the fee imposed by §§ 58.1-802.3, 58.1-802.4 and 58.1-802.5, pursuant to Virginia Code §58.1-811(C)(3).

**THIS DEED OF BOUNDARY LINE ADJUSTMENT AND EASEMENT AGREEMENT** is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **CITY OF PETERSBURG**, a Municipal corporation (hereinafter “**Grantor**”); and **SUBSTRATE LLC**, a Virginia limited liability company (hereinafter “**Grantee**”):

W I T N E S S E T H :

WHEREAS, Grantor is the fee simple owner of a certain parcel of land described on **Exhibit A** attached hereto (“**Grantor’s Parcel**”).

WHEREAS, Grantee is the fee simple owner of a certain parcel of land described on **Exhibit B** attached hereto (“**Grantee’s Parcel**”).

WHEREAS, Grantor and Grantee desire to adjust the location of the common boundary between the Grantor’s Parcel and the Grantee’s Parcel as shown on that certain plat of survey prepared by Baseline Land Surveying, dated January 2, 2025, revised January 30, 2025, entitled “Plat Showing a Boundary Line Adjustment/Lot Line Vacation AND Access Easement Between # 120 Tabb Street & # 130 N. Union Street” (the “**Plat**”).

WHEREAS, Grantor and Grantee also desire to establish a certain easement over and across

the entire area of the existing asphalt parking lot located on Grantor's Parcel and as further shown and identified on the Plat (the "**Easement Area**").

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises and mutual agreement herein contained, Grantor and Grantee hereby agree (i) that the existing boundary lines between Grantor's Parcel and Grantee's Parcel, each identified on the Plat as an "Old Line" (collectively, the "**Old Lines**"), are hereby adjusted and shall now exist as shown on the Plat such that the new boundary line between Grantor's Parcel and Grantee's Parcel shall now exist in the location of the line shown on the Plat as "New Line Along Western Guard Rail" (the "**New Line**"), (ii) that Grantor's Parcel, formerly 0.530 acres, shall now be 0.518 acres, and Grantee's Parcel, formerly 0.072 acres, shall now be 0.084 acres, and (ii) that the Old Lines are hereby vacated.

AND FURTHER, to confirm the aforesaid boundary line adjustment, Grantor does hereby grant and convey, with General Warranty and English Covenants of Title, unto the Grantee the real estate area shown on the Plat as being 0.012 acres and bounded by the Old Lines, New Line, and certain other existing lines of adjacent parcels, all as shown on the Plat.

AND FURTHER, Grantor does hereby grant and convey unto Grantee, her successors and assigns, a perpetual, non-exclusive easement over, under, through and across the Easement Area (the "**Easement**") for the purposes of (i) ingress and egress, by any mode of travel, to and from Grantee's Parcel, (ii) parking by Grantee's agents, employees, contractors, guests and/or invitees of no less than six (6) motor vehicles at any given time, and (ii) loading and unloading trucks and other deliveries to and from Grantee's Parcel.

Grantee shall have no obligation whatsoever to contribute to the maintenance and upkeep of the Easement Area.

The conveyance made herein is subject, however, to all easements, conditions, restrictions and reservations appearing of record insofar as the same may lawfully affect the property herein conveyed.

The Easement granted and the covenants set forth herein shall run with the land and shall be binding upon the heirs, executors, administrators, successors in title, and assigns of the parties hereto.

**NO TITLE SEARCH HAS BEEN REQUESTED OR DONE REGARDING THE PROPERTY REFLECTED IN THIS DEED AND THE ATTORNEY DRAWING THE SAME MAKES NO WARRANTIES OF TITLE.**

WITNESS the following signatures and seals:

**GRANTOR:**

**CITY OF PETERSBURG,**  
a Municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to-wit;

This foregoing instrument was acknowledged and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the City of Petersburg, a municipal corporation, by \_\_\_\_\_ its \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

*(Additional signature follows)*

**GRANTEE:**

**SUBSTRATE LLC,**  
a Virginia limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to-wit;

This foregoing instrument was acknowledged and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **substrate llc**, a Virginia limited liability company, by \_\_\_\_\_ its \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**GRANTEE ADDRESS:**

122-124 W TABB ST  
PETERSBURG, VA 23803

**Exhibit A**

All that certain lot or parcel of land with the improvements thereon and appurtenances thereto belonging, lying and being on the west side of Union Street in the City of Petersburg, Virginia, fronting thereon ninety-eight (98) feet, mor or less, and running back two hundred and thirty eight and eight tenths (238.8) feet on its northern line, the metes and bounds thereof being fully shown on a plat made by J. A. N., June 23, 1919, attached to a certain deed of trust from said Y. M. C. A. to the Virginia Trust Co., Trustee, dated July 1, 1924, and recorded in the Clerk's Office of the Hustings Court of the City of Petersburg, Virginia, in Deed Book 107 at page 3.

Being the same property conveyed to City of Petersburg, a Municipal corporation, by deed from Young Men's Christian Association of Petersburg, Virginia, a non-stock corporation, dated September 28, 1967, recorded February 9, 1972, in the Clerk's Office of the Hustings Court of the City of Petersburg, Virginia in Deed Book 311, Page 402.

## Exhibit B

PARCEL ONE: All that certain lot or parcel of land, lying, being and situate on the south side of Tabb Street in the City of Petersburg, Virginia, fronting on said Tabb Street 30 feet, more or less, and bounded as follows: on the north by Tabb Street on the west by property now or formerly belonging to S. B. Leath, on the south by property now or formerly belonging to Petersburg Classical Institute and on the property now or formerly belonging to D.D. Wilcox (120 W. Tabb St.)

Subject to that certain Boundary Line Agreement between R. Gatland Brockwell and Mabel A. Brockwell and Plummer Printing Company, Incorporated, a Virginia corporation, dated February 5, 1976, recorded February 23, 1976, in the aforesaid Clerk's Office in Deed Book 339, Page 747. Together with that certain lot or parcel of land, lying, being and situate in the City of Petersburg, Virginia, being the extreme rear or western portion of the property belonging to the Y.M.C.A. of Petersburg and more particularly described as follows:

Beginning at a point 251 feet, more or less, West of Union Street at the intersection of the northern boundary and the rear property line of the present Y.M.C.A. property, thence in an Easterly direction 21 feet, more or less, to a point thence in a Northerly direction along what would be an extension of a portion of the rear line of the Y.M.C.A. property approximately 50 feet to a point on the aforementioned Northern boundary of the Y.M.C.A. property, then in a Westerly direction along said boundary line approximately 21 feet to the point of beginning, all in which is more clearly shown by applying the description set out above to a plat of the Y.M.C.A. property made by J.A.N. under date of 23 June, 1919, recorded in Deed Book 107, page 11, in the Clerk's Office of the Circuit Court (formerly Hustings court) of the City of Petersburg, Virginia.

BEING a portion of the same property conveyed to substrate llc, a Virginia limited liability company, by deed from Robert E. Lynch and Hope L. Helton, dated February 23, 2022, recorded February 25, 2022 in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia as Instrument Number 202200789.

**Prepared by:**  
George W. Gray, III, Esquire (VSB #87578)  
Kerns & Kastenbaum, PLC  
4900 Radford Avenue  
Richmond, VA 23230

**Consideration:** \$1,343.78.00  
**Assessment:** \$2,687.55 (portion)

**Tax Parcel Nos.:** Portion of 011240011,  
130 N. Union Street, Petersburg, VA 23803 (Grantor's Parcel), and  
Portion of 011240004,  
122-124 W. Tabb Street, Petersburg, VA 23803 (Grantee's Parcel)

This deed is exempt from the tax imposed by Virginia § 58.1-802 and the fee imposed by §§ 58.1-802.3, 58.1-802.4 and 58.1-802.5, pursuant to Virginia Code §58.1-811(C)(3).

**THIS DEED OF BOUNDARY LINE ADJUSTMENT AND EASEMENT AGREEMENT** is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **CITY OF PETERSBURG**, a Municipal corporation (hereinafter "**Grantor**"); and **SUBSTRATE LLC**, a Virginia limited liability company (hereinafter "**Grantee**");

W I T N E S S E T H :

WHEREAS, Grantor is the fee simple owner of a certain parcel of land described on **Exhibit A** attached hereto ("**Grantor's Parcel**").

WHEREAS, Grantee is the fee simple owner of a certain parcel of land described on **Exhibit B** attached hereto ("**Grantee's Parcel**").

WHEREAS, Grantor and Grantee desire to adjust the location of the common boundary between the Grantor's Parcel and the Grantee's Parcel as shown on that certain plat of survey prepared by Baseline Land Surveying, dated January 2, 2025, revised January 30, 2025, entitled "Plat Showing a Boundary Line Adjustment/Lot Line Vacation AND Access Easement Between # 120 Tabb Street & # 130 N. Union Street" (the "**Plat**").

WHEREAS, Grantor and Grantee also desire to establish a certain easement over and across

the entire area of the existing asphalt parking lot located on Grantor's Parcel and as further shown and identified on the Plat (the "**Easement Area**").

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises and mutual agreement herein contained, Grantor and Grantee hereby agree (i) that the existing boundary lines between Grantor's Parcel and Grantee's Parcel, each identified on the Plat as an "Old Line" (collectively, the "**Old Lines**"), are hereby adjusted and shall now exist as shown on the Plat such that the new boundary line between Grantor's Parcel and Grantee's Parcel shall now exist in the location of the line shown on the Plat as "New Line Along Western Guard Rail" (the "**New Line**"), (ii) that Grantor's Parcel, formerly 0.530 acres, shall now be 0.518 acres, and Grantee's Parcel, formerly 0.072 acres, shall now be 0.084 acres, and (ii) that the Old Lines are hereby vacated.

AND FURTHER, to confirm the aforesaid boundary line adjustment, Grantor does hereby grant and convey, with General Warranty and English Covenants of Title, unto the Grantee the real estate area shown on the Plat as being 0.012 acres and bounded by the Old Lines, New Line, and certain other existing lines of adjacent parcels, all as shown on the Plat.

AND FURTHER, Grantor does hereby grant and convey unto Grantee, her successors and assigns, a perpetual, non-exclusive easement over, under, through and across the Easement Area (the "**Easement**") for the purposes of (i) ingress and egress, by any mode of travel, to and from Grantee's Parcel, (ii) parking by Grantee's agents, employees, contractors, guests and/or invitees of no less than six (6) motor vehicles at any given time, and (ii) loading and unloading trucks and other deliveries to and from Grantee's Parcel.

Grantee shall have no obligation whatsoever to contribute to the maintenance and upkeep of the Easement Area.

The conveyance made herein is subject, however, to all easements, conditions, restrictions and reservations appearing of record insofar as the same may lawfully affect the property herein conveyed.

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**NO TITLE SEARCH HAS BEEN REQUESTED OR DONE REGARDING THE PROPERTY REFLECTED IN THIS DEED AND THE ATTORNEY DRAWING THE SAME MAKES NO WARRANTIES OF TITLE.**

WITNESS the following signatures and seals:

**GRANTOR:**

**CITY OF PETERSBURG,**  
a Municipal corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to-wit;

This foregoing instrument was acknowledged and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the City of Petersburg, a municipal corporation, by \_\_\_\_\_ its \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

*(Additional signature follows)*

**GRANTEE:**

**SUBSTRATE LLC,**  
a Virginia limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF VIRGINIA  
COUNTY/CITY OF \_\_\_\_\_, to-wit;

This foregoing instrument was acknowledged and signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **substrate llc**, a Virginia limited liability company, by \_\_\_\_\_ its \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**GRANTEE ADDRESS:**

122-124 W TABB ST  
PETERSBURG, VA 23803

### Exhibit A

All that certain lot or parcel of land with the improvements thereon and appurtenances thereto belonging, lying and being on the west side of Union Street in the City of Petersburg, Virginia, fronting thereon ninety-eight (98) feet, more or less, and running back two hundred and thirty eight and eight tenths (238.8) feet on its northern line, the metes and bounds thereof being fully shown on a plat made by J. A. N., June 23, 1919, attached to a certain deed of trust from said Y. M. C. A. to the Virginia Trust Co., Trustee, dated July 1, 1924, and recorded in the Clerk's Office of the Hustings Court of the City of Petersburg, Virginia, in Deed Book 107 at page 3.

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PARCEL ONE: All that certain lot or parcel of land, lying, being and situate on the south side of Tabb Street in the City of Petersburg, Virginia, fronting on said Tabb Street 30 feet, more or less, and bounded as follows: on the north by Tabb Street on the west by property now or formerly belonging to S. B. Leath, on the south by property now or formerly belonging to Petersburg Classical Institute and on the property now or formerly belonging to D.D. Wilcox (120 W. Tabb St.)

Subject to that certain Boundary Line Agreement between R. Gatland Brockwell and Mabel A. Brockwell and Plummer Printing Company, Incorporated, a Virginia corporation, dated February 5, 1976, recorded February 23, 1976, in the aforesaid Clerk's Office in Deed Book 339, Page 747. Together with that certain lot or parcel of land, lying, being and situate in the City of Petersburg, Virginia, being the extreme rear or western portion of the property belonging to the Y.M.C.A. of Petersburg and more particularly described as follows:

Beginning at a point 251 feet, more or less, West of Union Street at the intersection of the northern boundary and the rear property line of the present Y.M.C.A. property, thence in an Easterly direction 21 feet, more or less, to a point thence in a Northerly direction along what would be an extension of a portion of the rear line of the Y.M.C.A. property approximately 50 feet to a point on the aforementioned Northern boundary of the Y.M.C.A. property, then in a Westerly direction along said boundary line approximately 21 feet to the point of beginning, all in which is more clearly shown by applying the description set out above to a plat of the Y.M.C.A. property made by J.A.N. under date of 23 June, 1919, recorded in Deed Book 107, page 11, in the Clerk's Office of the Circuit Court (formerly Hustings court) of the City of Petersburg, Virginia.

BEING a portion of the same property conveyed to substrate llc, a Virginia limited liability company, by deed from Robert E. Lynch and Hope L. Helton, dated February 23, 2022, recorded February 25, 2022 in the Clerk's Office of the Circuit Court of the City of Petersburg, Virginia as Instrument Number 202200789.

**AN ORDINANCE TO AUTHORIZE THE CITYMANAGER TO EXECUTE AN OPTION AGREEMENT AND CONVEY PROPERTY UPON SATISFACTION OF TERMS**

WHEREAS, the City is the fee simple owner of approximately .538 acres of land and improvements upon the property known as 130 N. Union Street Petersburg, VA – Parcel ID No.: 011240011; and

WHEREAS, SUBSTRATE LLC has expressed an interest in obtaining an Option to Purchase a portion of the said property from the City for the purpose of adding to their property of 112 –124 West Tabb Street to facilitate the development of their business; and

WHEREAS, SUBSTRATE LLC has proposed the terms for such acquisition in the attached draft Purchase Option Agreement (**Exhibit A**); and

WHEREAS, § 5.2-1800 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 a portion of the property and authorizing the easement of the Purchase Option Agreement is in the best interests of the City of Petersburg.

NOW, therefore be it ORDAINED, that Council does hereby authorize the City Manager and City Attorney to execute the Purchase Option Agreement an easement authorization on behalf of the City and effectuate the sale of the property.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 1, 2025

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Copple

**RE:** **An Ordinance Authorizing the City Manager to Execute a Land Use Agreement Between the City of Petersburg and Morgan Contracting to Utilize City Property (1015 Commerce Street) for the Purpose of a Lay Down/Storage Area for the Construction of the Poor Creek Force Main Project**

**PURPOSE:** An Ordinance authorizing the City Manager to execute a Land Use Agreement allowing Morgan Contracting to use City property (1015 Commerce) for a lay down area to facilitate the construction of the Poor Creek Force Main project.

**REASON:** Morgan Contracting has requested use of City property (1015 Commerce Street) to use as a lay down area to facilitate the construction of the Poor Creek Force Main Project.

**RECOMMENDATION:** Engineering recommends approval

**BACKGROUND:** Morgan Contracting was the low bidder for the Poor Creek Force Main Project (\$19,628,690) and are under contract for the construction of the SE Wastewater Infrastructure - Poor Creek Force Main Project. In order to facilitate this construction, they have requested use of City property to use as a staging area for material, office trailer, project sign, and equipment storage area.

**COST TO CITY:** No Cost

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** 4/1/2025

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** None

**AFFECTED AGENCIES:** Public Works; Public Utilities; City Attorney's Office; Planning and Development; Economic and Community Development; Assessor; Finance; Police Department; Fire Department; Mayor's Office; City Manager's Office

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** None

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:**

1. EXHIBIT B - DRAFT Ordinance
2. Land Use Agreement 032725 (1)

EXHIBIT B

**AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE A LAND USE AGREEMENT BETWEEN THE CITY OF PETERSBURG AND MORGAN CONSTRUCTION TO USE CITY PROPERTY LOCATED AT 1015 COMMERCE STREET TO FACILITATE THE CONSTRUCTION OF THE POOR CREEK PUMPING STATION PROJECT**

---

**WHEREAS**, the City is the owner of certain property located at 1015 Commerce Street (Tax Map Parcel ID No.: 024140014); and

**WHEREAS**, Morgan Contracting has requested use of such City property to facilitate their construction of the SE Wastewater Improvements-Poor Creek Force Main Project; and

**WHEREAS**, it is the belief of City Council that the execution of such Agreement is in the best interest of the City of Petersburg.

**NOW THEREFORE BE IT ORDAINED** that City Council for the City of Petersburg, Virginia does hereby authorize and direct the City Manager and City Attorney to take all necessary action to facilitate the execution of the Land Use Agreement described in Exhibit A.

## Land Use Agreement/Lay Down Yard – 1006 Commerce Street

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between the **City of Petersburg (CITY)** and **Morgan Contracting (CONTRACTOR)**.

For the mutual consideration and promises herein described, the parties agree to be bound by the following terms:

1. CITY is the owner of certain property (vacant lot) located at 1006 Commerce Street [Insert Tax Parcel No.] which is depicted in the attached (**Exhibit A**) – hereinafter PROPERTY.
2. CONTRACTOR performing work for the CITY on the Poor Creek Force Main Project [Insert Contract Number and description of work]
3. **CONTRACT TERM:** Work performed by CONTRACTOR described in Paragraph 2 shall be concluded on or before [insert date] hereinafter “COMPLETION DATE.” With the exception of the obligation to restore the PROPERTY as described in this Agreement, CONTRACTOR’s right to use the PROPERTY shall cease upon the COMPLETION DATE unless contract is otherwise terminated pursuant to this Agreement.
4. CONTRACTOR has requested to use the PROPERTY to temporarily stage field office(s), vehicles, equipment, and materials during the life of the above-mentioned project.
5. CONTRACTOR shall ensure that all equipment and materials will be out of the clear zone and/or protected by a barrier approved by the City.
6. CONTRACTOR shall use PROPERTY only for the project described in Paragraph 2 and only as a staging area for said purposes. Disposal of material will not be permitted, even temporarily.
7. **COMPLIANCE WITH LAWS:** This Agreement shall not be construed as an authorization to use the property in a manner that is not in conformance with all federal, state, and local Code, Zoning, and other applicable regulations. CONTRACTOR shall be responsible at CONTRACTOR’s sole expense for complying with all applicable laws and regulations pertaining to the use of the PROPERTY.
8. **PROPERTY MAINTENANCE:** CONTRACTOR, at CONTRACTOR’s sole expense, shall maintain the property in accordance with all federal, state, and local Code, Zoning, and other applicable regulations.
9. **ENVIRONMENTAL PROTECTION:** CONTRACTOR is solely responsible for all environmental protection necessary at the site and the site will be periodically reviewed for compliance. The CONTRACTOR is responsible for ensuring that no sediment-laden water leaves the site.
10. **INDEMNIFICATION/HOLD HARMLESS:** CONTRACTOR shall indemnify and hold CITY, its employees, agents, and assigns, harmless for any and all claims for injury and/or property damage, made by all third parties, including but not limited employees, agents, and contractors of CONTRACTOR, to arising from CONTRACTOR’s use of the PROPERTY pursuant to this AGREEMENT. In addition, CONTRACTOR shall be responsible for all attorney’s fees and costs incurred by the City in defending against any such claims.
11. **INSURANCE:** Prior to commencing use of PROPERTY, CONTRACTOR shall provide the City with a policy of liability insurance with the City named as an additionally insured, with a minimum coverage limit of ONE MILLION and 00/100 Dollars from an issuer and in a format acceptable to the City’s Risk Manager. Such policy shall remain in full force and effect for the term of this Agreement.
12. **RESTORATION:** Within ten days of completion of the work described in paragraph 2, termination of this Agreement, or cessation of use of the PROPERTY for the purposes described in this Agreement, CONTRACTOR, at CONTRACTOR’s sole expense, shall return the PROPERTY to its original, or better,

condition (condition of the PROPERTY immediately prior to the commencement of this Agreement) to the satisfaction of and at no cost to the CITY.

- 13. **SURETY:** CONTRACTOR shall secure and provide CITY with a surety bond in the amount of ONE HUNDRED THOUSAND and 00/100 Dollars guaranteeing completion of the property restoration described in Paragraph 11 of this Agreement, and which shall remain in effect until the restoration described in Paragraph 11 is completed.
- 14. **TERMINATION:** CITY may terminate this Agreement at any time with or without cause upon Notice of five (5) business days to CONTRACTOR. Upon receipt of such Notice, CONTRACTOR shall have five (5) business days to comply with Paragraph 11 of this Agreement.
- 15. **NOTICE:** All notices required pursuant to this Agreement shall be in writing to the parties as follows and shall be deemed given (i) on the date of delivery, if hand delivered, (ii) one business day after being deposited with a nationally recognized overnight delivery service (such as Federal Express), or (iii) two business days after being mailed by United States registered or certified mail, postage prepaid, return receipt requested to the parties hereto at the addresses shown below, or at such other address as any of them may designate by notice to the others. Notice by electronic mail shall be deemed given on the date of such email transmission, provided notice is simultaneously sent by another method permitted hereunder:

To CITY:

John M. Altman, City Manager  
135 N. Union Street  
Petersburg, VA 23803  
Email: [maltman@petersburg-va.org](mailto:maltman@petersburg-va.org)

With copy to:  
Anthony C. Williams, City Attorney  
135 N. Union Street  
Petersburg, VA 23803  
Email: [awilliams@petersburg-va.org](mailto:awilliams@petersburg-va.org)

To CONTRACTOR:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

With copy to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 16. **JURISDICTIONANDVENUE:** This Agreement shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of any term or obligation under this Agreement shall be litigated solely in the General District or Circuit Court for the City of Petersburg, Virginia.

17. **MODIFICATION:** This document represents the entire agreement between the parties regarding the matters described herein. Any prior or subsequent agreement concerning these matters that is not reduced to a written Addendum to this Agreement signed by all parties is hereby declared to be null and void.
18. **ENTRY BY CITY:** The CITY shall have the right to enter upon the Property at reasonable times as deemed necessary and appropriate by CITY.
19. **COPY SAME AS ORIGINAL:** The parties may rely upon a signed copy or facsimile of this Agreement which shall have the same force and effect as an original.

The undersigned represent that they have the power to bind their respective entities to the terms of this Agreement, and by executing this document do hereby bind said entities to all terms contained herein.

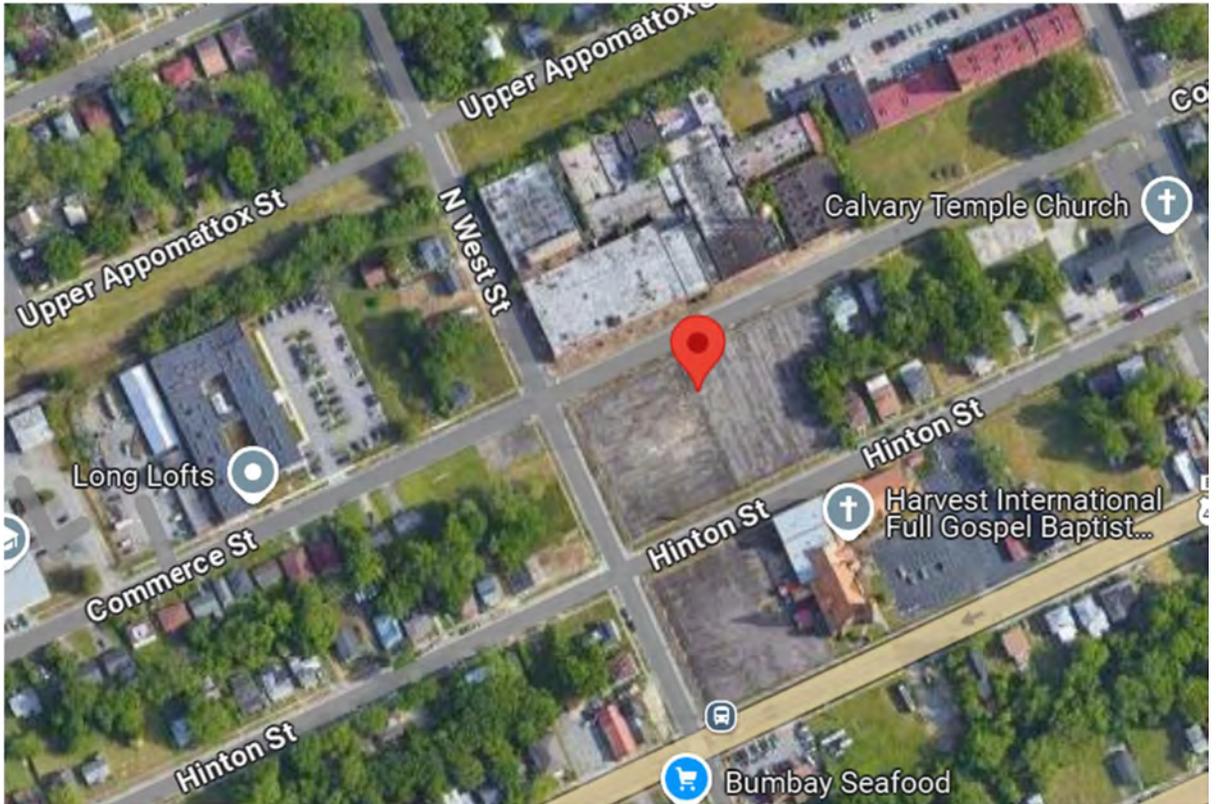
Owner: \_\_\_\_\_

Contractor: \_\_\_\_\_

By: John M. Altman, Jr. – City of Petersburg  
City Manager

By: Randall Love,  
Project Manager – Morgan Contracting

**EXHIBIT A**



# **PETERSBURG AREA TRANSIT MOVING THE CITY OF PETERSBURG FORWARD**





**GOOD EVENING AS A CITIZEN OF PETERSBURG AND DIRECTOR OF MASS TRANSIT ALONG WITH PAT EMPLOYEES WE ARE ENTHUSIASTIC SUPPORTERS FOR THE CITY OF PETERSBURGS POTENTIAL GROWTH IN THE NEAR FUTURE. ONE OF THE CITY'S BIGGEST ACCOMPLISHMENTS IS BEING ABLE TO PROVIDE TRANSIT SERVICE FOR ITS CITIZENS. PAT PROVIDES TRANSPORTATION ACCESS THROUGHOUT ALL PARTS OF PETERSBURG AND THE TRI-CITIES WHICH TOUCHES LOCAL ECONOMY, GOVERNMENT, RETAIL AND TOURISM.**

# PAT'S FLEET HISTORY

Sixteen years ago PAT purchased a new fleet of heavy duty buses. In 2009 PAT received nine(9) new 29 ft Gillig Low flow buses through a lease to own program with BB&T bank called a Governmental Finance loan. PAT has made significant service improvements over the last 10-15 years to better serve existing customers and position itself as a viable alternative transportation mode for choice riders. But in order to expand for the future Rolling Stock that has met its useful life must be replaced.



# USEFUL LIFE OF ROLLING STOCK

- What is Useful life ? It is what FTA defines as any capital asset that has met its acceptable period of use in service.
- The FTA(Federal Transit Administration) has a Minimal Asset Useful Life Standards for FTA projects.
- Such useful life assets include: Buses, light vehicles, trolleys, rail, ferries, facilities, other capital equipment such as fare boxes, computer hardware, fleet software, shop equipment, bus stop signage, and bus lifts,
- A breakdown of such assets and their useful life expectancy are listed.

# ASSETS USEFUL LIFE FTA CIRCULAR 5010.1D

- Large heavy-duty transit buses 35'-40' 500,000miles 12years or
- Small heavy-duty transit buses 30'-32' 350,000 miles 10 years or
- Medium-duty transit buses 25'-35' 200,000 miles 7 years or
- Medium-light duty transit buses 25'-35' 150,000 miles 5 years or
- Light-duty buses < 30ft 15-19 passenger 100,000 miles 4 years or

5

## PAT'S CURRENT IN SERVICE FLEET

▪ 2013/35 ft Gillig bus miles	In Service Date 6/7/2012	Useful Life 12 years	#700 314562
▪ 2013/35 ft Gillig bus miles	In Service Date 6/7/2012	Useful Life 12 years	#701 252856
▪ 2013/35 ft Gillig bus miles	In Service Date 6/7/2012	Useful Life 12 years	#702 274494
▪ 2013/35 ft Gillig bus miles	In Service Date 6/7/2012	Useful Life 12 years	#703 358411
▪ 2016/<30 15-19 Passenger 119827 miles	In Service Date 8/5/2016	Useful Life 4 years	#730
▪ 2016/<30 15-19 Passenger 141684 miles	In Service Date 8/5/2016	Useful Life 4 years	#731
▪ 2019/<30 15-19 Passenger 77280 miles	In Service Date 9/30/2019	Useful Life 4 years	#754
▪ 2019/<30 15-19 Passenger 145197 miles	In Service Date 1/15/2020	Useful Life 4 years	#761
▪ 2018/ medium-light duty miles	In Service Date 6/18/2019	Useful Life 5 years	#750 139168
▪ 2018/ medium-light duty miles	In Service Date 6/18/2019	Useful Life 5 years	#751 160010
▪ 2019/ medium-light duty miles	In Service Date 9/30/2019	Useful Life 5 years	#762 140709

## PAT'S CURRENT IN SERVICE FLEET

▪ 2020/ medium-light duty 142606 miles	In Service Date 6/23/2020	Useful Life 5 years	#764
▪ 2020/ medium-light duty 146271 miles	In Service Date 6/23/2020	Useful Life 5 years	#765
▪ 2010/ 40ft Gillig bus 520670 miles	In Service Date 2/29/2024	Useful Life 12 years	#840
▪ 2010/ 40ft Gillig bus 527814 miles	In Service Date 2/21/2024	Useful Life 12years	#841
▪ 2010/40ft Gillig bus 510619 miles	In Service Date 2/29/2024	Useful Life 12 years	#842
▪ 2010/ 40ft Gillig bus 518626 miles	In Service Date 2/29/2024	Useful Life 12 years	#843
• 2020/light duty< 30ft 15-19 63503 miles	In Service Date 7/20/2020	Useful Life 4 years	#768
• 2020/light duty< 30ft 15-19 70936 miles	In Service Date 1/11/2020	Useful Life 4 years	#780
• 2020/ medium-duty 91374 miles	In Service Date 10/19/2021	Useful Life 7 years	#784
• 2020/ medium-duty 139505 miles	In Service Date 10/19/2021	Useful Life 7 years	#785
• 2021/ medium duty 100344 miles	In Service Date 10/19/2021	Useful Life 7 years	#786

# SERVICE INTERRUPTIONS

## FIXED-ROUTE SERVICE INTERRUPTION LOG

DATE	ROUTE	TRIP-TIME	BUS	REPLACEMENT BUS	INTERRUPTION-TIME	RECOVERY -TIME	DETOURED TRIPS	Missed Trips	REASON	DISPATCHER
04.01.2024	Ettrick		786						1 Mechanical	T. Jonas
04.06.2024	Walnut Hill		929	764	915	1015			Mechanical	T. Jonas
04.15.2024	Ettrick		815	786	815	915			Mechanical	T. Jonas
DATE	ROUTE	TRIP-TIME	BUS	REPLACEMENT BUS #	INTERRUPTION-TIME	RECOVERY -TIME	DETOUR TRIPS	MISSSED TRIP	REASON	DISPATCHER
05.02.2024	RBC	Unknown	767	765					Mechanical	T. Jonas
05.02.2024	RBC		1545	786	767				Mechanical	T. Jonas
05.03.2024	Halifax		1515	763	829				Mechanical	T. Jonas
05.03.2024	Washington		1000	702	822				Mechanical	T. Jonas
05.08.2024	South Park Mall		1300	764	785				Mechanical	T. Jonas
05.08.2024	County Dr		1245	701	764				Mechanical	T. Jonas
05.09.2024	County Dr								Mechanical	T. Jonas
05.09.2024	Walnut Hill		945	762	766				Mechanical	T. Jonas
05.10.2024	Walnut Hill		1045	765	762				Mechanical	T. Jonas
05.11.2024	Halifax		1330	823	763				Mechanical	T. Jonas
05.11.2024	County Dr		1245	762	701				Mechanical	T. Jonas
05.13.2024	Walnut Hill		1245	764	765				Mechanical	T. Jonas
05.14.2024	Halifax		1215	765	762				Mechanical	T. Jonas
05.16.2024	South Park Mall		1215	767	766				Mechanical	T. Jonas
05.18.2024	South Park Mall			767	766				Mechanical	T. Jonas
05.21.2024	RBC		1345	824	829				Mechanical	T. Jonas
05.22.2024	Blandford			701					Mechanical	T. Jonas
05.23.2024	Halifax		800	762	824				Mechanical	T. Jonas
05.23.2024	Blandford			701					Mechanical	T. Jonas
05.24.2024	Walnut Hill			764					Mechanical	T. Jonas
05.24.2024	South Crater		1315	767	700				Mechanical	T. Jonas
05.25.2024	Walnut Hill		1445	764					Mechanical	T. Jonas
05.28.2024	Blandford		1515	751					Mechanical	T. Jonas
05.29.2024	Hopewell		1445	751					Mechanical	T. Jonas
05.30.2024	RBC		945	751	763				Mechanical	T. Jonas
DATE	ROUTE	TRIP-TIME	BUS	REPLACEMENT BUS	INTERRUPTION-TIME	RECOVERY -TIME	DETOUR TRIPS	MISSSED TRIPS	REASON	Dispatcher
06.03.2024	County Dr			703					Mechanical	T. Jonas
06.04.2024	County Dr		1107	702	703				Mechanical	T. Jonas
06.04.2024	South Park		1515	825	765				Mechanical	T. Jonas
06.04.2024	Hopewell		1445	785					Mechanical	T. Jonas
06.05.2024	Walnut Hill		823	751	None				Mechanical	T. Jonas
06.05.2024	South Crater		703					1	Mechanical	T. Jonas
06.06.2024	Washington							1	Mechanical	T. Jonas
06.10.2024	Walnut Hill		1645	823	764				Mechanical	T. Jonas
06.10.2024	County Dr		1445	701					Mechanical	T. Jonas



# CITY OF PETERSBURG/PAT FUTURE



# THANK YOU

Darius L. Mason  
Director of Mass Transit  
[dmason@petersburg-va.org](mailto:dmason@petersburg-va.org)

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# COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Presentation to City Council

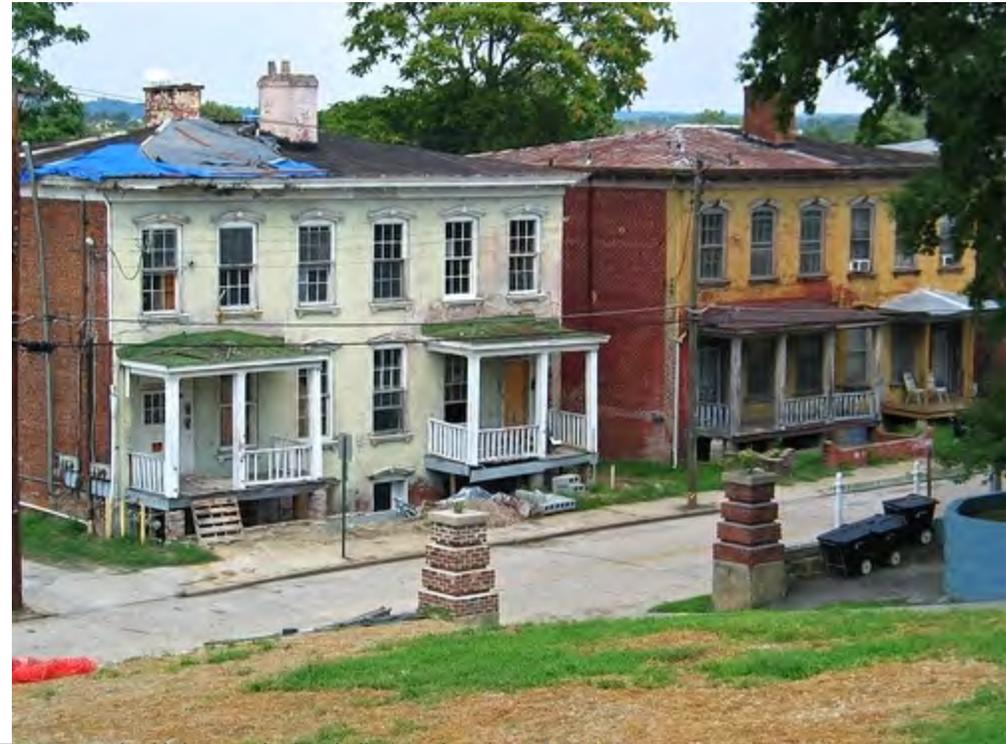
Date: April 01, 2025



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# CONTENT

- Update
- Request
- Contributing Factors
- Petersburg VA Considerations
- Sorting Solutions
- Closing remarks



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# CDBG ADVISORY BOARD UPDATE

- The CDBG Advisory Board reported to City Council in October of 2024
- Available CDBG COVID CARES Act funds averaged \$264K
- \$132K was awarded to support critical home repair
- The Board listened to public comments and understands the concern to address homelessness. HUD also mandates addressing the issue.
- The PCD Director, CDBG Admin and Advisory Board Chair have conversed with various stakeholders, including (but not limited to) Pat Hines of the HUB, HSLS, and DSS

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Information was shared with the CDBG Advisory Board on 8/12 @ 2/22. The CDBG Admin Board has not yet

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## UPDATE CONTINUED

HUD is requiring this City to address the unsheltered concern, as per Petersburg's 2020 to 2024 CDBG Consolidated Plan which indicated that homelessness is an area that will be remediated. On February 6 of 2024, at a Council meeting, citizens also requested that the city address the issue of the unhoused.

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# REQUEST

The CDBG Advisory Board requests support for the City of Petersburg Virginia Department of Social Services to address Homelessness Prevention & Remediation utilizing the remaining CDBG COVID Cares Act funds in the amount of \$132,090.00.

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# FACTORS THAT CONTRIBUTE TO BEING UNHOUSED

## **HOUSING COSTS**

HIGH HOUSING COSTS AND HOUSING PRICE INFLATION HAVE CONTRIBUTED TO THE RISE IN HOMELESSNESS.

## **NATURAL DISASTERS**

NATURAL DISASTERS HAVE CONTRIBUTED TO THE RISE IN HOMELESSNESS.

## **MIGRATION**

INCREASED MIGRATION TO BIG CITIES HAS CONTRIBUTED TO THE RISE IN HOMELESSNESS.

## **ECONOMIC DOWNTURN**

THE COVID-19 PANDEMIC AND ASSOCIATED ECONOMIC DOWNTURN HAVE CONTRIBUTED TO THE RISE IN HOMELESSNESS.

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# PETERSBURG VA CONSIDERATIONS

1

The Crater Area Coalition on Homelessness (CACH) counted 681 unsheltered people in 2024.

2

Petersburg has one of the highest eviction rates in the state for mid-sized cities.

3

According to a July 26, 2022 article in the Progress Index, Petersburg has a large homeless population but lacks a shelter nearby.

4

In 2022, the city of Petersburg Virginia hosted the first-ever housing summit

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# SORTING OUT SOLUTIONS

- Availability of Affordable Housing
- Programs that provide support for the transition to permanent housing.  
“#Housing First”
- Temporary Shelter
- Rent Subsidies
- A system of coordinated care



~~Effective Delivery of support services is possible through~~ **potential collaborations**  
with the

Petersburg Department of Social Services as the umbrella:

- Crater Area Coalition on Homelessness (CACH)
  - Crater Planning District Commission (PDC)
  - Petersburg Redevelopment and Housing Authority
  - Petersburg Public Schools
  - Nonprofit Service Providers (such as CCC, SJV, LHH, and the HUB)
  - Health Services (such as CVHS, Bon Secours ...)
  - VDH Crater Health District (CHD), Petersburg HD
    - COVID Care Resource Coordination Program & Healthy Start Loving Steps
- 
- Home Visiting Program



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With the Department of Social Services as the lead coordinator to support collective impact and effective communication among service providers, unhoused and at-risk individuals and families may receive targeted services such as outreach, intake, assessment, emergency shelter, rapid rehousing, and rent assistance ... The ultimate goal being permanent housing and



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## IN CLOSING

The ask today is that the remaining CDBG COVID CARES Act funds be used to support the Petersburg Department of Social Services coordination, collaboration and delivery of homeless prevention and remediation services.



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*Award-winning CDBG Projects are  
created via collaborative efforts*

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF PETERSBURG VA SUPPORTING THE ALLOCATION OF CDBG CARES ACT CORONAVIRUS (CV) FUNDS FOR A HOMELESSNESS PREVENTION AND REMEDIATION PROGRAM FACILITATED BY THE PETERSBURG VA DEPARTMENT OF SOCIAL SERVICES (DSS) AS A SUBRECIPIENT.**

**WHEREAS**, the City of Petersburg City Council is interested in helping low to moderate income (LMI) persons and families residing in the City maintain the health and security of their living conditions, maintain safe residency in their homes, and reduce the risk of exposure to COVID; and

**WHEREAS**, the Department of Social Services in collaboration with community partners will assist residents in crisis, enabling them to stay in their home by providing services to minimize the risk of homelessness such as financial assistance for rent, utilities, emergency shelter and rapid rehousing; and

**WHEREAS**, the City Council is aware that \$132,090 is available to fund a CDBG CARES Act Coronavirus (CV) Resiliency Homelessness Prevention and Remediation Project; and

**WHEREAS**, the City Council is aware that the funds must be used before the deadline of July 06, 2026, or be returned to HUD.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council will allocate \$132,090 of available CDBG CARES Act Coronavirus (CV) Resiliency Project funds to implement a Petersburg DSS Homelessness Prevention and Remediation Program in the City of Petersburg Virginia.

**AN ORDINANCE PROPOSING APPROPRIATIONS IN THE ALL FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING ON JULY 1, 2025 AND ENDING JUNE 30, 2026**

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

- I. That appropriations for the fiscal year commencing July 1, 2025, and ending June 30, 2026, in the All Funds Budget are proposed from the following resources and revenues of the City, for the fiscal year ending June 30, 2026:

**Revenues**

General Fund Revenue	\$104,434,732
Grants Fund Revenue	\$845,567
Streets Fund Revenue	\$8,037,703
Community Development Block Grant Revenue	\$583,723
Stormwater Fund Revenue	\$1,510,374
Utilities Fund Revenue	\$15,739,436
Golf Course Fund Revenue	\$1,260,500
Mass Transit Revenue	\$6,519,882

**TOTAL REVENUES** **\$138,931,917**

- II. That there shall be appropriated from the resources and revenues of the City of Petersburg for the fiscal year commencing July 1, 2025, and ending June 30, 2026, the following sums for the purposes mentioned:

**Expenditures**

General Fund	\$104,434,732
Grants Fund	\$845,567
Streets Fund	\$8,037,703
Community Development Block Grant	\$583,723
Stormwater Fund	\$1,510,374
Utilities Fund	\$15,739,436
Golf Course Fund	\$1,260,500
Mass Transit Fund	\$6,519,882

**TOTAL EXPENSES** **\$138,931,917**

This budget recommends no change to the Real Estate Tax Rate of \$1.27, no change to the Personal Property Tax Rate of \$4.90, & no change to the Machinery & Tools Tax Rate of \$3.80.



*GENERAL FUND  
FY 2024 FUND BALANCE  
REPORT*



# INCREASE IN FUND BALANCE OVERVIEW

<b>Fund Balance Category</b>	<b>Fund Balance Increase</b>
Non-spendable Fund Balance	\$958,813
Unassigned Fund Balance	\$8,362,054
<b>Total Increase in Fund Balance</b>	<b>\$9,320,867</b>

# Components of Unassigned Fund Balance

<i>Component</i>	<i>Budgeted Amount</i>	<i>Actual Amount</i>	<i>Increase in Fund Balance</i>
Revenue	\$88,263,327	\$94,565,260	\$6,301,933
Expenditure	\$87,304,514	\$82,703,167	\$4,601,347
Expenditure Transfers to Other Funds			(\$2,541,226)
Net Expenditure Increase			\$2,060,121
<b>INCREASE IN UNASSIGNED FUND BALANCE</b>			<b>\$8,362,054</b>

## Components of Revenue Increase in Fund Balance

Category	Budget	Actual	Increase
General Property Taxes	\$40,440,253	\$44,987,698	\$4,547,445
Other Local Taxes	\$16,661,901	\$17,304,453	\$642,552
Permits, Fees And License	\$369,490	\$595,683	\$226,193
Fines & Forfeitures	\$522,500.00	\$646,323	\$123,823
Revenue From Use Of Money/Property	\$81,000	\$65,621	(\$15,379)
Charges For Services	\$3,116,176	\$2,947,638	(\$168,538)
Miscellaneous Revenue	\$1,601,057	\$4,417,445	\$2,816,388
Recovered Costs	\$30,500	\$47,105	\$16,605
Non Categorical Aid	\$4,512,499	\$4,684,562	\$172,063
State Shared Exp-Categorical	\$2,605,005	\$2,526,880	(\$78,125)
Categorical Aid	\$9,818,367	\$10,995,628	\$1,177,261
Categorical Aid – Federal	\$5,029,001	\$5,118,035	\$89,034
American Rescue Plan Act (ARPA)	\$3,174,415	\$2,500	(\$3,171,915)
Non-Revenue Receipts	\$380,000	\$212,728	(\$167,272)
Communications, Tourism & Museums	\$21,663	\$12,832	(\$8,831)
Revenue Adjustments			\$100,629
<b>TOTALS</b>	<b>\$88,363,827</b>	<b>\$94,565,131</b>	<b>\$6,301,933</b>

## Components of Expenditure Increase in Fund Balance

Category	Budget	Actual	Increase
Salary & Wages	\$28,387,708	\$27,045,685	\$1,342,023
Fringe Benefits	\$9,321,103	\$8,064,105	\$1,256,998
<b>Sub-Total Vacancy Savings</b> [Note: a detailed analysis is available that documents the totals by department]	<b>\$37,708,811</b>	<b>\$35,109,790</b>	<b>\$2,599,021</b>
<b>Sub-total Other Expenditures</b>	<b>\$ 49,595,703</b>	<b>\$47,593,377</b>	<b>\$2,002,326</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 87,304,514</b>	<b>\$82,703,167</b>	<b>\$4,601,347</b>
Transfers To Other Funds		\$2,541,226	(\$2,541,226)
<b>Net Increase in Fund Balance</b>		<b>\$85,244,393</b>	<b>\$2,060,121</b>



# INCREASE IN FUND BALANCE SUMMARY

Category	Budget	Actual	Increase
Revenue	\$88,363,827	\$94,565,131	\$6,301,933
Expenditure	\$87,304,514	\$85,244,393	\$2,060,121
<b>TOTAL</b>			<b>\$8,362,054</b>

# City of Petersburg, Virginia



## Department of Public Works & Utilities

Presenter: Mr. Jerry Byerly, DPW&U Director

# Utilities Division



## Status Update

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I. Water Utilities Work Orders	17
II. Wastewater Work Orders	32
III. Water Meter Work Orders	49
IV. Utility Billing	175
I. Terminations	59
II. New Services	116

# Street Operations Division



## Monthly Update

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**2025 Citywide Pothole Blitz:** The Street Operations Division is currently conducting a citywide effort to repair potholes in all seven wards. Division personnel and contractors are being utilized to make the repairs. The maintenance program will run from March 17th through April 18th. Potholes can be reported directly to the Street Operations Division or through the City's service request portal.

**Stormwater Drainage Improvement Projects:** To improve operational capacity and reduce roadway flooding, the Street Operations Division is currently doing upgrades to the stormwater drainage components at several locations in the City. The upgrades consist of installing new storm drain inlets and underground drainage pipes at the following intersections:

- **Church Street and Summit Street – Completed**
- **Chuckatuck Avenue and South Boulevard – Completed**
- **Melville Street and Kirkham Street - Pending**

**2025 Traffic Signal Conflict Monitor Testing:** The annual testing of the traffic signal conflict monitors is currently underway. This annual testing initiative is being performed at forty-six intersections to ensure that these critical devices are operating correctly and will detect any malfunctions that would cause a traffic signal conflict at these intersections.

**Petersburg Annual Leaf Collection:** The Street Operations Division has completed the annual leaf collection program.

**Weekly Litter Control:** The Street Operations Division continuously performs litter removal activities in all seven wards in the City. Special attention and effort are also directed at the City's gateways, major roadways and the downtown area.

# Street Operations Division



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**Weekly Debris and Illegal Dumping Control:** The Street Operations Division continuously performs removal activities in all seven wards in the City to address items illegally dumped and debris placed in the roadway right-of-way. Special attention and effort are also directed at the City's gateways, major roadways and the downtown area.

**Illegal Sign Removal:** The Division has assigned personnel to remove illegal signs that are being placed along the roadway right-of-way.

**Personnel Issues:** The Street Operations Division currently has eleven full-time vacant positions. Six other employees have communicated that they will be retiring in 2025. **The Street Operations Division overall production capacity is currently at 65%. Four of the thirteen Motor Equipment Operator positions are currently vacant plus an additional position is restricted from operating equipment. The Motor Equipment Operator production capacity is currently 61.5%. A lack of competitive compensation is the predominant factor affecting recruitment and employee retention.**

# Facilities and Grounds Highlights



## Facilities & Ground Division Highlights:

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- **701 S ADAMS ST** - Contractor replaced rear door closer and made repairs to threshold, concrete and closer connecting rods.
- **FIRE STATION 2** - Used a hose clamp to secure condensation line, from ice machine to pump
- **STATION 4** - Check and service generator. Operating correctly
- **COMMONWEALTH ATTY** - Finished railing repair work
- **POLICE DEPT** - Water on floor by fountain; shut off valve and repaired leak
- **FORT BROSS** - Confirmed septic tank is full; Gentry Septic cleaned septic system
- **MARKET ST FIRE STATION** - Delivered 4 air filters (16/25/2") for HVAC units
- **POLICE DEPT** – Make 5 spare keys for office.
- **JDR COURTS** - Delivered two chairs for deputies at front security checkpoint

# Stormwater Division



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## Positives:

- Construction Phase On Multiple Projects
  - Fleets Branch Stream Restoration Project (Pre-Construction & NTP Completed: Construction Activity Underway)

## Negatives:

- Floodplain Administrator Position Vacant; No New Qualified Candidates Have Applied

## Statistics:

- 95%+ Of All Stormwater Reviews and Inspections Accomplished Within Timeframes Established by VESMA Regulations
- 4 Stormwater Site Plan Review Were Completed
- 9 Stormwater/Soil Erosion Building Permit Reviews Were Completed

# City of Petersburg, Virginia



Thank you

Mr. Jerry Byerly

[jbyerly@petersburg-va.org](mailto:jbyerly@petersburg-va.org)

<https://petersburgva.gov/147/Public-Works>



Rebuilding Our Foundation for a Brighter Future