



# COUNCIL

## Communicates

### Highlights from City Council Meetings

**November 15, 2022**

Petersburg Public Library

#### City Council Members

Ward 1

**Treska Wilson-Smith**

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Ward 2

**Darrin Hill**

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Ward 3

**Samuel Parham**

Mayor

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Ward 4

**Charles Cuthbert**

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Ward 5

**W. Howard Myers**

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Ward 6

**Anette Smith-Lee**

Vice Mayor

[alee@petersburg-va.org](mailto:alee@petersburg-va.org)

Ward 7

**Arnold Westbrook**

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Clerk of Council

**Nykesha Jackson**

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804-733-2323

#### Please Note:

These are not the official minutes of the City Council meeting.

The official minutes and agendas can be accessed on the city website:

[www.petersburg-va.org](http://www.petersburg-va.org)

Please note that official minutes are not posted until approved by City Council.

#### Closed Session

4:00pm

#### 1. Roll Call

**Councilwoman Treska Wilson-Smith absent.**

#### 2. Closed Session:

a. The purpose of this meeting is to convene in the closed session pursuant to: (1) §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 specific legal matters requiring the provision of legal advice by the city attorney, specifically including but not limited to discussion regarding Petersburg Circuit Court Case No.: 730CL22000787-00; Petersburg City Council Ordinance 10-ORD-81; Section 2.5 of the bylaws of the Economic Development Authority; ; §§15.2-4904 and 15.2-1503 of the Code of Virginia; §§47 U.S.C. 332(c)(7)(B); and §15.2-2316.4:2 of the Code of Virginia; Article 1 §16 of the Virginia Constitution; the Establishment Clause of the First Amendment of the U.S. Constitution; and Lemon v. Kurtzman, 403 U.S. 602 (1971); and

(2) Under subsection §2.2-3711(A)(29) of the Code of Virginia for the purpose of discussion regarding the subject matter of public contract involving the expenditure of funds and terms or scope of such contract where discussion in an open session would adversely affect the bargaining or negotiating strategy of the public body, specifically including but not limited to the discussion of the award and terms of a public contract; and

(3) Under subsection §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of

the acquisition and disposition of real property for a public purpose or 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 disposition of real property; and  
(4) Under subsection §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of a specific public officer of the City of Petersburg.

**Motion approved to come out of closed session. Councilwoman Wilson-Smith abstained.**

3. Adjournment  
**Approved.**

### **Regular City Council Meeting**

5:00 PM

1. Roll Call  
**All present.**
2. Prayer  
**Led by Councilman Hill.**
3. Pledge of Allegiance  
**Led by Mayor Parham.**
4. Determination of the Presence of a Quorum  
**Quorum present.**
5. Proclamations/Recognitions/Presentation of Ceremonial Proclamations
  - a. Presentation of Kiwanis Club of Petersburg 100th Anniversary Proclamation.  
**Vice Mayor Smith-Lee presented to Kiwanis at lunch celebration.**
6. Responses to Previous Public Information Posted  
**Council Communicates**
7. Approval of Consent Agenda (to include minutes of previous meetings):
  - a. A request to hold a public hearing on December 13, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and ILM Group towards the sale of City-owned property at 118 West Street West, parcel ID 024-290024.
  - b. A request to hold a public hearing on December 13, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and SFG Developers towards the sale of City-owned property at 421 Jefferson Street South, parcel ID 022-390009 and 1114 Wythe Street West, parcel ID 024-290017.

- c. A request to hold a public hearing on December 13, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Entrusted Visions, LLC and Abe Development, LLC towards the sale of City-owned property at 1022 High Pearl Street, parcel ID 044-070009. (Page 64)
- d. A request to schedule a public hearing on the expansion of Local Historic District regulations to individual properties listed on the National Register of Historic Places.
- e. A request to schedule a Public Hearing and consideration of an Ordinance authorizing the vacation of Right of Way along River Street between 3rd Street and 5th Street.
- f. Minutes of:
  - October 18, 2022 - Closed Session
  - October 18, 2022 - Regular Meeting
  - October 25, 2022 - Closed Session
  - November 1, 2022 - Closed Session
  - November 1, 2022 - City Council Work Session

**Motion approved with the removal of Item D to go before the Planning Commission.**

8. Official Public Hearings

- a. A public hearing and consideration of an ordinance approving the relocation of an easement on the property located at 1616 Defense Road, Parcel ID: 052130004.

**No Public Comments.**  
**Approved.**
- b. A Public Hearing and consideration of an Ordinance approving a petition to rezone property in the City of Petersburg, located at 3450 South Crater Road, PID 087030815, from Planned Unit Development District (PUD) to General Commercial District (B-2).

**No Public Comments.**  
**Approved. Councilman Cuthbert abstained.**
- c. A Public Hearing and consideration of a petition for a Special Use Permit for the property in the City of Petersburg, located at 3450 South Crater Road, PID 087030815, to construct and operate a stand-alone car wash or car washing and detailing operation with accessory vacuum spaces, and similar facilities.

**Public Comments.**  
**Gary Talley – questioned reason for two car washes in same area.**  
**Andrew Condlin expressed same concerns as Mr. Talley.**  
**Approved. Councilman Cuthbert abstained.**
- d. A Public Hearing and consideration of an Ordinance approving an amendment to proffers previously adopted with the zoning for the properties located at 1200, 1220, 1225, and 1255 Harrison Creek Boulevard.

**Motion approved to table.**

e. A public hearing and consideration of an ordinance approving a petition for a Special Use Permit to operate a solar electric generating facility on the property located at 970 Winfield Road.

**Public Comments.**

Sara Melissa Witiak questioned green space being used for panels.

Jeff Fleming questioned the disposal of panels following life span on panels.

**Council moved to 13A for rezoning first.**

**Approved.**

f. A public hearing on November 15, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Harold Beasley towards the sale of City-owned property at 215 Jones Street South, parcel 023-280005.

**No Public Comments.**

**Approved motion to table 8f until December 13 meeting.**

g. A public hearing on November 15, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Amethyst Décor LLC towards the sale of City-owned property at 323 West Street South, parcel ID 029- 120016.

**Pulled from agenda.**

h. A public hearing on November 15, 2022, for the consideration of an Ordinance authorizing the City Manager to execute a purchase agreement between the City of Petersburg and Willie Mitchell IV towards the sale of City-owned property at 357 University Blvd, parcel ID 010-150029.

**No Public Comments.**

**Approved.**

i. A public hearing on the consideration of an Ordinance authorizing the City Manager to execute a 3-year lease agreement between Lending Point, LLC and the City of Petersburg for the Magistrates Office and Community Corrections currently located on the 3rd floor of 20 E Tabb Street, Petersburg, VA 23803.

**No Public Comments.**

**Approved.**

j. A public hearing on the consideration of an Ordinance to update the City's Floodplain Management Ordinance due to Federal Emergency Management Agency (FEMA) Mapping Update – Amendments to City Code Chapter 58; Article II – Floodplain Management.

**Public Hearing**

Richard Stewart – Questioned location of flood plain in Petersburg and how many feet below sea level is considered in flood plain. Director of Public Works Paul Johnson added that flood plain maps are available.

**Approved.**

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

Richard Stewart

Thanked fire department and emergency crew for quick response to Witten Street fire. Stated that homeless are sleeping under Martin Luther King bridge and leaving lots of trash.

Christian Wheelan

Owner of 1964 Puddledock Road. Stated renovation had started but utilities (water/wastewater) had not been completed by the City.

Ty Hasket

Plans to purchase 228 Mercer Street by the end of December and have property up to code within 30 days.  
Councilman Cuthbert asked City to suspend efforts to take building down and give Mr. Hasket a chance at saving the structure.

Sara Melissa Witiak

Thanked Council for careful consideration of all agenda items. Asked residents to plant more trees. She has submitted a grant to NASA for flooding, heat items for Petersburg and Richmond.

10. Business or reports from the Mayor or other Members of City Council

Councilwoman Wilson-Smith

Questioned excess of gaming machines in City.  
Commissioner of the Revenue Brittany Flowers stated her office receives complaints. She does not have the staff to investigate all complaints.  
Councilwoman received call from resident who opted out on Dominion smart meter and Dominion turned off power. Councilwoman also questioned if water billing is now correct.

Councilman Cuthbert

City needs to be aggressive in attracting more pharmaceutical companies and supply chain companies because other localities are actively pursuing these industries. Stated that YMCA is a good partner for the City for recreational opportunities. Councilman stated he talked with two employees of Cordish who highly recommended the company.

Councilman Westbrook

Announced upcoming turkey giveaway. Leaf pick-up underway and new restaurant opened on W. Washington Street. Will have Ward meeting at new restaurant after first of year.

Councilman Myers

Thanked all who supported him during the election. Stated that Fire Department should be a priority and questioned why there are 22 vacancies. City Manager stated 161 applications had been received and that Council had appropriated funds for new fire equipment.

Councilman Hill

Congratulated all council members who won elections. Would like for city manager to publicly address citizen questions beginning in 2023.

Vice Mayor Smith-Lee

Stated many contributions of Dr. Paulette Johnson at VSU.

Mayor Parham

Thanked residents who voted in election. Stated that Fire Station 5 should remain open at all times. Thanked Governor for November 1 report card on Partnership for Petersburg.

11. Items removed from Consent Agenda  
**None.**
12. Finance and Budget Report  
**None.**
13. Unfinished Business
  - a. A Public Hearing and consideration of an Ordinance approving a petition to rezone the property located at 970 Winfield Road from R-5, Multiple Dwelling District to M-1, Light Industrial District to permit the use of a solar electric generating facility.  
**Public Hearing.**  
**Sara Melissa Witiak**  
**If you approve to rezone, and solar farm does not go through, then owner can use for another project. Asked how solar farm would replant trees following life span of solar farm.**

Richard Stewart  
Questioned location of solar farm being close to Petersburg National Battlefield.

Jeff Fleming  
Research needed on end-of-life panels – they will be hazardous waste.  
Suggested clause in agreement for disposal of panels.

Rezoning approved.

b. A public hearing and consideration of an Ordinance approving a petition for a Special Use Permit to construct a telecommunication monopole tower on the property located at 2320 W. Washington Street.

Approved.

14. New Business

a. Consideration of an appropriation of the FY22 Edward Byrne Memorial Grant (JAG) \$30,851 - 2<sup>nd</sup> Reading

Approved.

b. Consideration of an appropriation of the Juvenile Justice and Delinquency Prevention Title II Grant of \$222,200 - 2<sup>nd</sup> Reading

Approved.

c. Consideration of an appropriation of the FY23 Radiological Emergency Preparedness Program (REPP) Grant of \$2,100 - 2<sup>nd</sup> Reading

Approved.

d. Consideration of an ordinance authorizing the City Manager to execute a lease agreement for warehouse space to store City artifacts.

Approved.

e. Consideration of a resolution authorizing the City Manager to exercise the right of reversion and amend the development agreement between the City of Petersburg and Robert D. Davis dated February 16, 2021 for the property at 115 Harrison Street.

Approved.

f. Consideration of a resolution authorizing the City Manager to exercise the right of reversion and amend the development agreement between the City of Petersburg and JC Bynum dated September 1, 2020 for the property at 530 Shore St, 804-806 Bolling St, 474 Wilson St, 745 Wilson St, 729 Wilson St, 725 Wilson St, 525 Shore St, 524 Shore St, 516-518 Shore St, and 411 Shore St.

Approved.

g. Consideration of a resolution authorizing the City Manager to exercise the right of reversion and amend the development agreement between the City of Petersburg and Griffin Cigar, LLC for the property at 108 East Washington Street.

Council asked Economic Development Director Brian Moore to survey progress in the building and report back to Council.

15. City Manager's Report  
a. Presentation and Information on the Legislative Agenda  
Approved.

Mobilizing Main Street Community Grant resolution.  
Approved.

Poor Creek water/wastewater project update presented by JMT.

16. Business or reports from the Clerk  
None.
17. Business or reports from the City Attorney  
None.
18. Adjournment