



# City of Petersburg Virginia

www.petersburgva.gov

## City Council Meeting

**April 15, 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 Proclamations**
  6. **Responses to Previous Public Information Posted**
  7. **Presentations**
    - a. Crater Area Coalition on Homelessness (CACH) - Shaskia Bryant, Executive Director and Dawn Scott, St. Joseph's Villa Homeless Systems Navigator – Pages 3-27
  8. **Approval of Consent Agenda (to include minutes of previous meetings):**
    - a. Minutes of Previous Meeting(s): - Pages 28-49
      - April 1, 2025 Closed Session
      - April 1, 2025 City Council Work Session
  9. **Official Public Hearings**
    - a. A Public Hearing for Consideration of an Amendment to the FY25 Petersburg City Public Schools Budget, in the Amount of \$4,523,723 – Pages 50-53
    - b. A Public Hearing for Consideration of an Amendment to the FY25 Grants Fund in the amount of \$49,200 & the FY25 Streets Fund in the amount of \$4,000,000 – Pages 54-59
    - c. A 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 60-69
    - d. A Public Hearing for Consideration of 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 – Pages 70-73
    - e. 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 74-104

- f. 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 105-146
- g. 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 147-166
- h. Public Hearing for the Consideration of a Resolution Allocating the Remaining \$132,090 in Community Development Block Grant (CDBG) COVID CARES Act Funds to Support Social Services – Page 167
- i. Public Hearing of an Ordinance to Authorize the Purchase of Property Located at 530 E. Washington Street – Tax Parcel ID No. 012280013 – Pages 168-180

**10. 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**

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

**12. Items removed from Consent Agenda**

**13. Finance and Budget Report**

- a. Department of Finance Monthly Update – Pages 181-187

**14. Unfinished Business**

- a. Consideration of an Ordinance Authorizing the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms for 3501 Halifax Road – Pages 188-203
- b. A Resolution Authorizing the City Manager to Execute an Amendment to the Purchase Agreement Between the City of Petersburg and ECIMED-1, LLC for the Development of 101 West Washington Street Located in Petersburg, VA – Pages 204-209

**15. New Business**

**16. City Manager's Report and Special Reports**

**17. Business or reports from the Clerk**

**18. Business or reports from the City Attorney**

**19. Adjournment**

# Crater Area Coalition On Homelessness



CACH

Accessing Homeless Services

# Mission



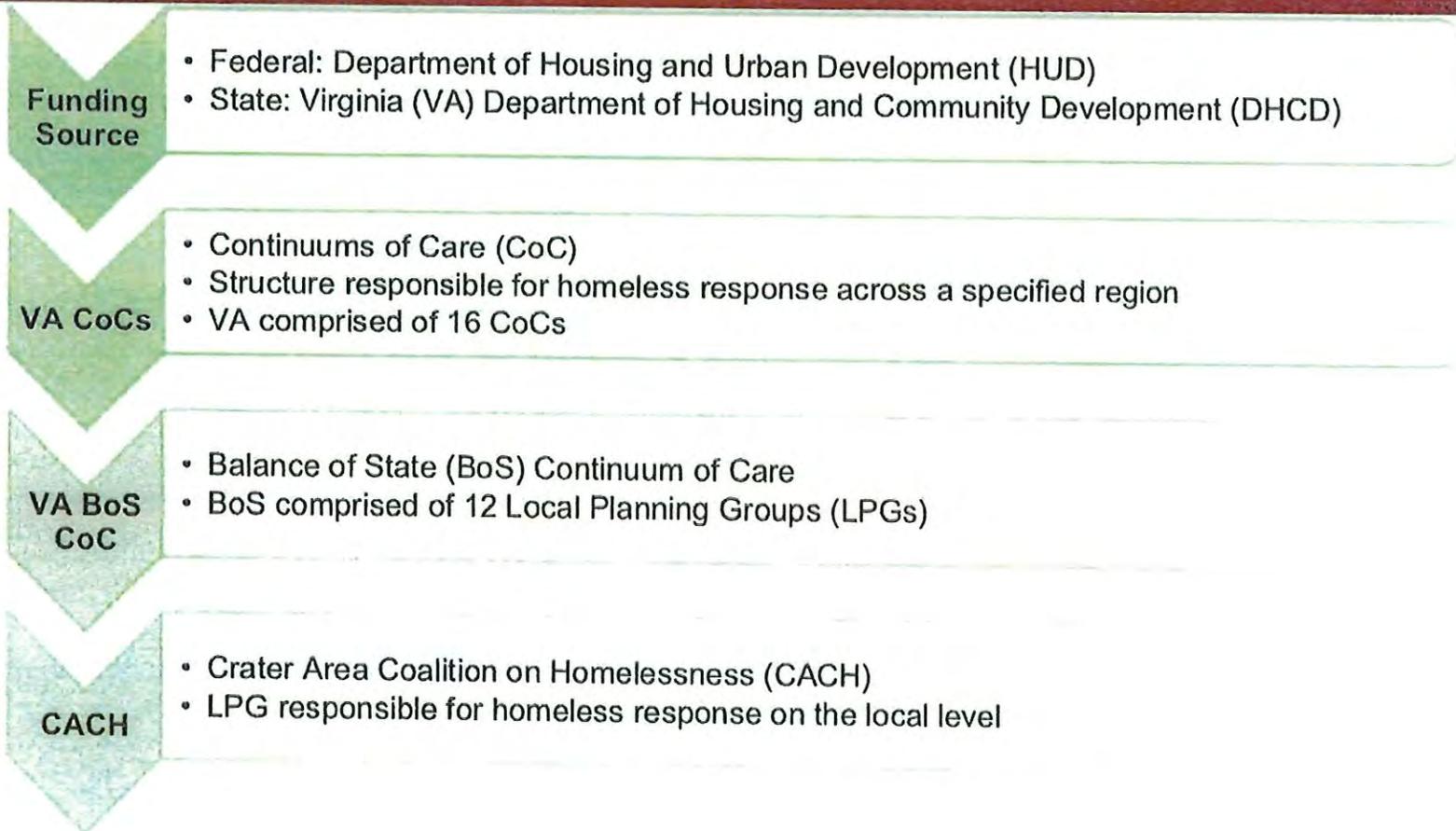
*CACH seeks to prevent, reduce, and alleviate homelessness through effective and coordinated community-wide efforts and services.*

## Guiding Principles

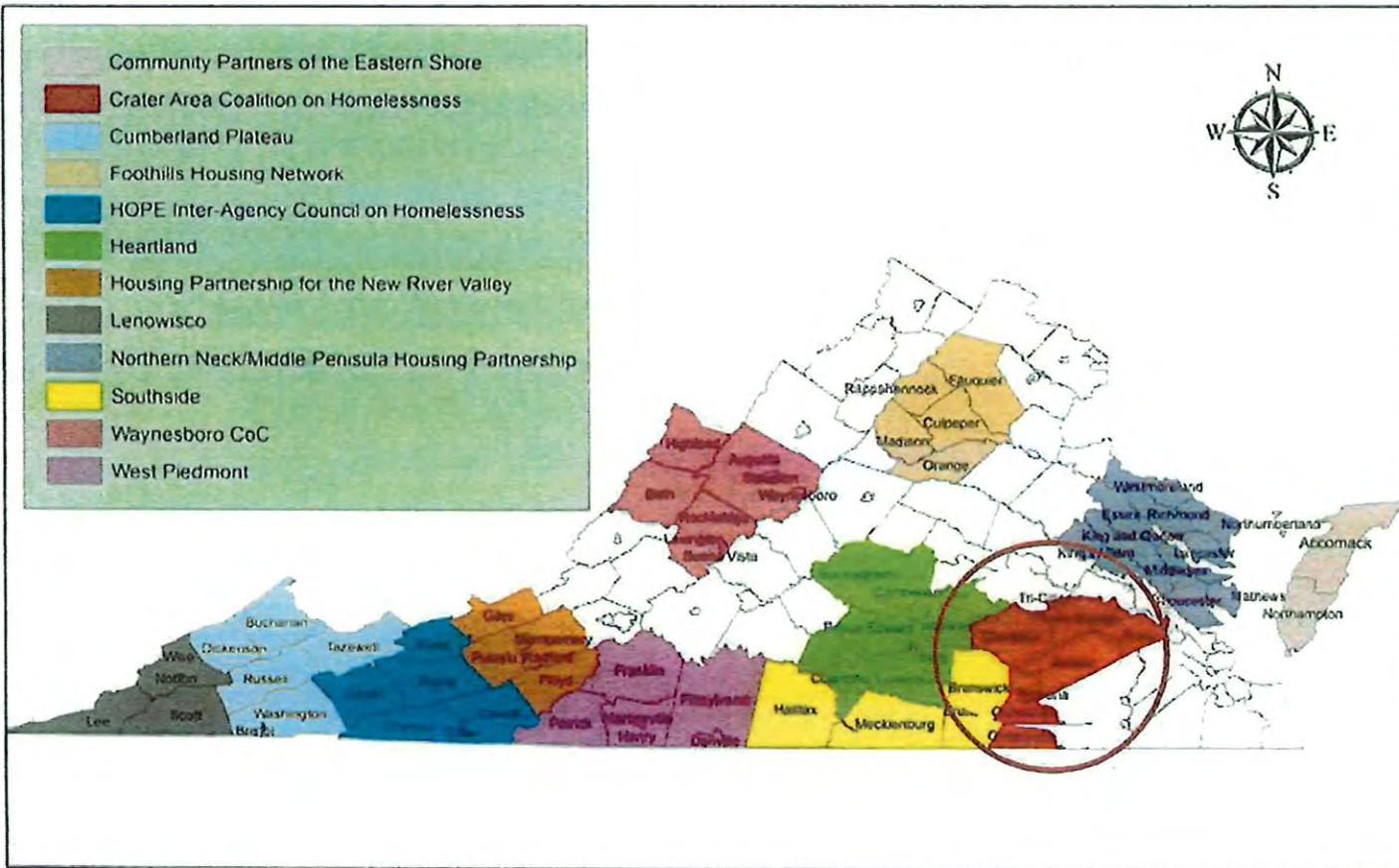
1. Every family in the Crater Area region has the right to safe and affordable housing
2. Each experience deserves to be heard
3. Every person deserves compassion and second chances
4. Providing transparency and accountability will build trust within coalition and community



# System Flow



# Virginia Balance of State Continuum of Care Local Planning Groups



## Crater Area Includes:

- Colonial Heights
- Dinwiddie
- Emporia
- Greenville
- Hopewell
- Petersburg
- Prince George
- Surry
- Sussex



# CACH Composition

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- **Executive Board**

  - 9 members

- **Membership**

  - Open to the community

- **Committees**

  - Five standing committees

- **Access Points - Designated Points of Entry**

- **Service Providers & Partners**

- **Crater Area Youth Action Board**

## **Committee Details**

1. Membership
2. HMIS and Data Management
3. Service Delivery
4. Coordinated Entry
5. Advocacy

# Overview of CACH Board

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- **General Responsibilities of a CACH Board Member:**
  - The Board is the governing body of the CACH region
  - Review and comment on local homeless legislation
  - Monitor the implementation of the Strategic Plan
  - Gather and report community input on homelessness
  - Attend CACH and CACH Board meetings - virtually via Teams once a month
  - Actively participate in a minimum of one committee or subcommittee
  - Oversee the HUD Homeless Assistance Grant application process
  - Evaluate all proposed projects, both new and renewals, for the Homeless Assistance Grant funding based on recommendations from CACH

# Overview of Committees



## **Coordinated Entry Committee (Homeless Providers Only)**

Train Access Points

Update CE Policies and Procedures

## **Service Delivery Committee**

Annually Review HUD Standards

Evaluate Agency Performance

## **Membership Committee**

Recruiting and retaining a wide range of organizations into membership

Annual Meet and Greet for prospective members

## **HMIS/Data Management**

Ensure that all HUD funded organizations are trained in and fully utilizing HMIS.

Coordinated Annual Point in Time Count

## **Advocacy Committee**

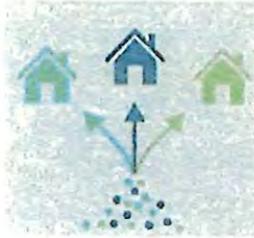
Activities that advocate for the homeless and educate the public about issues pertaining to homelessness

Maintain the CACH website



# Purpose

## 1. Access to Services



## 2. Best Practices



## 3. Quality Data



## 4. System Planning



## 5. Apply for Funding



## 6. Lead Agency



## Access to Services/Services Offered



- SJV – RRH, Youth Outreach, and Youth RRH
- CCC - Youth and Non-Youth Outreach, PSH, HOPWA
- Improvement Association – Prevention and Intervention
- VA/VSH - Outreach, HUD VASH Vouchers, RRH, and Prevention
- Push Faith House – Emergency Shelter, Cold Weather Shelter
- James House – DV Shelter

# What is Housing First?

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- A homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness.
- This approach is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues.
- Based on the understanding that client choice is valuable in housing selection and supportive service participation, and that exercising that choice is likely to make a client more successful in remaining housed and improving their life

# Quality Data

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- HMIS
  - *Data Standards Manual: <https://files.hudexchange.info/resources/documents/HMIS-Data-Standards-Manual-2024.pdf>*
- Coordinated Entry Assessment and Vulnerability Index (VI) Score
- Exiting Clients

# Prioritization List/By-Name List

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- Clients are entered into the Coordinated Entry Project (CACH: Coordinated Entry) based on the clients Coordinated Entry Assessment and VI score
- Once client is entered in CACH project, that client's information is gathered onto the By-Name list which is refreshed weekly. The By-Name list is then used to prioritize clients for housing intervention.
- **Who is prioritized in CACH?**
  - *Highest VI Score*
  - *Chronicity*
  - *Number of Days Homeless*
  - *Youth ages 18-24*
  - *Veterans*

## F/Y 2023-2024 At a Glance



<b>731 Clients Served in 412 Households</b>
<b>242 Children, 99 Youth (18-24)</b>
<b>73% Black, 14% White, 7% Multiracial</b>
<b>42 Veterans (6%)</b>
<b>117 Chronically Homeless Clients (16%)</b>
<b>281 Clients with at least one Disability (38%)</b>
<b>77% Entered from Literal Homelessness</b>
<b>20% Entered from Housing</b>
<b>1% Entered from an Institutional Setting</b>
<b>518 Clients Exited</b>
<b>234 Clients Exited to a Permanent Destination (45%)</b>
<b>122 Clients Exited to a Temporary Destination (24%)</b>
<b>8 Clients Exited to an Institutional Setting (2%)</b>
<b>9% Increased Income at Exit</b>
<b>Median Length of Participation: 61 Days</b>

**Quarterly Report v2024 Public - No Client Details Age, Gender, Household for CA  
between 1/1/24 and 12/31/24 on 4/3/25 by richmondva\_live:aharris**

Age Groups	2024		2024		2024		Between 1/1/24 and 12/31/24
	Q1 - Jan-Mar	Q2 - Apr-Jun	Q3 - Jul-Sep	Q4 - Oct-Dec	2024	2024	
a) <5	56	10	8	12	83		
b) 5-9	42	15	14	11	73		
c) 10-14	42	10	6	9	63		
d) 15-17	27	5	6	6	42		
e) 18-19	13	4	7	7	27		
f) 20-34	100	28	22	17	157		
g) 35-49	88	37	24	22	163		
h) 50-54	26	7	9	4	44		
i) 55-59	31	8	9	8	51		
j) 60-64	22	7	6	3	35		
k) 65 or older	29	10	5	8	50		
l) No Age Recorded	12	3	9	0	24		
<b>All Clients</b>	<b>487</b>	<b>144</b>	<b>125</b>	<b>107</b>	<b>805</b>		

Gender	2024		2024		Between 1/1/24 and 12/31/24
	Q1 - Jan-Mar	Q2 - Apr-Jun	Q3 - Jul-Sep	Q4 - Oct-Dec	
Transgender	1	0	0	0	1
Questioning	2	0	0	0	2
Non-Binary	1	1	0	0	2
Man	233	78	61	60	405
Woman	237	62	57	44	369
No Gender Recorded	13	3	7	3	26
<b>All Clients</b>	<b>487</b>	<b>144</b>	<b>125</b>	<b>107</b>	<b>805</b>

Households	2024		2024		Between 1/1/24 and 12/31/24
	Q1 - Jan-Mar	Q2 - Apr-Jun	Q3 - Jul-Sep	Q4 - Oct-Dec	
Group or Single Enrollment					
Household Type					
Couple (Parent & Friend) and Child	14	2	7	3	26
Couple With No Children	22	14	0	4	39
Grandparent(s) and Child	2	0	0	0	2
Other	33	0	0	0	33

	2024	2024	2024	2024	2024	2024
Single Adult	4	11	6	0	21	
Single Parent	201	54	47	52	327	
Two Parent Family	38	2	3	0	41	
Single	179	62	62	48	325	
All Clients	487	144	125	107	805	

Household Relationships	2024		2024		2024		Between 1/1/24 and 12/31/24
	Q1 - Jan-Mar	Q2 - Apr-Jun	Q3 - Jul-Sep	Q4 - Oct-Dec	2024	2024	
Self (head of household)	258	88	76	65	452		
Head of household's spouse or partner	24	8	2	3	37		
Head of household's child	161	35	32	36	246		
Head of household's other relation member (other relation to head of household)	16	1	2	0	19		
Other non-relation member	1	0	0	0	1		
Not Recorded	31	17	14	3	64		
All Clients	487	144	125	107	805		

# Funding Availability

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- VHSP – RRH/ESO/Prevention/Supportive Services
- The Housing Opportunities for Persons With AIDS (HOPWA)
- Virginia Housing Trust Fund (HTF) – RRH/PSH/Supportive Services
- HUD – RRH/Supportive Services
- Youth Homelessness Demonstration Project (YHDP) - Outreach, TH/RRH, Supportive Services
- Private Funding – unrestricted funds

# Weekly Case Conferencing Meetings



- Homeless Service Providers meet every Wednesday for case conferencing
- Households are matched with providers for housing intervention when available
- Client and program updates per agency are provided to the group
- Community news and resources are shared

## Who attends these meetings?

SJV – Flagler Housing and Homeless Services	Virginia Supportive Housing
Commonwealth Catholic Charities	Department of Veterans Affairs
Push Faith House	Healthy Families/Community Action Network
The Improvement Association	Veteran Community Network of Central Virginia
James House	Department of Veteran Services
District 19	

# Main Access Point

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ST. JOSEPH'S  
VILLA

**Housing Resource Center**

**(804)722-1181**

**Monday – Friday**

**8:00 AM - 4:00 PM**



Flagler Housing and Homeless Resource Center

24 S. Adams Street Petersburg, VA 23803

[WWW.NEVERSTOPBELIEVING.ORG](http://WWW.NEVERSTOPBELIEVING.ORG)

## **Referral Process for Flagler Housing and Homeless Services**

1. Potential client (PC) calls the Flagler line (804-722-1181)
2. PC should leave a message with name, number, and nature of the call.
3. Phone call, text, and email are all available avenues used to reconnect.
4. Once contacted, PCs are given resources and guided in the right directions with agencies that may be able to further assist with the nature of their particular need.
5. If PC have exhausted all other resources and call back, a Coordinated Entry Assessment (CEA) and VI-SPDAT is conducted.
6. PC is then put into HCIS/HIMIS.
7. Based on what information is given during the VI assessment, PC is given a number
8. PC is then placed on the By-Name List (BNL).
9. On Wednesdays, (as scheduled currently) we have CACH Coordination meetings. This meeting is also an open forum to talk about any upcoming events or resources that may help PCs navigate while waiting to get matched to a case manager.

Dawn Scott

Homeless Systems Navigator

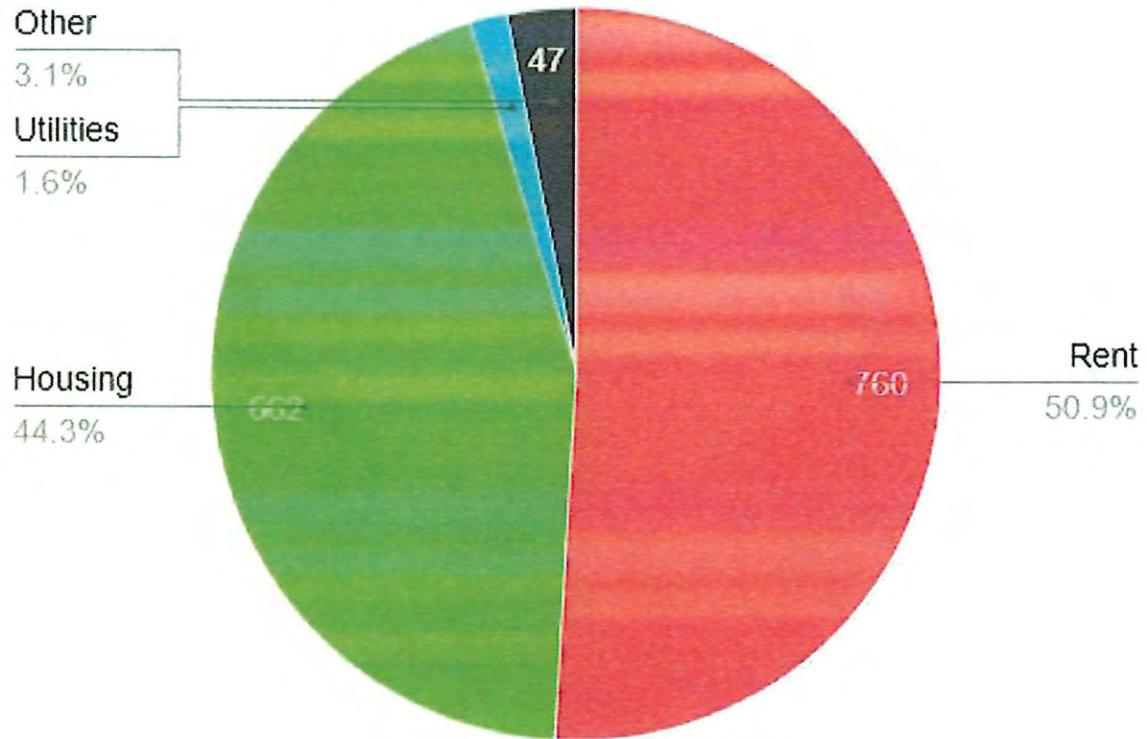
804-722-1181 EXT.1010 (Client Use)

804-874-5549 Cell (Agency Use)

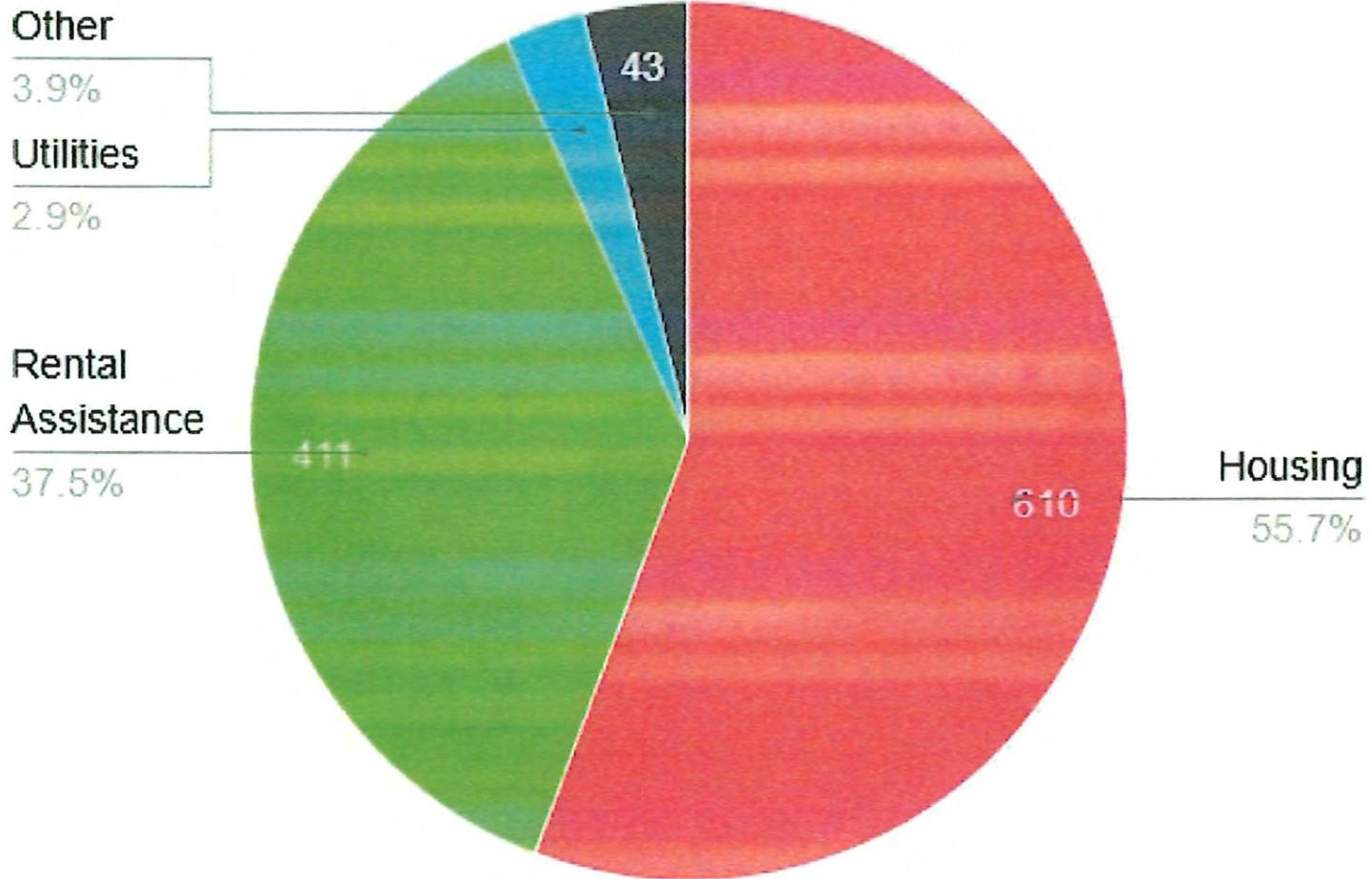
[dscott@sjvmail.net](mailto:dscott@sjvmail.net)



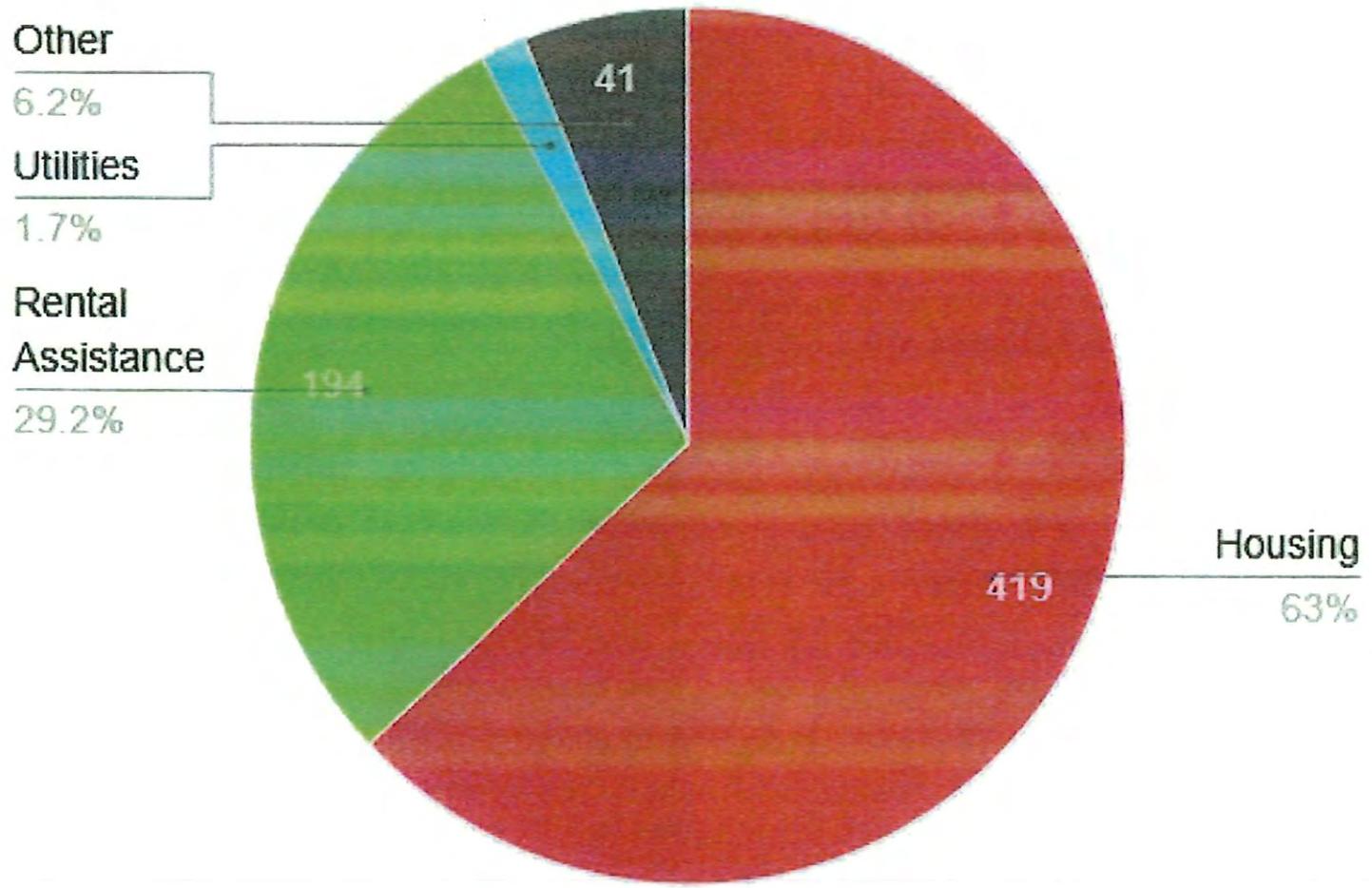
**1st Quarter July 1, 2024- September 30, 2024**



## 2nd Quarter October 2024- December 2024 CACH Region



### 3rd Quarter Call Logs Report





# Access Points



PUSH Faith House



JAMES HOUSE



The Improvement Association





# Connect with Services

## **St. Joseph's Villa**

- Flagler Housing Resource Center
- Petersburg Office: 804-722-1181

## **Commonwealth Catholic Charities**

- Outreach: Janice Johnson
- Work Cell: 804-467-718

## **James House**

- Domestic violence shelter & supportive services
- Office: (804) 458-2704
- 24hr Crisis Line: (804) 458-2840
- [helpline@thejameshouse.org](mailto:helpline@thejameshouse.org)

## **PUSH Faith House**

- Shelter: (757) 758-4778

## **Healthy Families**

- Children and Family Support
- Phone: 804-352-4018

## **Supportive Services for Veterans and Families**

- Virginia Supportive Housing: 804.788.6825
- Department of Veteran Affairs: Veterans Crisis Line: 988 press 1; VA's Homeless Hotline: 1-877-424-3838
- *Veteran Community Network of Central Virginia:*  
[john.maxwell@vcncentralvirginia.com](mailto:john.maxwell@vcncentralvirginia.com)
- *Department of Veteran Services:* (804) 431-3260

## **Serenity**

- Support services for those infected and affected by HIV/AIDS
- 804.861.9977; [serenity9977@yahoo.com](mailto:serenity9977@yahoo.com)

## **The Improvement Association**

- Emporia: (434) 634-2490
- Sussex: (804) 834-3522
- Dinwiddie: (804) 469-4495

## **District 19 (D19) Community Services Board**

- Office: (804) 862-2130
- 24hr Crisis Lines (emotional/psychiatric):
  - (804) 862-8000 Toll-free: (866) 365-2130
  - Emporia area: (434) 634-2020



# Get Involved

## How?

- Spread the word about CACH
- Share resources
- Establish partnerships
- Become a Board Member
- Attend monthly membership meetings
- Join committees

\*\*Contact information for Board and Membership interest: Shaskia Weathers; sweathers@sjvmail.net

## Why?

- Connect with a regional network of partners
- Be a decision-maker in your community
- Amplify your voice to address the needs in your community
- Implement change through committee service
- Apply for state and federal funds
- Receive letters of support for grants



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 2025  
**TO:** The Honorable Mayor and Members of City Council  
**THROUGH:**  
**FROM:**  
**RE: Minutes of Previous Meeting(s):**  
- April 1, 2025 Closed Session  
- April 1, 2025 City Council Work Session

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**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. April 1 2025 Closed Session Minutes
2. April 1, 2025 Worksession Minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, April 1, 2025, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 3:07 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/338875>.

**1. ROLL CALL**

Present:

Council Member Howard Myers  
Council Member Arnold Westbrook  
Council Member Annette Smith-Lee  
Vice Mayor Darrin Hill  
Mayor Samuel Parham

Absent:

Council Member Charles Cuthbert (Late)  
Council Member Marlow Jones

Present from City Administration:

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

**2. CLOSED SESSION**

The purpose of this meeting is to convene in the closed session pursuant to:

- a. §2.2-3711(A)(7) and (8) of the Code of Virginia for the Purpose of Receiving Legal Advice and Status Update from the City Attorney and Legal Consultation Regarding the Subject of Actual or Probable Litigation and Specific Legal Matters Requiring the Provision of Legal Advice by the City Attorney Specifically, Including But Not Limited to, Discussion Regarding the Legal Requirements of 58.1-3321.6 of the Code of Virginia, and Section 106-1 of the Petersburg City Code; 23-ORD-20; Actual or Probable Litigation; and the Hotel Performance Agreement, and Loan Agreements for the Petersburg Hotel; 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)(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
- 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: 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 Cuthbert arrived.

### **CERTIFICATION**

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Council Member Westbrook made a motion to return the City Council to the open session and certify the purposes of the closed session. Vice Mayor Hill 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, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; abstain: N/A.

**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 5:13 p.m.

Mayor Parham entertained a motion to direct the City Manager to take all necessary action to facilitate the current needs of the Petersburg Police Department with respect to police vehicles, and report back to City Council on the status of such efforts by the first meeting in June or earlier.

Vice Mayor Hill made a motion to direct the City Manager to take all necessary action to

facilitate the current needs of the Petersburg Police Department with respect to police vehicles, and report back to City Council on the status of such efforts by the first meeting in June or earlier. 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, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; abstain: N/A.

**3. ADJOURNMENT:**

City Council adjourned at 5:14 p.m.

DRAFT

The work session meeting of the Petersburg City Council was held on Tuesday, April 1, 2025 at the Petersburg Public Library. Mayor Parham called the meeting to order at 5:14 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/338898>.

**1. ROLL CALL:**

Present:

Samuel Parham, Mayor – Ward 3  
Darrin Hill, Vice Mayor – Ward 2  
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:

Marlow Jones, Councilor – Ward 1 (Late)D/Aiuto

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 PROCLAMATIONS**

National Child Abuse Prevention Month Proclamation

Mayor Parham presented the Proclamation for National Child Abuse Prevention Month.

A representative from Social Services accepted the proclamation.

Week of the Young Child, April 5-11, 2025, Proclamation

Mayor Parham presented the Proclamation for the Week of the Young Child.

Bill D’Aiuto, Petersburg Department of Social Services Director, accepted the proclamation.

**6. PUBLIC COMMENTS**

Pamela Lundy, 12 North Birch Street, said that a drainage problem had persisted on North Birch Street because there was no drainage system in place on Foley Street, which caused water to overflow and flood the houses. Cars became stuck, and it was resulting in financial losses. She

had a contractor assess the situation who stated that it was impossible to access the backyard due to the existing conditions. Although some drainage had been installed on Birch Street a couple of years ago, the water was now flowing from Foley Street, which was eroding her yard at 12 North Birch Street. She said the improvements would be expensive, but it was currently costing her a lot, as well. She asked Council to consider including the Foley Street area in the storm and flood study, as it was causing significant issues with rodents, mold, and cars becoming stuck.

Harriet Wynn, 405 Grove Avenue, had concerns about the approved plans for 401 Grove Avenue. She said that she had been trying to understand the approved building plans, including the proximity of her house to the building, and the parking space allocated for this property. From a safety perspective, she was concerned about her house, the street, and the safety implications of a two-story building with rental units upstairs and office space at the bottom, situated on a small lot.

Council Member Cuthbert noted that it appeared all necessary approvals had been granted, leaving little room for action at this point. He said that he understood Ms. Wynn's concerns, and he asked if there were any available options for addressing them.

John Altman, City Manager, said that if the property was in compliance with the zoning regulations, there was not much that they could do because it was meeting the code requirements. He was not aware of any actions they could take to preventing them from building the house.

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

- a. 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
- 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
- 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
- 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
- e. First Read and Schedule a Public Hearing for Consideration of an Amendment to the FY25 Grants Fund & the FY25 Streets Fund
- f. 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

- g. 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
- h. 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
- 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
- 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
- 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
- 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

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

## 8. **SPECIAL REPORTS**

### Petersburg Area Transit Moving the City of Petersburg Forward -Darius Mason, Director of Mass Transit

Darius Mason, Director of Petersburg Area Transit, said the discussion they were about to have concerned the aging fleet. He was an enthusiastic supporter of the City of Petersburg's potential growth in the near future. One of the City's biggest accomplishments was providing transit service to its citizens. PAT provided transit transportation access throughout all parts of Petersburg and the tri-cities, which had a positive impact on the local economy, government, retail, and tourism. He said he started working with the City of Petersburg as a transit operator about 18 years ago. In his second year, they had received seven to nine brand new transit buses through a lease-to-own program with BB&T Bank. In order to move the City forward, they needed to replace the rolling stock.

Mr. Mason said the useful life of a large, heavy-duty transit bus that seated 35 to 40 individuals was 12 years. A medium-light-duty transit bus that seated 25 to 35 was five years. A light-duty bus, 30 feet or less, seating 15 passengers, was four years. Everything highlighted in red on the slide had reached its end of life. He explained that the data in green represented the buses that were still available for use, with the two yellow highlighted buses expected to reach their end of life this year. He noted that the next slide displayed a service interruption form used by the maintenance department and dispatchers, detailing the mechanical breakdowns of the fleet. The majority of these issues were related to buses

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that had reached their end of life.

Mr. Mason said they planned to build a new casino in Petersburg, serving citizens from Richmond, Henrico, Hopewell, Dinwiddie, and Colonial Heights. He aimed to ensure that the buses were well-maintained and presentable, unlike the current state of the fleet. The department was in talks with ABC Companies, a company that manufactured the trolleys in the City, to acquire 40-foot transit buses through Hometown Bus Company. He believed this was a development that should have been brought to the Council's attention five years ago. He regretted that he was not in a position to make this recommendation five years ago.

Mr. Mason likened the transit employees' role to that of the police department or the fire department, as they were also public servants. Their goal was to transport citizens, including the council members, who often took tours of the City, in a more efficient and reliable manner.

Vice Mayor Hill asked for more information on the fleet.

Mr. Mason replied that they had 29 buses, and 22 had met the useful life. He said that GRTC had donated four buses, and they were in the process of donating two more until they could get more rolling stock. He said that he was in talks with the City Manager and the Davenport Group to find replacement solutions. He stated that they were spending almost \$350,000 annually on repairs for these buses, which was significantly impacting the budget. He suggested that acquiring seven or ten new buses would greatly benefit the transit system. He said that they still had to consider disposal of the 22 buses that had met the end of the useful life.

Vice Mayor Hill asked about the extent of the City's service area.

Mr. Mason stated that GRTC currently covered most areas north of their service area, and their focus was on expanding south, with discussions underway with Brunswick County. He also mentioned that they were exploring potential partnerships with the City of Emporia and the County of Prince George. He said that they required more rolling stock to expand the service area.

Council Member Smith-Lee asked what the average cost for a bus was.

Mr. Mason stated that the buses they were considering through the ABC Company were a \$750,000 model, which came equipped with various features, including cameras, fare boxes, bike racks, passenger counters, and driver protective barriers. He said that the Gillig buses, the current fleet model, cost about \$1 million, and they did not include any of the additional equipment on delivery, so that would incur an additional cost. He said that buses took between 12 to 18 months to manufacture.

Council Member Jones asked how many miles per year were travelled within the City.

Mr. Mason estimated over 900,000 miles.

Council Member Jones asked if they would replace a bus that had low mileage but had reached the end of its useful life.

Mr. Mason said that according to FTA standards, once a vehicle reached its useful life, it must be disposed. He stated that the option to extend the vehicle's useful life was available, but it came at a cost to keep them in service.

Council Member Jones asked for information about any preventative maintenance programs.

Mr. Mason stated that they utilized a preventive maintenance software called Fleet Maintenance Pro, and the maintenance department performed worked on all of the buses on a maintenance schedule.

Council Member Jones asked if expanding the service area would reduce the service life of the buses.

Mr. Mason said that was not necessarily the case. He said that they secured their funding through a combination of miles driven and ridership.

Council Member Jones asked what programs were in place to provide the best possible training for workers.

Mr. Mason stated that they had a state-of-the-art training program called TAPCO, which was provided to every new transit employee when they began their training and was maintained through the safety coordinator for ongoing training.

Council Member Jones asked why they were seeking grants for bus shelters when they had the equipment in storage, apparently sitting out in the elements for years.

Mr. Mason replied that they had the materials for three bus shelters and 30 benches.

Council Member Jones asked why they were not installed.

Mr. Mason replied that they had 420 bus stops. He said they had to prioritize bus stops.

Council Member Jones asked how long the materials had been in storage.

Mr. Mason said they had been in storage for a couple of years.

City Manager Altman explained that a commitment had been made to relocate and install a shelter on 6 South Sycamore, but when they reviewed the email, they discovered that the director had left just two weeks after the commitment was made. As a result, they were catching up on this. He acknowledged that they were working to establish and prioritize other commitments.

City Manager Altman agreed that prioritizing the shelters was essential. He stated that allocating necessary funding to put in pads and get the shelters up was crucial. Once the pads were in place, they could likely have one up in about three weeks, including the concrete pad and setup. They had more need for shelters than they currently had available and that prioritizing those needs was a matter of urgency. If the Council identified areas where they would like to add shelters, he was more than happy to work towards making that happen and finding funding for those projects.

Mayor Parham clarified that the shelters and benches were acquired under the previous director.

Mr. Mason said that was correct. Prioritizing bus stops was not an easy task, as many of the streets lacked sidewalks where bus stops were located. He explained that to accommodate a bus stop, they would need to cut a pad, then install a shelter, and add a bench.

Council Member Jones stated that the answer he received last time they were here was that they would look for grants when they already had at least one shelter. He expressed concern that they would follow the same process with the grants, letting the bus stops and canopies sit in storage. He urged everyone to prioritize the bus stops in addition to the buses. He said they should place importance on the people who use the buses.

Mayor Parham asked for more information about the Petersburg Walmart bus stop.

Mr. Mason said they spoke with Walmart and learned that they had a bus shelter located at the store entrance. The area where the two bus benches were situated was created by the City. Unfortunately, Walmart would not permit the installation of a bus shelter due to it being private property.

Mayor Parham asked if they could use eminent domain to install a bus stop at Walmart.

Anthony Williams, City Attorney, said eminent domain could be used, but it was a long and expensive process.

Mayor Parham requested that staff investigate this matter and provide Council with possible solutions. This was a public safety issue. He noted that the high volume of traffic through that area posed a challenge, as there was insufficient seating for individuals with children, forcing them to stand near the curb.

Mr. Mason suggested that the easiest solution for the Walmart location would be to ask Walmart to provide two parking spaces on the pavement, which could then be accompanied by two benches and shelters.

Council Member Jones said there was a bus stop at the corner, which actually originated from the other shopping center and had been relocated. He said that was the problem, because shoppers at the other shopping center had to walk far to get to the bus stop.

Mr. Mason said the reason they relocated the bus stop was a very serious safety issue. They had numerous bus accidents in that area. Just last week, they had an accident where someone ran into the back of the bus. This was becoming a safety concern, as the buses were getting damaged. People who worked in the nearby stores would park their vehicles near the bus stop, causing additional safety issues. His safety coordinator, who was responsible for all safety-related matters, had brought this to his attention. He stated that the issue was the bus route. He suggested that to improve efficiency and safety, the buses could secure two parking spaces when entering Walmart's lot, thereby reducing congestion at the corner.

Mr. Williams said that he and the City Manager could meet with Council Member Jones, Vice Mayor Hill, and Mr. Mason to review the Walmart bus stop issue.

Presentation to Discuss Allocation of the Remaining \$132,090 in Community Development Block Grant (CDBG) COVID CARES Act Funds to Support Social Services

Jennifer Murphy-James, CDGB Administrator, reported that in October 2024, the CDBG Advisory Board had \$264,000 in CDGB funds available from the 2019 COVID CARES Act. She stated that \$132,000 was awarded to support critical home repairs. She noted that the Board had listened to public comments and understood the concern to address the needs of the unsheltered and homeless in the City. HUD mandates required the City to address homelessness. She said that in the Five-Year Consolidated Plan, which was from 2020 to 2025, it identified addressing homelessness as a priority.

Ms. Murphy explained that the Advisory Board, along with herself, the PCD Director, and the Advisory Board Chair, held several meetings with stakeholders, including Ms. Pat Hines, director of The Hub shelter, the Healthy Start Loving Steps program, and the Department of Social Services. She shared that they gathered information on the issue and presented it to the Advisory Board members on February 12. She reported that on February 28, the Advisory Board voted on a plan of action. HUD required the City to address the unsheltered concern as per the Petersburg's 2020-2024 CDGB Consolidated Plan, which indicated that homelessness was an area that would be remediated.

Ms. Murphy said that at a Council meeting on February 6, 2024, citizens also requested that the City address the issue of homelessness. She stated that the Advisory Board requested support for the City Department of Social Services to address homelessness prevention and remediation, utilizing the remaining COVID CARES Act funds in the amount of \$132,090. She explained that the factors contributing to homelessness, such as high housing costs, inflation, natural disasters, migration, and economic downturns, had led to the rise in homelessness in the City of Petersburg.

Ms. Murphy noted that the City had one of the highest eviction rates in the state for a mid-sized city and a significant homeless population. She cited the Crater Area Coalition on Homelessness's (CACH) report of 681 unsheltered individuals in 2024 and a July 26, 2022 article in the Progress Index, which indicated a large homeless population and the lack of nearby shelters. She said that in 2022, the City hosted its first housing summit. To sort out these solutions, the City had to examine the availability of affordable housing and programs that provided support for the transition into permanent housing. She said they needed to consider temporary shelters, rent subsidies, and a system of coordinated care.

Ms. Murphy said the goal was to create an effective delivery of support services that could foster potential collaborations within the City of Petersburg. The Department of Social Services would lead the coordination, and unhoused individuals and families would receive targeted services such as outreach, intake, assessment, emergency shelter, rapid rehousing, and rent assistance. The ultimate goal was permanent housing and stability. She said the request was for the remaining CDBG funds to be used to support the Department of Social Services in their coordination, collaboration, and delivery of homeless prevention and remediation services. The City was currently celebrating the 50th anniversary of the CDGB program. Through their experience, they learned that award-winning CDGB projects were often the result of collaboration, and they believed that the Department of Social Services was the ideal partner for this effort.

Vice Mayor Hill asked how regional trends were applied to the City.

Ms. Murphy stated that a cycle of overflow existed in the region, causing people to move between Hopewell, Petersburg, and Colonial Heights. Public health rankings showed that homelessness and being unsheltered were significant social determinants of health, putting individuals at high risk. She noted that the City of Petersburg and the City of Hopewell ranked at the bottom of these rankings. One of the goals was to improve this status by supporting efforts to prevent homelessness and, by extension, child abuse prevention.

Ms. Murphy said she spoke to a representative from CACH, and according to the point-in-time count, 28 individuals were found to be approachable, but due to safety concerns, not everyone could be approached, and the count only included 28 individuals in the City.

Council Member Jones noted that homelessness and unhoused were different terms. He said that some people chose to be homeless, and those people should not receive targeted care. He said that hotels and motels were not houses, so people staying in these places were still unhoused. He noted that schools were facing issues due to unhoused students. He highlighted the need for a way out of homelessness and into homeownership. Before focusing on individuals who did not want to be housed, he believed they needed to prioritize those who were truly unhoused, specifically the women and men currently residing in hotels and motels and those with children.

Council Member Jones said one point he had made to the School Board and Council in the past was that when a child's address was at a hotel, the relevant school or hotel should contact social services, and social services should then conduct a welfare check. He was appalled by the reality that hotels could be used for human trafficking, sex trafficking, and other illicit activities. Additionally, he was concerned about the potential for parents to become entangled in these situations, inadvertently putting their children at risk. He was not concerned about individuals who simply wanted to be homeless, as their children did not have a voice to advocate for themselves.

Council Member Jones said he believed the true homelessness count was much higher than what the figures indicated. He said that hotels needed to be raided, and there should be daily welfare checks. He said that parents needed help. He said that the Housing Authority should be more involved, as they owned property, had beautiful apartments, both new and old, and had available space. He said they were not doing anything, and that was one of the issues he wished to discuss. He stated that targeted

services were essential. He said these should be provided to those who were struggling with addiction, who were struggling to find their next meal, he wanted to acknowledge the many people who were working to help them.

Council Member Jones expressed concerns about the lack of background checks on people when the City provided them with housing. He said that they needed to conduct thorough research before providing aid. But they also knew that there were people in need right now. Their priority should be the well-being of children in the City. He said that he needed to see the database and see where the homeless people were coming from.

Ms. Murphy-James said that she agreed. She said that she thought she needed to apologize to all the members of City Council, as it appeared that her presentation did not effectively convey her intention. She said that the presentation failed to clearly present the ask of the Advisory Board, which was that the Department of Social Services be supported in their efforts to prevent and remediate homelessness.

Ms. Murphy-James said that the Director of Social Services was present and may be able to speak to the issue more eloquently. She explained that the funds would be used to support the ongoing work of Social Services, preventing families from being evicted or ending up in hotels in the first place, and in the event that emergency services were needed, they would receive that support. She said that she would like to share a bit about her background. She had been involved in community organizing since she was 18 years old; she had worked in some of the roughest areas in New York, and she moved to Richmond in 2007.

Ms. Murphy-James said that she had spent over six and a half years working in Petersburg, and she was deeply familiar with the issues and concerns in their community. As an advocate for children and families, she strongly believed that children were being harmed by being raised in hotels, and this was an issue that the Area Coalition on Homeless was working to address. She said that the Department of Social Services was seeking to coordinate services amongst providers, including Pat Hines and the Housing Authority, to develop a coordinated system of care that would prevent families from becoming homeless in the first place.

Council Member Jones stated that he thought they needed to distinguish between helping with homelessness and helping the unhoused.

Ms. Murphy-James said that what they were focusing on was prevention first, followed by remediation. She said that they were aiming to prevent individuals from ending up in a position of being unhoused, unsheltered, or homeless. To gain a better understanding of the entire scope, she would like to invite Mr. D'Aiuto to share more about the services provided by the Department of Social Services and elaborate on how these funds would support his efforts.

Council Member Jones said that he would like to discuss the high eviction rates in their area. He noted that one of the reasons for this was that many people were being evicted by slumlords, which was a problem the City needed to address. He said that they were currently working to target these landlords so people would not have to rent from them. He emphasized that they needed a program to provide support to those who were struggling so they did not end up in hotels.

Ms. Murphy-James clarified that the Housing Authority does offer programs to assist individuals, including teaching them about credit, building their savings, and helping them transition from subsidized housing to homeownership; these programs do exist.

Mayor Parham stated that he had to leave to attend a ribbon-cutting ceremony for ANSA McAL's BleachTech facility, which was the company's largest acquisition to date. Before he left, he wanted to add that they should coordinate with the schools. He noted that the School Board had been addressing

something that the City needed to address as well, which were the mental health and trauma aspects related to homelessness and unsheltered issues. If they did not address these concerns, their children would struggle to learn. Therefore, they must integrate these issues and focus on addressing the youth's health and education.

Vice Mayor Hill presided over the remaining of the meeting.

Council Member Cuthbert said that he would like to clarify a point. He said that on page 196, it was stated that \$132,000 was awarded to support critical home repair. He asked if staff was suggesting that they divert that \$132,000 away from critical home repair.

Ms. Murphy-James replied no; the original amount left over was \$264,000. She explained that half of that amount was originally allocated to Project Homes to conduct critical home repairs, ensuring the safety of the individuals living in these homes. The remaining balance was \$132,000, and they were requesting that this balance be awarded to the Department of Social Services to coordinate the prevention of homelessness and remediation efforts. This funding would enable them to provide support services as part of a coordinated system of care.

Council Member Cuthbert said that he was unclear about the breakdown of how these funds would be utilized. He asked if it was determined that the \$132,000 was the right amount for the work.

Ms. Murphy-James replied yes; the Social Services Department would be using that funding directly for prevention services such as rent assistance and utility assistance. She said that she would like Mr. D'Aiuto to come up and discuss a program he currently had, which would be supplemented by this funding.

William D'Aiuto, Director of Social Services, stated he would provide more information about the program Ms. Murphy-James referenced. He explained that they received approximately \$32,000 to \$34,000 from the Federal Child Abuse Prevention Fund each fiscal year, which promoted safe and stable families. This funding was typically available at the beginning of the fiscal year and was usually spent within three to four months, as they focused on maintaining families and homes that came to their attention.

Mr. D'Aiuto continued that when the CDBG manager reached out to them several months ago to discuss the potential of this program, they felt that they could leverage their existing infrastructure. Since there would be no extra administrative costs, the full \$132,000 would be available for services. He was not aware of the specific HUD restrictions, but he believed that they could work within those guidelines.

Mr. D'Aiuto noted that based on the comments heard tonight, staff certainly could focus their work to assist families who were currently living in hotels and motels. He stated that this collaboration would allow them to use their resources efficiently, without having to establish new infrastructure, and would help to make the most of the limited time frame, as the funding must be spent by next July. He said that when they worked with families who received prevention funding, they must agree to a two-month voluntary agreement to collaborate with them through case management.

Mr. D'Aiuto explained that as part of this agreement, they not only provided assistance to help them secure a more stable living situation, but they also committed to working with them for at least two months. During this time, they aimed to connect them to other community resources, including job services, financial assistance, and other relevant services. He believed this plan allowed them to quickly utilize the funding to support those in crisis and provide comprehensive support.

Council Member Cuthbert said that they had documented that there were 681 unsheltered individuals in the area, not just within Petersburg, but also outside of it. He stated that when they successfully

assisted a homeless individual or family in leaving a hotel, there would be an empty room. He asked how that room would be filled.

Mr. D’Aiuto replied that he was unable to speculate on that matter. He noted that there were City regulations in place that required a person could not stay in a motel for more than 30 days, after which they may be eligible for a 90-day extension. He stated his department did become involved when these extensions were requested. Over the eight months he had been in this role, they had a few instances where they had worked with families in need, connecting them to other services. He said that outside of these exceptions, there was little to prevent individuals who could pay from occupying motel rooms, which motel owners would likely seek to fill.

Council Member Cuthbert expressed concern that the impacts of these efforts may be limited in terms of how they helped Petersburg residents.

Mr. D’Aiuto acknowledged Council Member Cuthbert’s concern; however, the funding was time-sensitive and the CDBG staff was likely trying to prevent it from being lost. He said that they were aware of the current need, and he believed that they were seeking the opportunity to use this funding to help individuals who were currently in crisis.

Council Member Cuthbert asked if they could instead allocate this funding to the other \$132,000 in critical home repair.

Ms. Murphy-James explained that when staff first presented to the City Council, they had requested that the full \$264,000 be allocated to critical home repair, and \$132,000 was ultimately awarded to that program. They listened to the public comments and members of the community, including Ms. Pat Hines, and representatives from the Housing Authority expressed concerns that they should be addressing the needs of individuals who were not housed or at risk of losing housing.

Ms. Murphy-James said that they took their comments into consideration, and the Advisory Board regrouped. She said that they then met with Ms. Hines and other community stakeholders to find a solution that made the most sense. She said that given that the Department of Social Services already had the necessary infrastructure to operate a program like this, and to facilitate coordination between service providers and stakeholders, this solution seemed like the best option.

Council Member Cuthbert asked if specific action was requested of the Board today.

Ms. Murphy-James replied yes; the Council was being asked to approve the use of the \$132,090 that was being awarded to the Department of Social Services. She clarified that this action was not requested today.

City Manager Altman clarified said that the request was simply to gauge the Council's agreement on this matter, and they would need to bring back as a formal action to allocate the funding. He said that they could use these funds for the housing piece that they had funded with the other half of the funding. He noted that there were specific limitations because it was CARES Act funding, so there was a set amount of uses they could use the funding for.

Council Member Cuthbert said that while he acknowledged that some benefits may come from the proposal staff presented, he questioned whether it would create a vacuum that would attract more homeless individuals into the spaces they had moved someone else out of. He said that in his assessment, a more effective use of the funding would be to allocate the first half to critical home repair, allowing income-restricted seniors to stay in their homes for longer. He said that this approach would also help address blight and prevent the creation of a vacuum that would draw in more unsheltered individuals into Petersburg.

Vice Mayor Hill said that they had divided the last allocation because his goal was to support both those individuals living in homes and those without a place to go, with the aim of helping them transition into some form of housing.

Council Member Jones said that to turn off the vacuum, they need to cut off its power source. Their goal was to help their seniors stay in their homes longer without relying on grants or CDBG funding; they needed to provide better tax breaks for seniors. When they talked about blight, they should focus on enforcing code enforcement and building up their community, just like they were doing with their Fire and Police Departments.

Council Member Jones said that he had previously declined the critical home repair funding, as suggested by the Vice Mayor, because they wanted to split the money. Before they voted next time, he thought they had not considered all the stakeholders involved, including Social Services, the Housing Authority, hotel owners, and the school system. He said that they wanted to house everyone, but they had not had a comprehensive discussion to identify and prioritize their needs. He asked if the Director had walked through Pecan Acres or Penn Oaks.

Mr. D'Aiuto replied no, he had not.

Council Member Jones emphasized that Mr. D'Aiuto needed to visit all of the City schools to understand their children's situations. He reiterated that their Social Services Department needed to sit down with the School Board and work together to find the best solutions. He stated that he wanted to give Social Services what they needed to succeed, but they must first work together with everyone affected by this problem in order to identify the best route for success.

Vice Mayor Hill noted that it appeared that Social Services had engaged with all relevant stakeholders except for the schools and hotel owners, so perhaps that could be an additional step. He asked if they could bring this item back on April 15.

City Manager Altman suggested that they should let staff regroup and meet with everyone to discuss the matter further. After that conversation, they could revisit the proposal and bring it back to the table. He said that it was possible that they would not be able to finalize it within the next two weeks, but they should aim to have a solution in place and involve all the necessary parties when they did.

## 9. **MONTHLY REPORTS**

There were no items under this portion of the agenda.

## 10. **FINANCE AND BUDGET REPORT**

### FY2025-2026 Proposed Operating Budget

Garry Cozier, Budget Manager, said that tonight, staff would like to present their proposed budget to Council. They would be having future discussions in their regularly scheduled meetings, community meetings, and a special budget meeting. He stated that they were proposing an entire all funds budget of \$138,931,917, with the breakdown of funding listed on the. He noted that they would have a full in-depth presentation regarding the budget at a following meeting.

City Manager Altman said that for the Council's benefit, they would be working with the Clerk to schedule meetings with each Council Member to review the budget, as they had done in the past. They would also be scheduling community meetings to present information, gather input from citizens, and ensure that their voices were heard.

Council Member Cuthbert expressed concern that it was difficult to change a proposal once it had been

presented. He stated that he believed consultation with Council should occur before a budget was proposed.

City Manager Altman said that the General Fund was where Council had the ability to make changes, as it was the primary source of funding for the City's operations and budgeting. He said that unlike other funds, which typically generated their own revenue, the General Fund relied on the City's overall budget to function. He said that he had experience with this process in other places, and he could attest that there was certainly room for discussion and flexibility in the budget. He said that this was a presentation of a proposed budget, and throughout the process, there was an opportunity to amend the proposal and make adjustments as needed.

Vice Mayor Hill asked when the two-on-two meetings with Council would take place.

City Manager Altman said that he would be working with Ms. Hill to schedule those appointments with Council. They hoped to start scheduling them for next week, but the sooner they could do so, the better.

Council Member Jones asked how grants were calculated into the total budget.

City Manager Altman explained that the top section of the chart showed the revenue they collected into those funds, while the bottom section displayed the expenditures. The top line, General Fund, represented their tax collection, which equaled that amount. The Grants Fund section showed the grants they received, with the top line being the grants received in and the bottom line being the expenditures. Their budget would be divided into two main sections: a revenue section and an expenditure section. The expenditure section represented the funds they were spending to operate the City on a daily basis throughout the fiscal year.

Mr. Cozier said that this was just to start. He said that grants must come before the Council before they can be appropriated and, when they did, that was when they amended the Grants Fund, which allowed the number to increase throughout the fiscal year. He said that currently, the presented number was primarily covering their two recurring grants to City departments, serving as a baseline.

Council Member Jones asked how the Operating Budget fit into the overall budget.

City Manager Altman clarified that the operating budget was the General Fund; it was used to cover their operating expenses throughout the year, which included employees, EMS, medical supplies, fire uniforms, and other non-capital costs.

Council Member Jones asked if they would continue to balance the budget as the City grew, or if they would have extra money to work with.

Mr. Cozier stated that it would always be balanced.

City Manager Altman said that as per code, he was required to present a balanced budget to the Council. He said that if those additional revenues came in, his plan was to allocate a certain percentage towards operating expenses, while also setting aside funds for capital projects, schools, and economic development. When they received the additional revenue, they would have the ability to prioritize certain projects for Council consideration. He said that they would not divert all of it to the administration, as that would imply that the costs of operating were fixed. They were also keeping pace with inflation on some items and addressing other costs they were facing.

City Manager Altman noted that some positive news was that their health insurance renewal came in at a 0% increase, so there was no additional expense. He said that one of the things he had discussed was the class and compensation system, which would help them implement a new step and account for

the compression within their workforce. He said that as they grew and additional revenue came in, his goal was not to put it all towards the General Fund. Rather, he aimed to hold some of it in reserve, divide it out, and keep it available to address issues and provide a cushion for future challenges, allowing Council to make informed decisions and plan for the long-term.

Council Member Jones said that he appreciated the opportunity to learn this information. He acknowledged that he did not have all the information, and neither did the citizens. He said that education was essential, and he hoped they could establish a class, possibly a quarterly one, to teach him and the citizens about this budget information. He stated that regarding the pay structure, as their revenue increased, he believed they should prioritize the well-being of their employees, particularly those on the lowest end of the pay scale.

Vice Mayor Hill noted that Council would have a comprehensive review of the past years' spending. He said that they would be able to see everything that was spent, and note any potential for adjustments in their two-on-two meetings.

Council Member Jones asked where the revenues from cigarette taxes and other local taxes was accounted for in the budget.

City Manager Altman said that revenue came into the General Fund, which included personal property taxes, real estate taxes, machinery and tools (M&T), and other expenses such as meals and lodging. He said that this was where they accounted for that revenue. He said that the Vice Mayor and he attended the Mayor's and Chairs meeting last night, and one of the topics discussed was potentially establishing a Citizens Academy. This would involve citizens applying and spending time with each department, learning about how government worked. He expressed his appreciation for Council Member Jones' point about education, and he was aware that they had successfully implemented similar initiatives with their community presentations and budgeting process over the past couple of years.

Council Member Westbrook stated that over the past three months, he had been actively advocating for the implementation of a plastic bag tax. He said that this was a concept that was already being implemented in nearby cities and other locations had a \$0.05 tax on plastic bags. He said that he was wondering if, during their upcoming two-on-two meeting with Council, staff could provide him with some insight into what a plastic bag tax might look like in their City, so that he could begin preparing for next year's budget.

Mr. Cozier confirmed that they could definitely look into that.

Council Member Cuthbert asked what the General Fund revenue line in the budget was in Fiscal Year 24.

Mr. Cozier replied that in 2024, the amended budget was \$88 million.

Council Member Cuthbert asked if the increase in the fund balance of \$9.3 million meant that revenues were that much higher than the budgeted amount.

Mr. Cozier replied no; the budget was simply the plan. For Fiscal Year 2024, which ended June 30, 2024, the original budget was \$88 million for the General Fund. The revised budget for Fiscal Year 2025 was adopted at \$94 million, and it was recently amended to \$96 million. He said that this budget represented an increase from the current \$96 million budget.

Council Member Cuthbert said that this resulted in an \$8 million increase. He asked if these calculations assumed the tax rate would stay the same.

Mr. Cozier confirmed that these numbers did recommend that.

Council Member Cuthbert said that the underlying assumption was that the real estate tax rate, the personal property tax rate, the meals and lodging tax rate, and all other tax rates would remain the same.

Mr. Cozier replied that was correct; that was the assumption.

Council Member Cuthbert said that it appeared to him that the taxpayer was being left out of consideration in this budget process. The taxpayer was a legitimate stakeholder in all of this, and it was essential that their interests were taken into account. As Council Member Jones stated earlier this evening, one of the reasons their citizens were struggling to maintain their properties was that the high tax rates were a significant burden.

Council Member Cuthbert said that it cost the City approximately \$250,000 or \$300,000 to lower the real estate tax rate by just one penny. They were discussing a general revenue expenditure increase of \$8 million, with no benefits to the taxpayer. He emphasized that this was a pressing issue that the Council needed to address, and it seemed unfair that the taxpayer was expected to continue paying without any relief.

Council Member Cuthbert stated that he believed there needed to be a sharing of these revenues, and one way to achieve this was by adjusting tax rates downward instead of simply increasing them. He stated that he was recommending that some of the \$8 million increase be returned to the taxpayer, not necessarily the entire amount, but rather a portion of it.

Council Member Smith-Lee said that as Council Members, they would review the budget line by line, item by item, to identify any concerns or discrepancies. She said that Council would work with their Finance and Budget staff to come up with potential solutions after they had familiarized themselves with this initial presentation.

Council Member Jones expressed his gratitude to staff for answering Council's questions and concerns and explaining the presented information.

Vice Mayor Hill stated that the Citizens Academy that City Manager Altman had mentioned would allow citizens to learn about all aspects of their local government and provide them with a certificate at the end of the class.

#### FY24 Fund Balance Report

Garry Cozier, Budget Manager, stated that Council had requested an explanation of the factors contributing to the increase in the fund balance from their most recent closed fiscal year. He said that the fund balance was divided into two categories: non-spendable fund balance, also known as committed, and unassigned fund balance; the latter was typically the focus at the end of the fiscal year. With the combined two, the increase in the non-spendable fund balance rose by approximately \$958,000, while the unassigned fund balance increased by roughly \$8 million, resulting in a total increase of over \$9 million.

Mr. Cozier explained that the unassigned fund balance was comprised of several components. He said that from their budget, they had a planned amount, but the actual amount collected was slightly over \$6 million more than what they budgeted. He said that they incurred \$2 million less in expenses than planned. This combination of increased revenues and reduced expenses was the composition of the fund balance increase.

Mr. Cozier stated that to examine the components of the revenue increase and fund balance, this

included lines where they collected more or less than planned. He said that notable examples included general property taxes, which exceeded their expectations, and miscellaneous revenue, which included taxes such as auto rental tax and local sales and use taxes. They had some taxes previously classified as miscellaneous revenue and were now being accounted for as taxes receivable.

Mr. Cozier said that the American Rescue Plan Act line showed a loss of revenue. He explained that as the plan was implemented in 2020, they were allocating certain funds to the General Fund to compensate for revenue lost due to COVID-19. He said that it appeared that the previous budget administration simply carried over the number, which it should not have done. This accounted for the discrepancy and the \$6 million increase over what they had budgeted for.

Mr. Cozier said that looking at the expenditures, specifically salaries and wages, they had budgeted \$28 million, but actually spent a little over \$27 million. He said that this resulted in a \$1.3 million increase from salaries alone, which could be referred to as salary savings. He said that fringe benefits also showed a \$1.2 million increase. When considering all other operating expenses, they had a \$2 million surplus. He said that combining all other operating expenses, the total expenditures were \$4.6 million.

Mr. Cozier said that of this, \$2.5 million was transferred to other funds, such as the Grants Fund and Golf Course Fund. He said that therefore, the net increase in fund balance was \$2,060,121. He said that to summarize, the increase in revenues was \$8.3 million, while the decrease in expenditures was \$2 million. He said that there was a question about whether they could project the current fiscal year's fund balance, or if it would be similar or more than the prior year's fund balance.

Mr. Cozier said that in Finance, they were unable to accurately project the fund balance at the end of the fiscal year. However, based on their current analysis, they did not anticipate a significant increase in fund balance this fiscal year. He said that several major projects were on the horizon, and City departments would need to prepare for these costs. He said that speculating on the future, they did not foresee a substantial increase in fund balance for the next fiscal year.

Vice Mayor Hill asked if the \$6 million increase was due to collecting and not collecting revenue.

Mr. Cozier said that overall, there were certain lines where they fell short of the target, while others exceeded it significantly. He said that in overall, they exceeded the target, and that was a key aspect of budgeting.

Vice Mayor Hill said that it was worth noting that not everything would meet the exact specifications, but as long as it fell within the acceptable range, that was a positive outcome.

Council Member Cuthbert asked what tax rate would have been necessary to avoid this overage and balance the budget. He noted that they had \$9.3 million more than they needed.

Mr. Cozier clarified that they had \$9.3 million more than they had planned for.

Council Member Cuthbert stated that they had overtaxed by \$9.3 million.

Mr. Cozier replied no; the answer could not be that simple because the General Fund encompassed not only taxes, but also permit fees, licenses, and other revenue sources that funded the City. Therefore, it was not accurate to say that they were taxing citizens an additional \$9 million, as the \$9 million was comprised of multiple revenue streams.

Council Member Cuthbert disagreed; he stated it was accurate to say that, as taxing the people less would have resulted in a \$9.3 million reduction, leading to a zero-fund balance and a perfectly balanced budget.

Mr. Cozier clarified that was not accurate because if they had collected more money in other areas, such as building permits, and budgeted \$5,000 for that purpose, collecting \$100,000 would not be related to taxes.

Council Member Cuthbert said that if they had decreased taxes by \$9.3 million, it would have perfectly balanced revenues and expenditures. He said that this would have resulted in a balanced budget. Consequently, it meant they had taxed the people of the City of Petersburg \$9.3 million more than necessary to balance the budget. He suggested that, as a City Council, they needed to pay attention to this and revisit their tax rates.

Vice Mayor Hill said that they would discuss that topic in their upcoming work session. He said that he knew they still had a lot to accomplish in the City of Petersburg, including building bridges and addressing infrastructure needs. He said that they would explore ways to provide breaks for citizens whenever possible. He said that they had not yet realized the full potential of new developments, including the casino, so they could not rely on that. With that in mind, he said that they would schedule a financial workshop to discuss these issues further.

Council Member Jones asked how much revenue the golf course brought into the City, considering the City provided funding to it.

City Manager Altman said that the golf course fund was a self-sustaining operation, so the revenue generated within the fund paid for its operation. He said that typically, the individual responsible for the fund brought in around \$200,000 per year, although he often exceeded that amount. He said that those dollars must be spent within the confines of the fund.

**11. CAPITAL PROJECTS UPDATE**

There were no items under this portion of the agenda.

**12. UTILITIES**

Public Works Monthly Report - April 2025

Jerry Byerly, Director of Public Works, stated that the monthly report had been furnished to Council and he would be glad to answer any questions they had.

Council Member Jones asked if he could review the slides for the public's edification.

Mr. Byerly stated that the Water Utilities Department had 17 work orders, while the Wastewater Department completed 32, and Water Meter work orders totaled 49. He said that the Utility Billing department had a total of 175 work orders, with 59 terminations and 116 new services.

Mr. Byerly continued that the monthly update on streets included that they were currently conducting a citywide effort to repair potholes in all seven wards, known as the 2025 pothole blitz, which was ongoing until April 18. He said that stormwater drainage improvement projects on Church Street at Summit Street and Chuckatuck Avenue at South Boulevard had been completed, while Melville Street at Kirkham Street was pending. He said that the 2025 traffic signal conflict monitoring test was underway. He said that annual leaf collection had been completed, and weekly litter control efforts involved daily trash pickups.

Mr. Byerly said that while they did not have a specific area to focus on, they did have established routes to cover. He said that the street operations team was currently addressing removal activities in all seven wards to address items illegally dumped. Recently, they had removed a mattress that had been left in the middle of the street, and they also had removed several illegal signs along roadways,

following complaints from the Council. The Utilities team, in collaboration with the Streets Department, had pulled up the signs. He said that Ms. Williams had contributed to the effort on a Saturday. However, he noticed today that some of the previously removed signs had been reinstalled.

Mr. Byerly said that as of now, the Streets Department was at about 65% staffing levels, and they were down to about 61% on motor equipment operators. He said the Facilities Team had been working on various projects, including HVAC units at the Market Street Fire Station and spare keys for the Police Department. He said that the Stormwater Division was in the construction phase of multiple projects, including the fleets, branch, stream restoration project, and pre-construction and notice to proceed was complete, with construction activities underway.

Mr. Byerly said that the floodplain administrator position remained vacant, despite having an interview with a qualified candidate. Although the position was initially reported as unfilled, it was expected that a second interview would take place on Thursday or Friday, potentially leading to the position being filled. He said that 95% percent of all their stormwater reviews and inspections had been completed within the established timeframe. He said that four stormwater site plan reviews had been completed, and nine stormwater and soil erosion building permit reviews had also been completed.

Vice Mayor Hill asked if City Attorney Williams could elaborate on the potential ordinance to fine people for putting signs in the right-of-way. He asked if Council could receive more information on this ordinance at their next meeting.

Anthony Williams, City Attorney, replied that he had spoken with the Manager about this matter. He said that they did have a sign ordinance that addressed the placement of signs outside of the right-of-way. He believed the Manager planned to have zoning present regarding this issue. He said that with regard to signs within the right-of-way, there was a state code provision that allowed them to remove those signs from the right-of-way, which he believed Mr. Byerly had been operating under.

Vice Mayor Hill asked if City Manager Altman had made some progress with the bridge construction project that they had authorized him for.

City Manager Altman said that staff planned to bring to Council the requests to utilize the emergency fund that they had established to undertake the work. He said that they had received cost estimates for the bridge project and would bring that information to Council for consideration next week.

Vice Mayor Hill asked if they would be doing a summer Citywide cleanup.

Mr. Byerly said that it would be the second Saturday of May, the weekend before Armed Forces Day.

Council Member Jones asked if the City Manager could proceed with the funds for the bridge without bringing the item back to Council.

City Manager Altman replied that staff required authorization from Council to use the funds.

Vice Mayor Hill asked City Manager Altman to proceed as he saw best.

Council Member Jones asked what citizens could do in case their vehicle was damaged by a pothole.

City Manager Williams said that if there was damage to the vehicle or any injury caused as a result of incidents related to the City or its properties, they should contact the Risk Manager, and they would have a claim submitted through their liability carrier.

Mr. Byerly said that if there were potholes that people were aware of that they had not yet addressed, he did not want them to hesitate to reach out to his department via email, phone, or text message, and

they would add them to the list for future attention.

Council Member Jones noted that Mr. Byerly's presentation included information that they had 11 full-time positions now vacant, and six were expected to retire this year, resulting in 17 vacant positions this year. He expressed concern about the process for securing these jobs, and they must address the competitive pay. He emphasized that this was a serious issue, particularly in this department that was underpaid but seen as a first responder to emergencies in the City. He reiterated that these Utilities employees must be paid fairly for the difficult work they performed.

City Manager Altman said that he believed it was situational, but as first responders, they were part of their critical infrastructure. He said that typically, Public Works was often overlooked, as they worked behind the scenes to respond to storms, as opposed to the situations that Police and Fire responded to. He said that this was an important aspect of their comprehensive plan, and they could address these issues as part of their overall strategy.

Council Member Jones emphasized the need to provide opportunities for well-paying and gratifying jobs for their citizens, especially those struggling to make a living wage.

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**

John Altman, City Manager, stated that he had nothing to report this evening.

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

Tangi Hill, City Clerk, reported that the City was accepting applications for Boards and Commissions including the Arts Council, Board of Zoning Appeals (BZA), and the Community Development Block Grants (CDBG) Advisory Board. The public can find the application on the City website.

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

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

19. **ADJOURNMENT**

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

The City Council adjourned at 7:30 p.m.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 2025

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

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** Petersburg City Public Schools

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

**PURPOSE:** 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**

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**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 15, 2025

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

**THROUGH:** Garry Cozier - Budget Manager

**FROM:** March Altman, Jr.

**RE:** **A Public Hearing for Consideration of an Amendment to the FY25 Grants Fund in the amount of \$49,200 & the FY25 Streets Fund in the amount of \$4,000,000**

**PURPOSE:** A Public Hearing for Consideration of an Amendment to the FY25 Grants Fund in the amount of \$49,200 & the FY25 Streets Fund in the amount of \$4,000,000

**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:

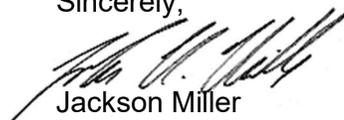
Congratulations on being a recipient of the above referenced grant program! Your DCJS grant award number is **547932** and was approved for a total award of **\$65,596**, funded through Award Number **2019-MU-BX-0026, 2020-MU-BX-0035, 15PBJA-21-GG-00258-MUMU and 15PBJA-22-GG-00616-MUMU**. The project 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 15, 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:** **A 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. This will increase the dependability and reliability of Dominion Electric in this area.

**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:** None

**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:

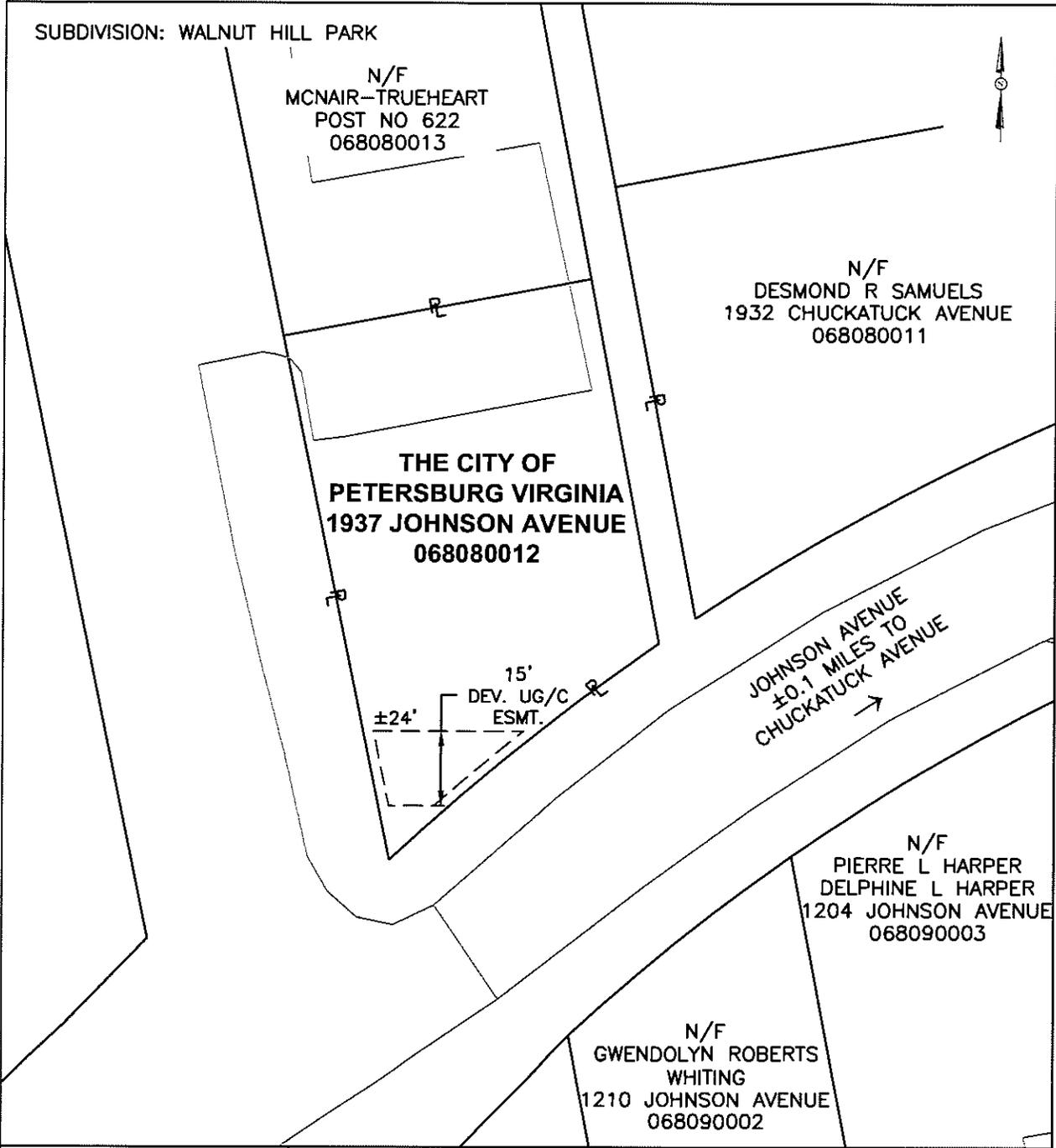
I, \_\_\_\_\_, a Notary Public in and for the jurisdiction aforesaid do hereby certify that Shaun Reilly as Manager of Electric Delivery Design-System for Virginia Electric and Power Company, whose identification was confirmed by valid photographic identification, did personally appear before me and 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 — — 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	
	Work Request No.	DEVID No.	Scale	
	10660546	16-24-0196	Not to Scale	
	Date	By		
	05/20/2024	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 15, 2025

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

**THROUGH:** March Altman, Jr., City Manager

**FROM:** Brian Copple

**RE:** **A Public Hearing for Consideration of 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**

**PURPOSE:** In order to facilitate the construction of the Poor Creek Pumping Station project, Dominion will be installing a new transformer at 16 Raleigh Avenue. In order to construct the transformer pad, Dominion will need to acquire an easement from the City to facilitate this installation.

**REASON:** This easement is needed in order to facilitate the installation of a new transformer by Dominion Power for the Poor Creek Pumping Station project.

**RECOMMENDATION:** Recommend approval.

**BACKGROUND:** Poor Creek Pump Station is owned and operated by the City of Petersburg. The pump station will be upgraded to 17.2 million gallons per day (MGD) peak flow to handle increased development in the service area. The upgrade includes installing five new dry pit submersible pumps, two new headworks channel grinders, equalization basin package pump station, and standby generator. With four pumps running and the fifth as a spare, the pump station will accommodate 17.2 MGD or 12,000 gpm (gallons per minute) at 120 feet total dynamic head (TDH). The pump station will pump into a new 30" force main which discharges to the South Central Wastewater Authority Facility. The current agreement between the City of Petersburg and the South Central Wastewater Authority limits pumped flow from the Poor Creek Pump station to 8.3 MGD (5,764 gpm).

**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:** None

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

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

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:**

1. EXHIBIT B - DRAFT Ordinance
2. EASEMENT PLAT

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.**

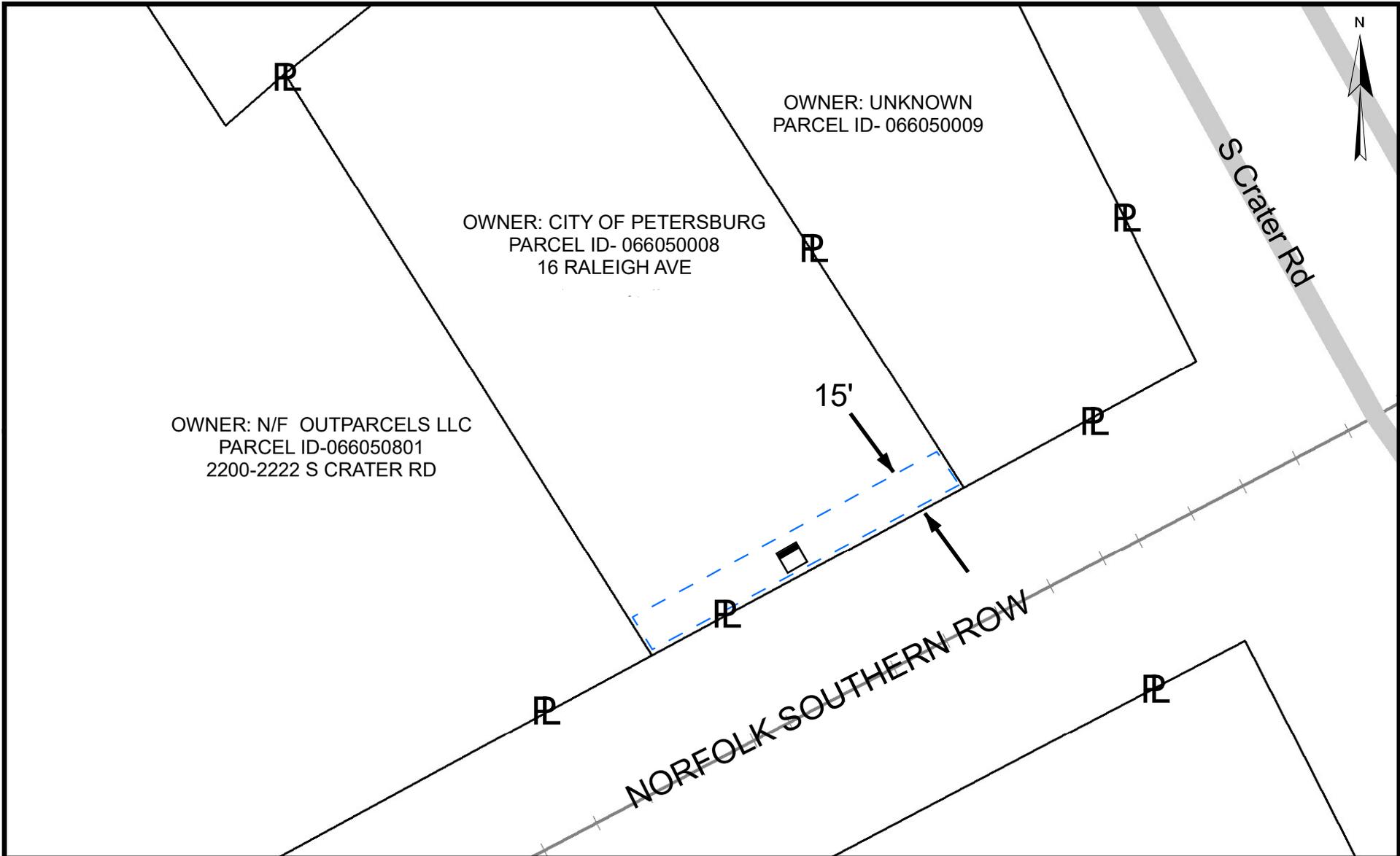
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**WHEREAS**, the City is the owner of certain property located at 16 Raleigh Avenue (Tax Map Parcel ID No.: 055050008); and

**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.



<b>LEGEND</b> - - - Location of Boundary Lines of Right-of-Way 15' in Width. = <b>RL</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		



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 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:** **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

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- 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

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- 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.

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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.

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**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.

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**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.

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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.

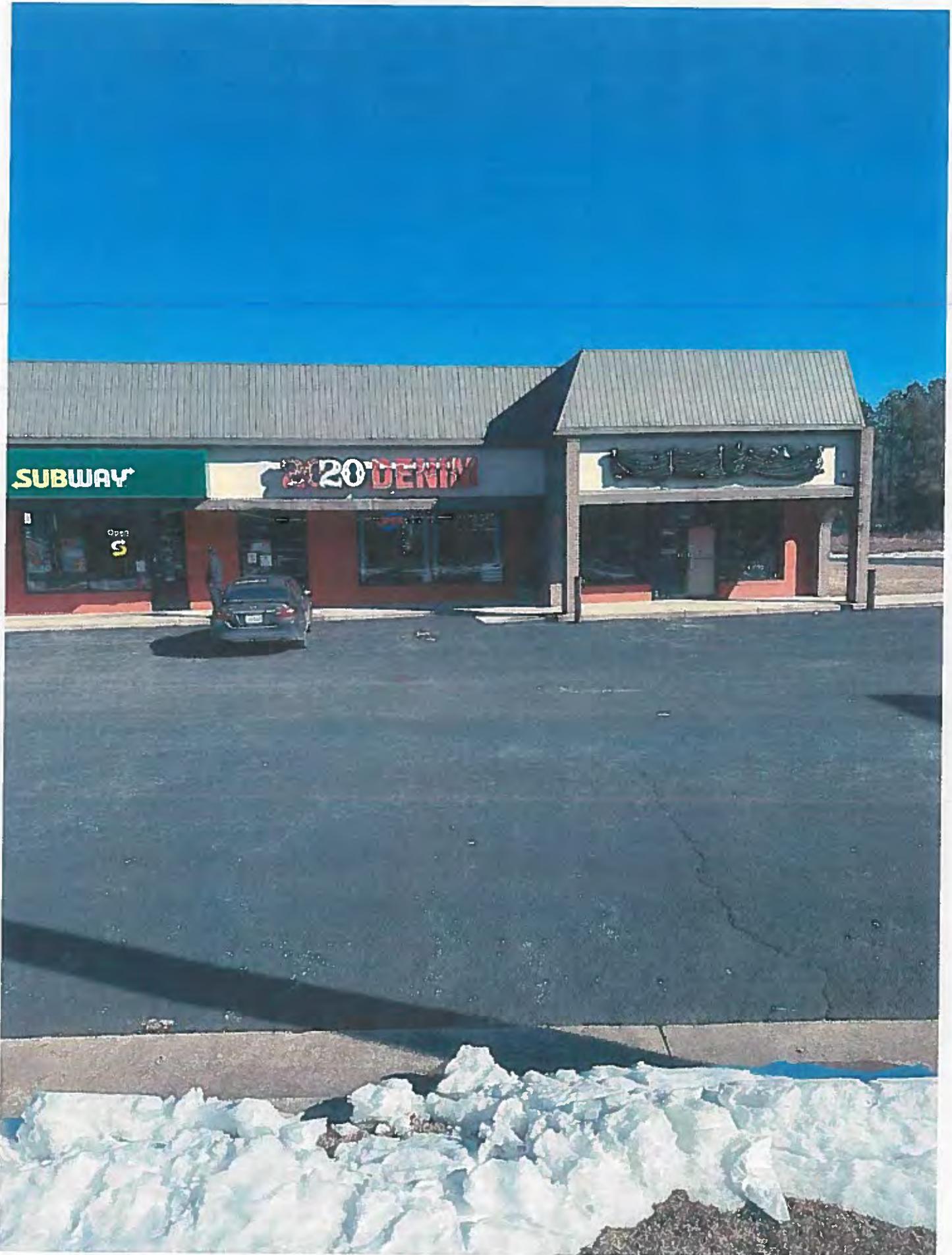
I personally have lost 4 or 5 prospective tenants recently at my buildings alone because their use was not allowed by our regulations. We should be bending over backwards to help businesses come to our city.

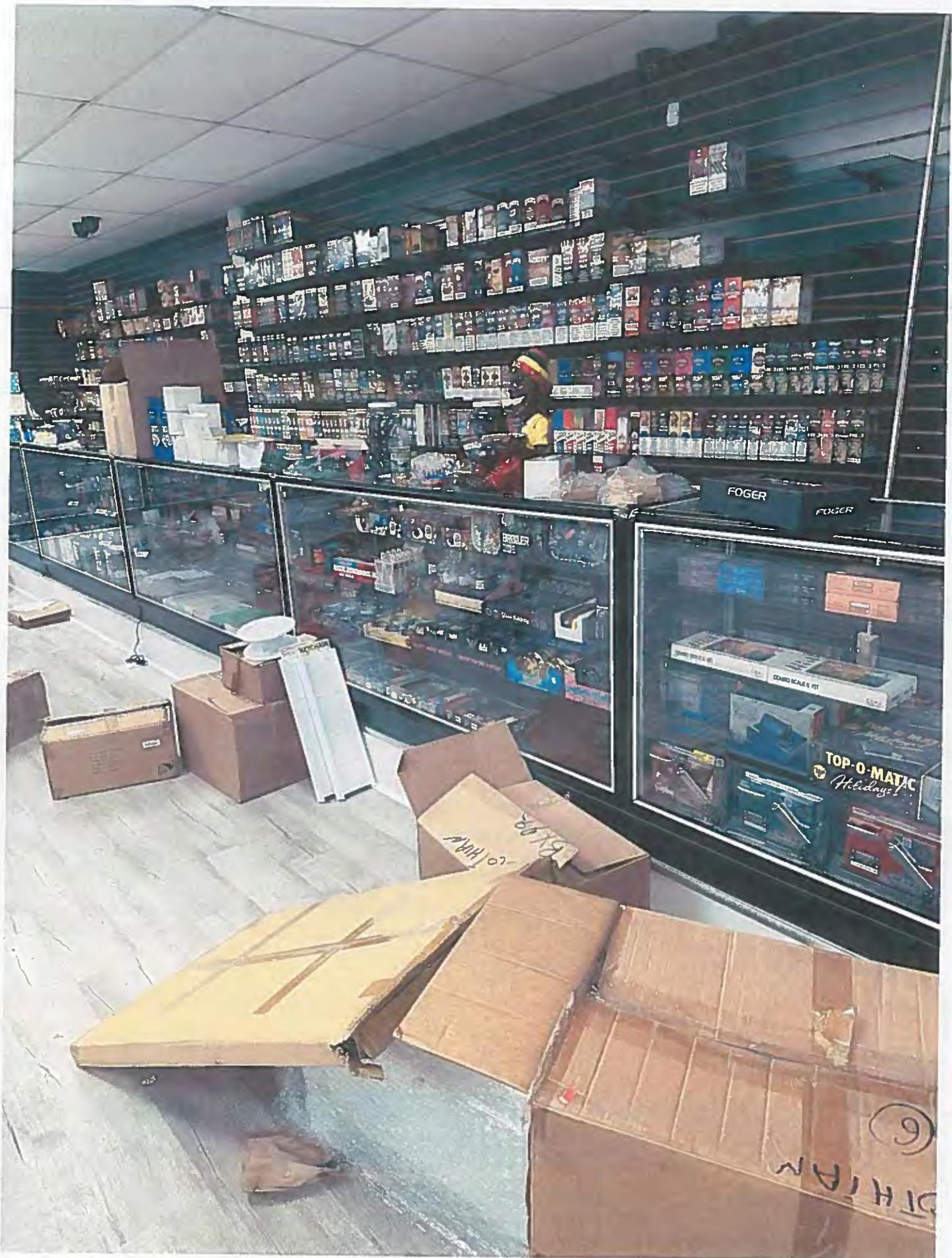
Please vote to help Mr. Banaga, and our city, by approving the amendment being proposed.

Respectfully,

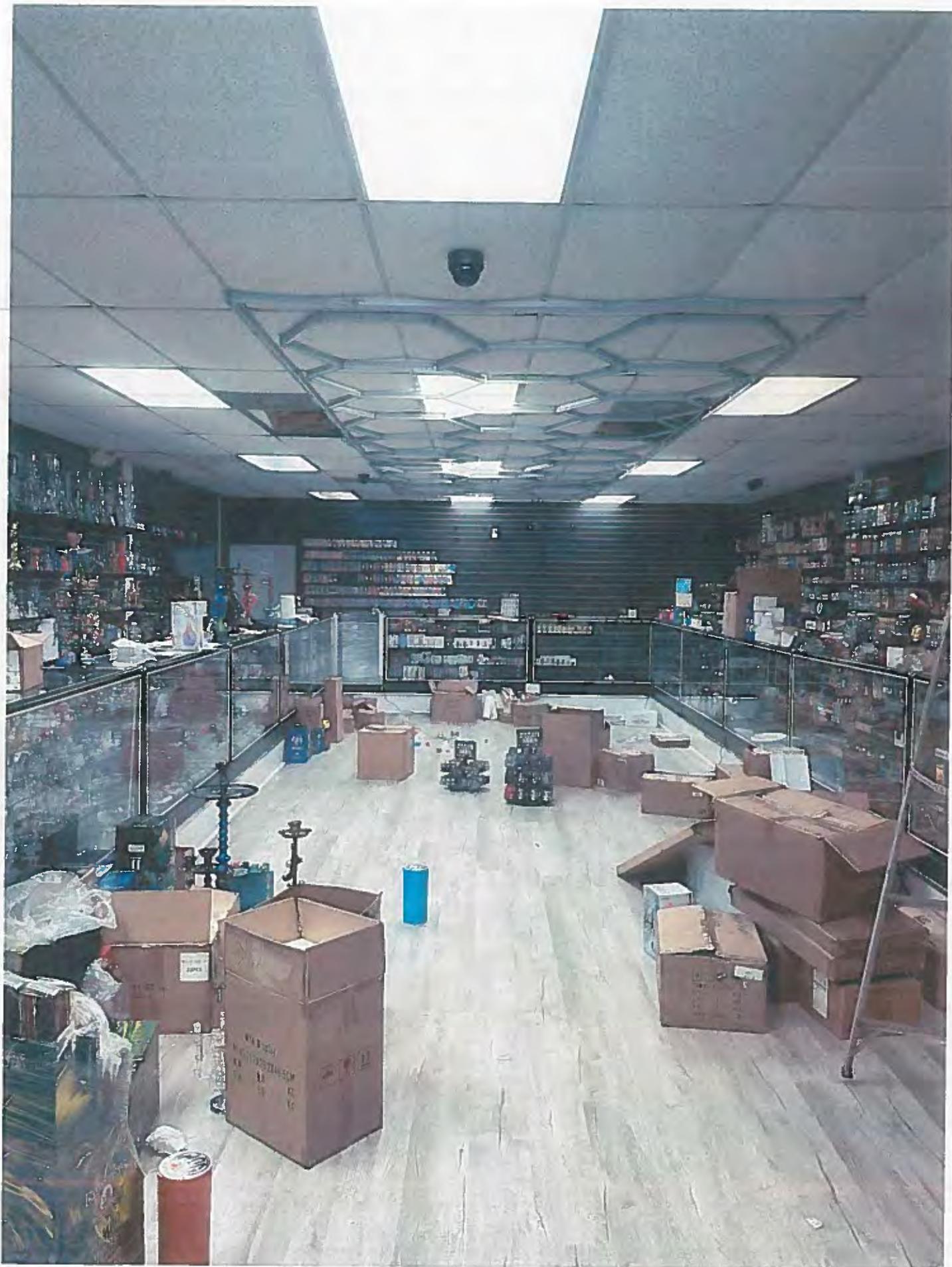


Bryan Robinson









## 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;

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- (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.

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- 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 15, 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:** **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**

**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:** Planning Commission recommended approval (8 ayes to 0 nays) with proffered conditions.

**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 - Planning Commission heard the rezoning request and recommended approval with proffered conditions (8 ayes to 0 nays).

**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. 25-REZ-03
2. 2. 25-REZ-03
3. Ordinance 25-REZ-03
4. 4. Application
5. 7. Site Concept Draft
6. 5. Plat
7. Comp Plan
8. 9. Future Land Use Map
9. Zoning Ord ARTICLE 17
10. 8. Zoning Map



## 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:** Mayor and City Council

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

**RE:** 2025-REZ-02: Consideration of an ordinance approving 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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### EXECUTIVE SUMMARY

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. Proffers were included with the application for the City's consideration. The property is designated as General Industrial on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan and staff is recommending approval of the request with the proffers as submitted.

### CHRONOLOGY OF EVENTS

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 - Planning Commission recommended approval with proffers - 8 ayes to 0 nays.

## **BACKGROUND**

The property comprises approximately 173 acres located west of the Ramblewood subdivision and east of Halifax Road. The property is currently undeveloped with points of access from Vesonder Road, Ramblewood Road, Bogese Drive, and Brierwood Road. There is a single, access point on the western side of the property currently restricted to use by CSX Transportation.

The applicant is requesting to rezone the property to the M-1, Light Industrial District with the intention of constructing a data center development on the property. As of February 25, 2025, data centers are allowed by-right in the M-1 District as long as certain development standards can be met. The development standards include:

- 1) A minimum 100-foot setback for all principal structures from any property line abutting a residential property or park
- 2) A vegetated buffer consisting of an earthen berm and a combination of plantings along any property line shared with a residence or park
- 3) Pre- and post-construction noise studies to demonstrate that the noise from the development will not exceed maximum levels permitted by the City's noise ordinance at any property line shared with a residence or park
- 4) Sound mitigation for all mechanical equipment
- 5) A minimum 35-foot setback for any anti-intrusion fencing from any public street
- 6) Usage a closed-loop cooling system if water-based cooling is used unless an exception is granted by the Director of Public Works.

The application was accompanied by a preliminary concept plan showing the development of the site with six data centers as well as two electric substations and several stormwater management facilities. The data centers are two-stories in height and 145,000 square feet in area. Each substation is approximated at 4.6 acres. Primary access to the development is proposed from Halifax Road with emergency access shown from Vesonder Road and access to the substations from Brierwood Road. The application notes that the facilities will utilize water-based cooling systems which will use recycled water. The applicant has noted that final site design is not complete and the concept plan may be subject to change.

The applicant has stated the site is ideal for the data center development due its size and proximity to existing electrical infrastructure supportive of large industrial development, including a 230-kilovolt transmission line. The application also notes the presence of wetlands on the site. The site developer would be responsible for mitigating any wetland impact if the development cannot be situated outside the wetlands.

The applicant has also provided a proffer statement with ten proffered conditions for the City's consideration:

- 1) There will be minimum 100-foot setbacks from residential properties for all principal structures, including substations, as required by the Zoning Ordinance. Where possible, these setbacks will be increased.
- 2) The data center buildings and substations will be designed with architectural treatment features to be reviewed by Planning staff during site plan and permit review.
- 3) An enhanced landscape buffer will be provided along the property lines shared with residential properties. A landscaping plan with specific plantings will be provided for staff review during site plan review.
- 4) Pre- and post-construction noise studies will be completed as required by the Zoning Ordinance and noise levels will not exceed those prescribed in City Code. Additionally, generator testing will be limited to weekdays between 8:00 a.m. and 5:00 p.m.
- 5) Recycled water will be used if a water-based cooling system is utilized.
- 6) The applicant will advocate that the extension of any electric or gas infrastructure needed to power the development be routed to avoid residential development.
- 7) The applicant will work with the Department of Environmental Quality (DEQ) and the Army Corp of Engineers to avoid or mitigate any wetland or stream impacts. If any historic archaeological features are identified on the site, the applicant will negotiate protection of those features during site plan review.
- 8) Access to the site during construction and operation of the facilities will be provided from Halifax Road and residential streets will only be used for emergency access or access for utility infrastructure.
- 9) The applicant will work to abandon existing easements on the site and where that is not possible, will work to accommodate any easement restrictions.
- 10) Any new utility infrastructure will be brought for review by the Planning Commission for accordance with the City's Comprehensive Plan.

If the rezoning is approved, the property will be subject to Article 17 of the Zoning Ordinance which specifies the regulations of the M-1, Light Industrial District. Development of the property would also be subject to rules for parking, loading, architectural treatment, and site plan review found in Articles 19, 20, 25, and 38 respectively. Once the definite location of the substations on the property is determined, the Planning Commission will be asked to review that location for accordance with the PetersburgNext Comprehensive Plan as required by Code of Virginia Section 15.2-2232. Additionally, if the proposed data center development on the site is not able to meet the development standards listed above in this report, a special use permit would be required.

#### **ADJACENT ZONING/USES**

Property directly to the north of the subject property is zoned a combination of A, Agricultural and R-1A, Single-Family Residence while the property to the east is zoned entirely R-1A. The property to the south is zoned a combination of A, Agricultural and M-2, Heavy Industrial and the property to the west . The property to the west is zoned M-1, Light Industrial. Land uses to

the north and east are primarily residential, including the Ramblewood subdivision as well as undeveloped land. The property is bordered to the south by the CSX railroad, but uses south of the railroad are industrial, including Bleachtech, Infra-Metals, and Allan Myers Asphalt Plant. The property is bordered to the west by both CSX railroad and Halifax Road, but uses across Halifax Road are also industrial, including International Paper.

### **COMPREHENSIVE PLAN CONSIDERATIONS**

The property is designated as General Industrial on the Future Land Use Map of the PetersburgNEXT Comprehensive Plan. The plan states that these are areas readily accessible by road and rail and are where heavy industrial uses should be sited. The plan goes on to say that where these areas border residential development, ample setbacks and buffering should be provided and where sites are largely impervious, adequate elements for stormwater management should be provided and environmental justice considerations should be addressed.

Primary land uses in General Industrial areas include business and employment uses, logistics and distribution, and moderate to heavy industrial uses like factories or lumberyards. Development principles to be sought in uses in General Industrial areas include the use of high-quality building materials, incorporation of environmentally friendly practices, like low-impact and energy-efficient designs, adequate landscaping, setbacks, and buffers, and effective access management.

The proffers provided by the applicant generally meet the standards and principles of the Comprehensive Plan, but Staff would note that in some cases, the proffered conditions merely reflect the minimum standards of the Zoning Ordinance. In these cases, which include the setbacks and noise regulations, the applicant has stated they will endeavor to exceed the minimum standards where possible and staff would encourage them to find every opportunity to do so.

### **PUBLIC INPUT**

As of the writing of this report, staff have received no telephone calls, emails, or letters in support of or in opposition to the request but have received one request for more information on the application.

### **RECOMMENDATION**

Planning Commission recommended approval in a 8 ayes to 0 nays vote.

Staff recommend approval of the rezoning with the proffers submitted, but as mentioned above, would recommend the applicant explore and capitalize on any opportunities to exceed the minimum standards in the Zoning Ordinance.

CITY COUNCIL  
MEETING

APRIL 2025

## 2025-REZ-03:

Consideration of an ordinance to approve 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

# Subject Property

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# Request Overview

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- Rezone to M-1, Light Industrial to construct data center development
- Currently zoned A, Agricultural
- Proffers included for consideration
- Property owned by City, under option-agreement with Warrenton Group



# Existing Conditions

# Proposed Use

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- Data center development with 6 data center buildings, two-stories in height, and 145,000 square feet in area
- Two substations approximately 4.5 acres in area each
- Site access for construction and operation from Halifax Road; residential street access for emergencies and utility infrastructure maintenance
- Certain site components are subject to change as final site design is completed



# Data Center Regulations

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- 1) A minimum 100-foot setback for all principal structures from any property line abutting a residential property or park
- 2) A vegetated buffer consisting of an earthen berm and a combination of plantings along any property line shared with a residence or park
- 3) Pre- and post-construction noise studies to demonstrate that the noise from the development will not exceed maximum levels permitted by the City's noise ordinance at any property line shared with a residence or park
- 4) Sound mitigation for all mechanical equipment
- 5) A minimum 35-foot setback for any anti-intrusion fencing from any public street
- 6) Usage a closed-loop cooling system if water-based cooling is used unless an exception is granted by the Director of Public Works.

# Proffers

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- 1) There will be minimum 100-foot setbacks from residential properties for all principle structures, including substations, as required by the Zoning Ordinance. Where possible, these setbacks will be increased.
- 2) The data center buildings and substations will be designed with architectural treatment features to be reviewed by Planning staff during site plan and permit review.
- 3) An enhanced landscape buffer will be provided along the property lines shared with residential properties. A landscaping plan with specific plantings will be provided for staff review during site plan review.
- 4) Pre and post-construction noise studies will be completed as required by the Zoning Ordinance and noise levels will not exceed those prescribed in City Code. Additionally, generator testing will be limited to weekdays between 8:00 a.m. and 5:00 p.m.
- 5) Recycled water will be used if a water-based cooling system is utilized.

# Proffers — cont.

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6. The applicant will advocate that the extension of any electric or gas infrastructure needed to power the development be routed to avoid residential development.
7. The applicant will work with the Department of Environmental Quality (DEQ) and the Army Corp of Engineers to avoid or mitigate any wetland or stream impacts. If any historic archaeological features are identified on the site, the applicant will negotiate protection of those features during site plan review.
8. Access to the site during construction and operation of the facilities will be provided from Halifax Road and residential streets will only be used for emergency access or access for utility infrastructure.
9. The applicant will work to abandon existing easements on the site and where that is not possible, will work to accommodate any easement restrictions.
10. Any new utility infrastructure will be brought for review by the Planning Commission for accordance with the City's Comprehensive Plan.

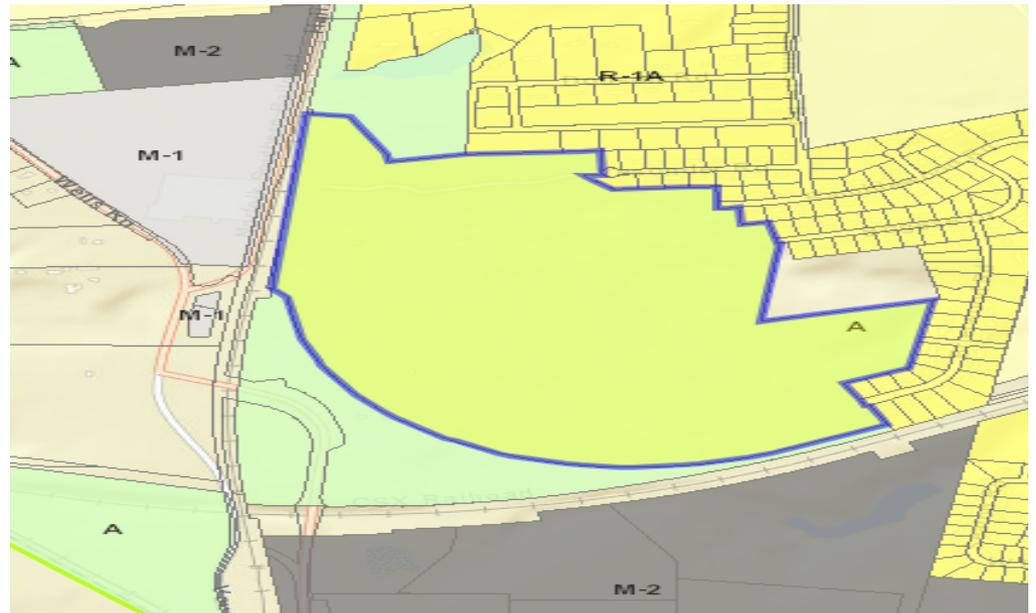
# Adjoining Zoning/Uses

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To the north and east - primarily residential, including the Ramblewood subdivision.

To the south - CSX railroad, but uses south of the railroad are Industrial - Bleachtech, Infra-Metals, and Allan Myers Asphalt Plant.

To the west - CSX railroad and Halifax Road. Uses across Halifax Road are industrial - International Paper.



# Comprehensive Plan Considerations

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- General Industrial on Future Land Use Map
  - Areas readily accessible by road and rail and are where heavy industrial uses should be sited
  - Where bordering residential development, ample setbacks and buffering should be provided
  - Where sites are largely impervious, adequate elements for stormwater management should be provided and environmental justice considerations should be addressed
  - Primary land uses include business and employment uses, logistics and distribution, and moderate to heavy industrial uses like factories or lumberyards
  - Development principles include the use of high-quality building materials, incorporation of environmentally friendly practices, like low-impact and energy-efficient designs, adequate landscaping, setbacks, and buffers, and effective access management

# Recommendations

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Planning Commission - Approval of rezoning with proffers, as drafted, in an 8 ayes to 0 nays vote.

Staff - Approval of the rezoning with the proffers submitted, but would recommend the applicant explore and capitalize on any opportunities to exceed the minimum standards in the Zoning Ordinance.

# Sample Motion

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I move that we **APPROVE/DENY/AMEND** an ordinance to approve a request to rezone property at 2233 Halifax Road from the A, Agricultural, District to the M-1, Light Industrial, District **with proffers.**

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

**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 is 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.

**Appendix 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.



SCALE 1"=150'

0 150' 300'

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)

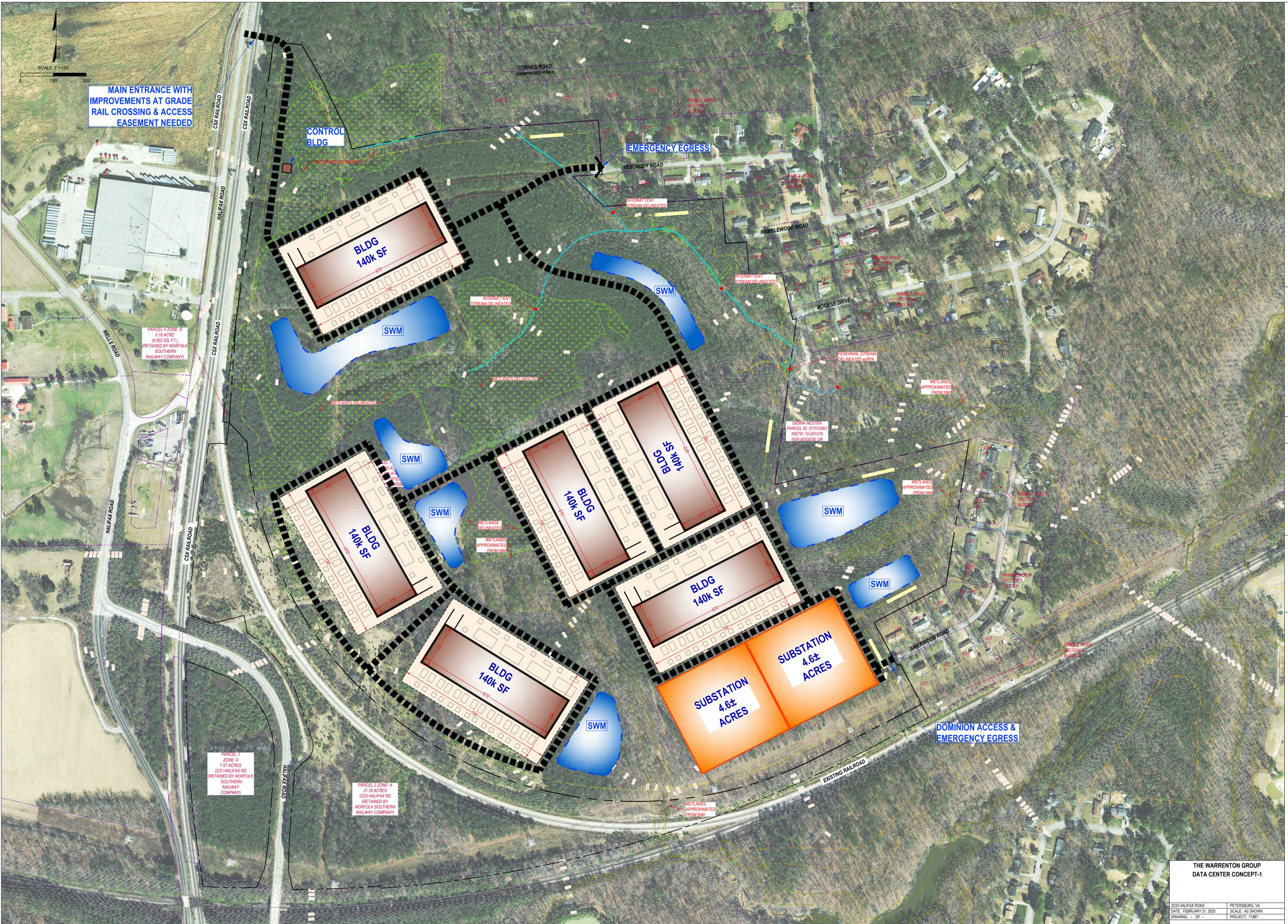
PARCEL 3  
ZONE: A  
7.97 ACRES  
2233 HALIFAX RD  
(RETAINED BY NORFOLK  
SOUTHERN  
RAILWAY COMPANY)

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

DEBRA NESTER  
PARCEL ID: 07701081  
INSTR: 10-001010  
1926 BOGESE DR

DATA CENTER CONCEPTS  
BASE MAP

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



MAIN ENTRANCE WITH IMPROVEMENTS AT GRADE RAIL CROSSING & ACCESS EASEMENT NEEDED

CONTROL BLDG

EMERGENCY EGRESS

BLDG 140k SF

SUBSTATION 4.6± ACRES

SUBSTATION 4.6± ACRES

DOMINION ACCESS & EMERGENCY EGRESS

PARCEL 4 ZONE A 0.16 ACRE (6,965 SQ. FT.) (RETAINED BY NORFOLK SOUTHERN RAILWAY COMPANY)

PARCEL 3 ZONE A 7.87 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: 077010801 INSTR: 10-001079 1926 BOGESE DR

THE WARRENTON GROUP  
DATA CENTER CONCEPT-1

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

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

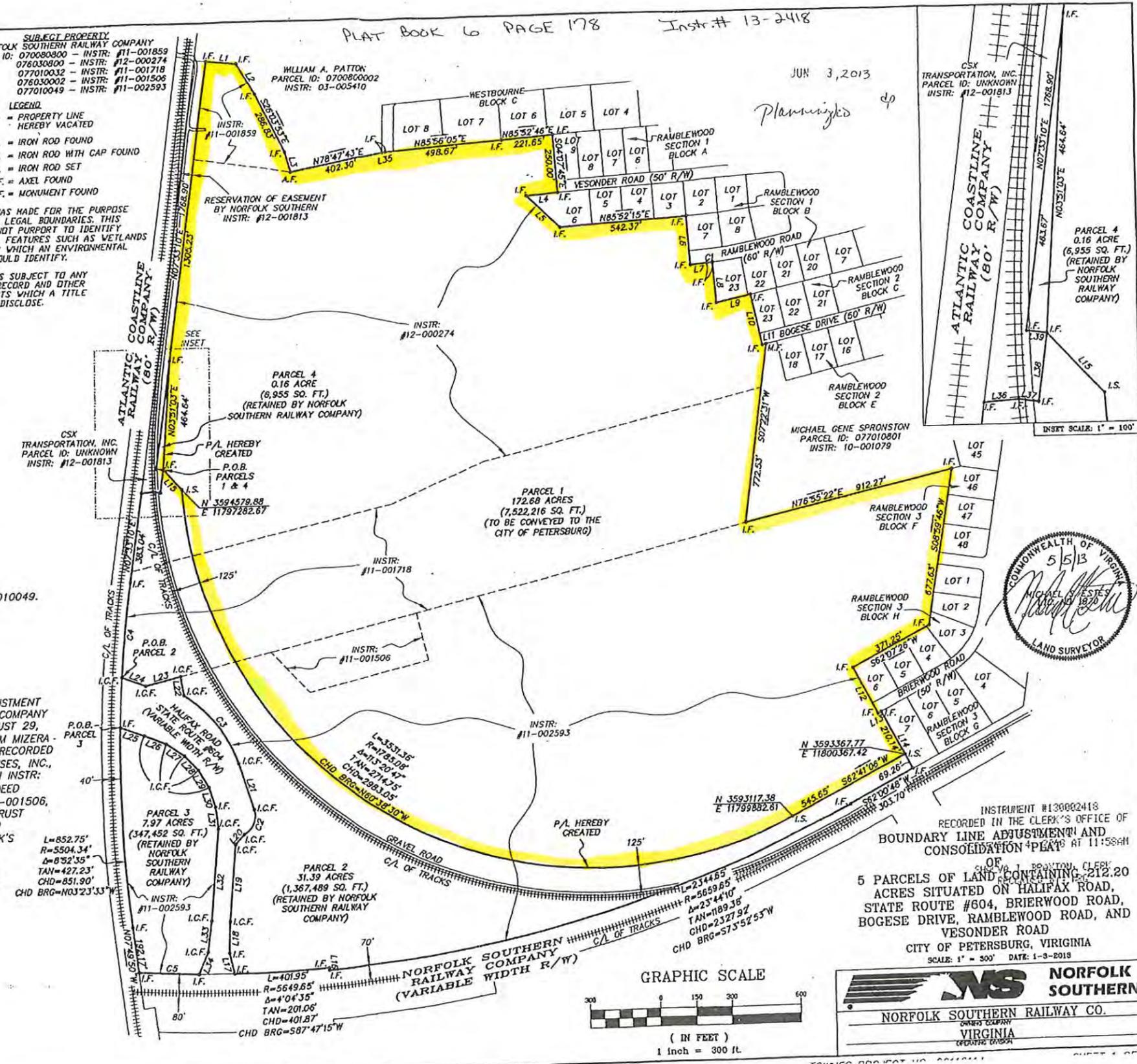
LINE	LENGTH	BEARING
L21	208.05'	N18°39'36"W
L22	81.17'	N10°35'13"W
L23	154.08'	S76°17'27"W
L24	108.58'	N69°07'47"W
L25	108.74'	S69°36'58"E
L26	99.62'	S88°05'55"E
L27	97.17'	S56°17'44"E
L28	84.74'	S42°45'08"E
L29	86.70'	S31°08'34"E
L30	88.02'	S17°27'05"E
L31	92.57'	S07°38'27"E
L32	390.80'	S04°19'45"W
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 H. 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 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.

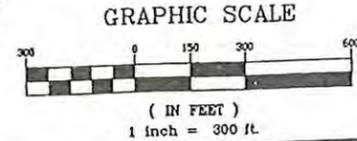
Michael S. Estes, L.S.  
 MICHAEL S. ESTES, L.S.

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: 1-9-2013

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



## GENERAL INDUSTRIAL

General Industrial areas should be where all heavy industrial uses are sited. They are readily accessible by road and rail and provide opportunities for wholesale, manufacturing, distribution, and heavy commercial. Because many general industrial uses have significant external impacts, including transportation effects such as noise and traffic, general industrial areas should not be sited adjacent to residential areas unless ample setbacks and buffering are provided. Any development with large amounts of impervious area should plan to include adequate elements for stormwater control. Development should also consider proximity to public transportation routes and stops. Environmental justice considerations should be addressed in all development applications.

### *Primary Land Uses*

- Business and employment uses
- Logistics and distribution uses (e.g., warehousing, distribution centers)
- Moderate and heavy industrial uses (e.g., factories, lumberyards)

### *Planning + Development Principles*

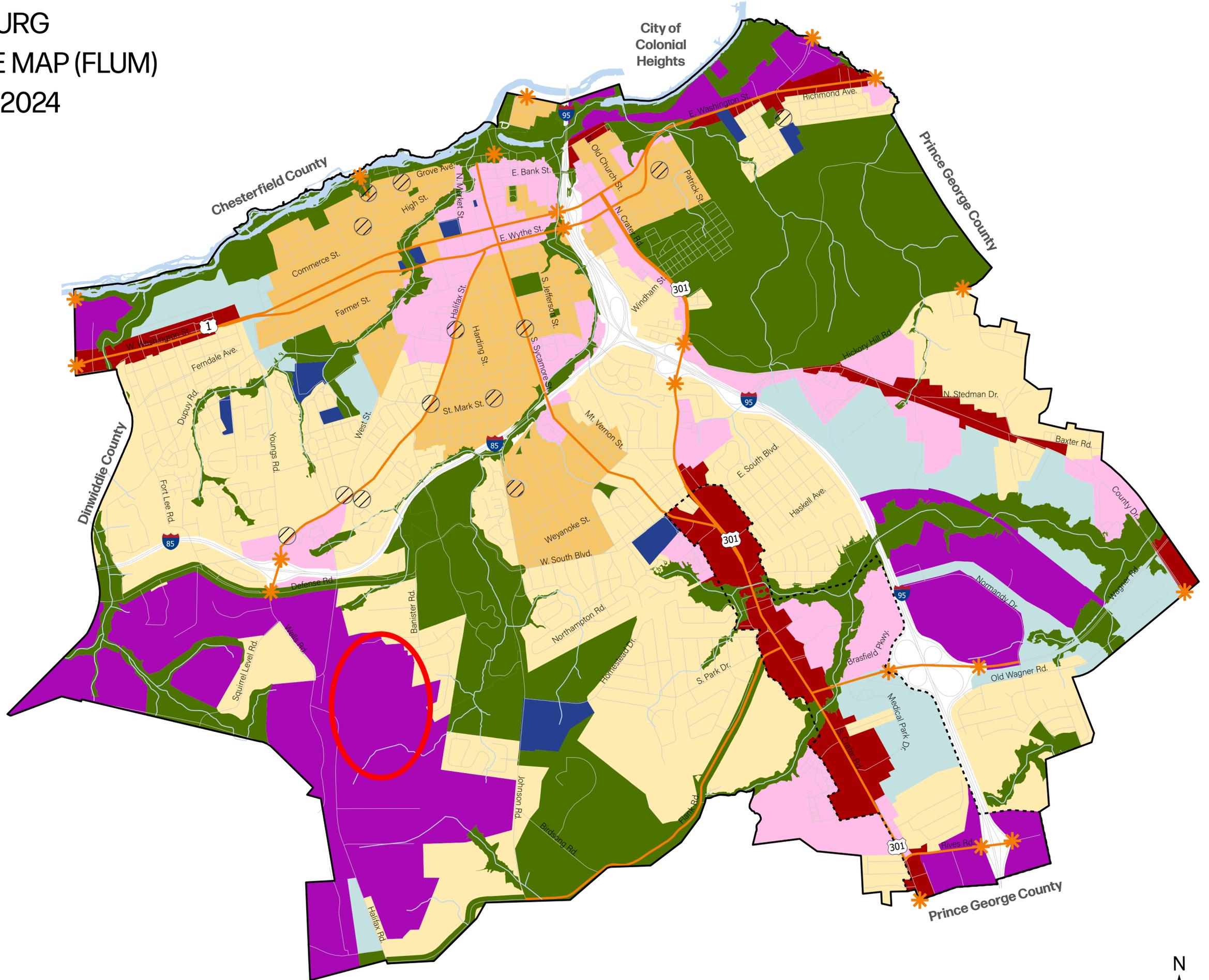
- Incorporate high-quality materials for all buildings.
- Integrate environmentally friendly development practices whenever possible, including low-impact development and energy-efficient building design.
- Parking lots should be well landscaped and provide on-site stormwater management.
- Provide access management through inter-parcel connections.
- Provide appropriate setbacks and screening along property lines adjacent to any residential development.
- Require dumpsters, loading areas, and other service areas to be screened and located at the rear or side of the property.
- Wherever possible, connect development to public transportation stops.



**CITY OF PETERSBURG  
FUTURE LAND USE MAP (FLUM)  
ADOPTED MAY 21, 2024**

**LEGEND**

-  City Limits
-  Roads
-  Appomattox River
-  Waterways
-  South Crater Urban Development Area (UDA)
-  Historic Core Neighborhoods
-  Community Residential
-  Neighborhood Commercial
-  Community Mixed-Use
-  Corridor Commercial
-  Research and Development
-  General Industrial
-  Civic
-  Conservation and Recreation
-  Gateways
-  Corridors



## ARTICLE 17. "M-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

### Section 1. [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 "M-1" Light Industrial District. This district is intended primarily for light manufacturing, fabricating, warehousing and wholesale distributing, in low buildings, with off-street loading, and off-street parking for employees, and with access by major streets or railroads, in either central or outlying locations.

### Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" General Commercial District, except dwellings, hospitals, institutions, or other buildings used for permanent or temporary housing of persons, except as described in (a) and (b) of this subsection, below:
  - (a) Dwellings for resident watchmen and caretakers employed on the premises;
  - (b) Accessory farm dwellings on a farm of ten (10) acres or more;
- (2) The following uses, and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted; such permitted uses being generally wholesale and retail trade, service industries, light industries that manufacture, process, store and distribute goods and materials and are, in general, dependent on raw materials refined elsewhere, and manufacture, compounding, processing, packaging or treatment, as specified, of the following products or similar products:

*Chemicals, petroleum, coal and allied products.*

- Cosmetics and toiletries;
- Ice manufacture, including dry ice; Ink manufacture (mixing only);
- Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds;
- Laboratories;
- Perfumes and perfumed soap (compounding only);
- Pharmaceutical products;
- Soap, washing, cleaning, powder or soda (compounding only).

*Clay, stone and glass products.*

- Clay, stone and glass products;
- Concrete products (except central mixing and proportioning plant);
- Pottery and porcelain products (electric or gas fired).

*Food and beverages.*

- Bakery products, wholesale (manufacturing permitted);
- Beverage blending, bottling (all types);
- Candy, wholesale (manufacturing permitted);

PART II - CODE  
APPENDIX B - ZONING

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Chewing gum;  
Chocolate, cocoa and cocoa products;  
Coffee, tea and spices processing and packaging;  
Condensed and evaporated milk processing and canning;  
Creamery and dairy operations;  
Dairy products;  
Fish, shrimp, oyster and other seafood processing, packing and storing, except fish curing;  
Flour, feed and grain (packaging, blending and storage only);  
Fruit and vegetable processing (including canning, preserving, drying and freezing);  
Gelatin products;  
Glucose and dextrine;  
Grain blending and packaging, but not milling;  
Ice cream, wholesale (manufacturing permitted);  
Macaroni and noodle manufacture;  
Malt products manufacture (except breweries);  
Meat products, packing and processing (no slaughtering);  
Oleomargarine (compounding and packaging only);

*Metals and metal products.*

Agriculture or farm implements;  
Aircraft and aircraft parts;  
Aluminum extrusion, rolling, fabrication and forming;  
Automobile, truck trailer, motorcycle and bicycle assembly;  
Boat manufacture (vessels less than five (5) tons);  
Bolts, nuts, screws, washers and rivets;  
Container (metal);  
Culvert;  
Firearms;  
Foundry products manufacture (electrical only);  
Heating, ventilating, cooking and refrigeration supplies and appliances;  
Iron (ornamental) fabrication;  
Machinery manufacture;  
Nails, brads, tacks, spikes and staples;  
Needle and pin;  
Plating, electrolytic process;

PART II - CODE  
APPENDIX B - ZONING

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Plumbing supplies;  
Scale and fault;  
Sheet metal products;  
Silverware and plated ware;  
Stove and range;  
Tool, die, gauge and machine shops;  
Tools and hardware products;  
Vitreous enameled products.

*Textiles, fibers and bedding.*

Bedding (mattress, pillow and quilt);  
Carpet, rug or mat;  
Hat bodies of fur and wool felt (including men's hats) manufacture;  
Hosiery mill;  
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods;  
Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing);  
Yam, threads and cordage.

*Wood and paper products.*

Basket and hamper (wood, reed, rattan, etc.);  
Box and crate;  
Cooperage works (except cooperage stock mill);  
Furniture (wood, rattan, reed, etc.);  
Pencils;  
Planning and millwork;  
Pulp goods, pressed or molded (including papier mache products);  
Shipping container (corrugated board, fiber or wire bound);  
Trailer, carriage and wagon;  
Wood products.

*Unclassified uses.*

Animal pound;  
Animal, poultry and bird raising, commercial;  
Building materials (cement, lime (in bags or containers), sand, gravel, shell, lumber and the like) storage and sales;  
Carbon paper and inked ribbons manufacture;  
Cigar and cigarette manufacture;

PART II - CODE  
APPENDIX B - ZONING

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Cleaning and dyeing of garments, hats and rugs;  
Exposition building or center;  
Fairgrounds;  
Fur finishing;  
Greenhouses, wholesale;  
Industrial vocational training school, including internal combustion engines;  
Kennels;  
Laboratories, research experimental, including combustion-type motor testing;  
Leather goods manufacture, but not including tanning operations;  
Laundries;  
Livery stables and riding academy;  
Market, wholesale;  
Motion picture production;  
Ophthalmic goods;  
Plastic fabrications;  
Printing, publishing and engraving;  
Produce and storage warehouse;  
Railroad switching yard primarily for railroad service in the district;  
Theater, including a drive-in or outdoor theater;  
Tobacco products, processing, storage and treatment;  
Truck or transfer terminal, freight;  
Wholesale houses and distributors.

(3) Data Centers, subject to the following conditions:

- a. All principal structures shall be set back at least one hundred (100) feet from any property line abutting a property used or zoned for residential purposes or a public park;
- b. A vegetated buffer fifty (50) feet in width shall be required along any property line abutting or across a road from a property used or zoned for residential purposes or a public park; for sites on which seventy (70) percent or more of the existing open space or vegetated area is cleared for the development, the buffer shall be a minimum of one hundred (100) feet in width;
  1. The buffer shall consist of an earthen berm that has a minimum height of six (6) feet and a slope not steeper than two-to-one (2:1) with plantings including a combination of large and understory deciduous trees, large and small evergreen trees, and ornamental trees and shrubs at a rate of one hundred and twenty (120) plants per one hundred (100) linear feet; a minimum of forty (40) percent of the plantings shall be large evergreen trees on minimum 20-foot centers and no more than twenty (20) percent of the plantings shall be shrubs.

2. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Planning Director to provide visual screening equivalent to the buffer yard with earthen berm.
- c. For sites that abut property used or zoned for residential purposes or a public park, the following noise studies must be prepared by a Commonwealth Licensed Professional Engineer (PE) verifying the maximum sound levels for the development;
  1. A pre-construction study shall be submitted at the time of site plan review evaluating the existing noise conditions prior to the development and model-predicted noise conditions resulting from the development.
  2. A post-construction study of noise conditions at the time of operations shall be submitted at least one (1) month but no more than twelve (12) months. after the issuance of the first Certificate of Occupancy for the development.
  3. Notwithstanding any provision to the contrary, if either the pre-construction or post-construction noise study demonstrates the development exceeds the maximum sound levels specified in Chapter 50, Section 50-36 of the City Code as measured at the boundary abutting a property used or zoned for residential purposes or a public park , noise mitigation measures shall be required to secure conformance. Each study shall be accompanied by an affidavit or certificate signed by the PE stating whether noise mitigation measures are required by the noise study. If mitigation measures are required, they shall be designed in compliance with the noise study and shown on the site plan. The Zoning Administrator has the authority to interpret and enforce the Pre- and Post-Construction Study and any necessary noise mitigation measures.
- d. All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials;
- e. Fencing of the property is permitted, provided that fencing within thirty-five (35) feet of a public street does not include barbed wire or other similar visible intrusion deterrence devices;
- f. Closed-loop systems shall be utilized if water-based cooling is employed for the facility. This requirement may be waived or amended by the Director of Public works.

### **Section 3. Height, area and bulk regulations.**

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition the following regulations shall apply:

- (1) There shall be a side yard not less than ten (10) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district;
- (3) Whenever any building in the "M-1" Light Industrial District adjoins or abuts upon a residential district, such building shall not exceed two (2) stories nor thirty-five (35) feet in height, unless it is set back one foot from all required yard lines for each one foot of additional height above thirty-five feet.

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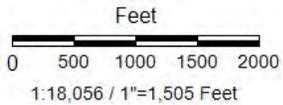
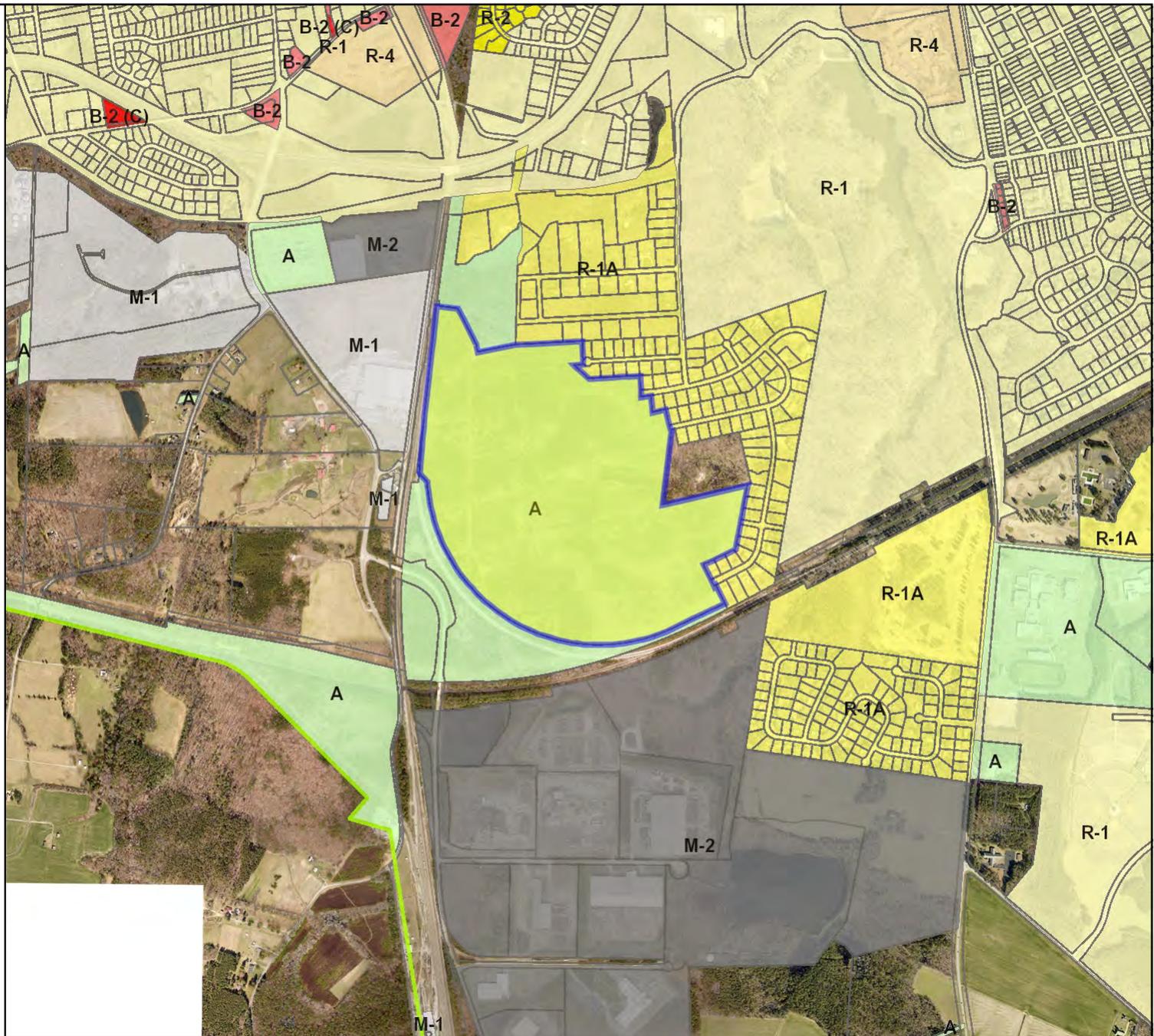
#### **Section 4. Reference to additional regulations.**

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following: Article 19, Off-street parking regulations; Article 20, Off-street loading regulations; Article 23, Supplementary use regulations; Article 25, Supplementary height, area and bulk regulations.

# Petersburg, Virginia

## Legend

- City Boundary
- Parcels
- Zoning**
- A
- B-1
- B-2
- B-2 (C)
- B-3
- B-3 (C)
- ERC
- M-1
- M-1 (C)
- M-2
- MXD1
- MXD2
- MXD3
- PUD
- R-1
- R-1 (C)
- R-1A
- R-1A (C)
- R-2
- R-3
- R-4
- R-5
- R-5 (C)
- R-6
- RB
- RMH
- RTH
- RTH (C)



**Title:**

**Date: 3/27/2025**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and City of Petersburg is not responsible for its accuracy or how current it may be.*



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 2025

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

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

**FROM:** March Altman, Jr.

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

## § 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.

**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.

**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.



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 10, 2025

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

**THROUGH:**

**FROM:**

**RE:** **A Public Hearing on an Ordinance to Authorize the Purchase of Property Located at 530 E. Washington Street - Tax Parcel ID No. 012280013**

**PURPOSE:** 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 :

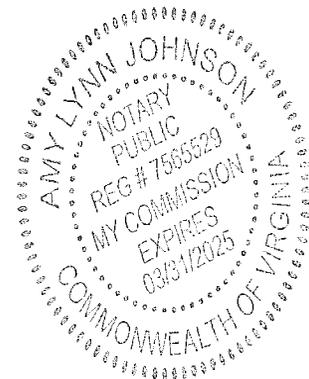
CITY/COUNTY OF Henrico , to wit:

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

# Finance Monthly Update

April 15, 2025



**DEPARTMENT OF FINANCE**

# AGENDA

Budget to  
Actuals

Earned Interest  
Update



# BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 3.31.2025: 75% of YR Completed	Remaining Budget Balance	% of Budget Expended
CITY COUNCIL	386,765	287,423	134,342	68.15%
CITY MANAGER	949,408	769,298	305,110	71.60%
CITY ATTORNEY	483,217	239,939	243,278	49.65%
HUMAN RESOURCES	823,350	881,676	81,998	91.49%
COMMISSIONER OF REVENUE	495,559	329,133	169,599	65.99%
ASSESSOR	629,870	445,145	184,725	70.67%
CITY TREASURER	331,372	309,576	220,334	58.42%
FINANCE	1,159,919	720,576	355,007	66.99%
CUSTOMER CARE & COLLECTIONS	957,196	523,558	403,651	56.47%
INFORMATION TECHNOLOGY	1,241,838	937,598	304,240	75.50%
PROCUREMENT	355,680	160,756	195,075	45.18%
REGISTRAR	604,892	405,017	199,875	66.96%
CIRCUIT CT. JUDGES & ADMIN	93,991	69,180	24,811	73.60%
GENERAL DISTRICT COURT	53,300	19,265	34,035	36.15%
MAGISTRATES	9,900	7,291	2,609	73.65%
JUVENILE & DOMESTIC RELATIONS	8,750	1,801	6,949	20.58%
CLERK of the CIRCUIT COURT	995,167	688,772	306,395	69.21%



# BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 3.31.2025: 75% of YR Completed	Remaining Budget Balance	% of Budget Expended
SHERIFF	2,455,154	1,573,431	886,689	63.96%
COMMONWEALTH ATTORNEY	1,788,485	1,091,620	696,865	61.04%
VICTIM WITNESS - CITY	26,286	14,509	11,777	55.20%
POLICE DEPARTMENT	10,310,983	7,277,802	3,038,214	70.55%
911 EMERGENCY COMMUNICATIONS	2,117,415	1,095,876	1,021,539	51.76%
FIRE DEPARTMENT	9,408,256	6,603,014	2,805,242	70.18%
REGIONAL JAIL SERVICE	3,300,000	2,399,800	900,200	72.72%
11th DISTRICT COURT	112,237	81,885	30,352	72.96%
VJCCA SUB-TOTAL	219,725	141,137	78,588	64.23%
CODE ENFORCEMENT	1,386,552	794,158	592,395	57.28%
ANIMAL CONTROL	335,906	208,018	127,889	61.93%
ENGINEERING	482,503	481,066	766,937	38.55%
REFUSE COLLECTION	2,000,000	1,566,455	806,505	66.01%
GROUNDS	1,415,480	735,138	745,342	49.66%
FACILITIES MANAGEMENT	3,248,851	2,476,732	1,146,503	68.36%
CPO CENTER/VCRC	128,510	60,232	68,278	46.87%



# BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 3.31.2025: 75% of YR Completed	Remaining Budget Balance	% of Budget Expended
SOCIAL SERVICES	11,248,378	7,273,642	3,974,736	64.66%
CHILDREN'S SERVICES ACT	4,267,024	3,110,755	1,156,269	72.90%
TRANSFER TO SCHOOLS	12,361,478	11,171,108	1,190,370	90.37%
RECREATION & LEISURE SERVICES	840,426	679,321	161,105	80.83%
CEMETERIES	85,040	27,004	58,036	31.75%
TURF MANAGEMENT	420,508	257,105	163,403	61.14%
GOV'T RELATIONS	1,054,856	591,241	463,615	56.05%
PUBLIC LIBRARY	1,492,208	939,927	552,281	62.99%
PLANNING	1,032,244	657,673	374,571	63.71%
ECONOMIC DEVELOPMENT	529,454	364,322	165,132	68.81%
NON-DEPARTMENTAL	7,275,686	4,456,811	3,056,175	59.32%
DEBT SERVICE	4,181,099	3,474,173	706,926	83.09%
TRANSFER TO OTHER FUNDS	2,541,226	2,541,226	0	100.00%
<b>TOTALS</b>	<b>95,690,945</b>	<b>68,941,185</b>	<b>28,917,966</b>	<b>70.45%</b>



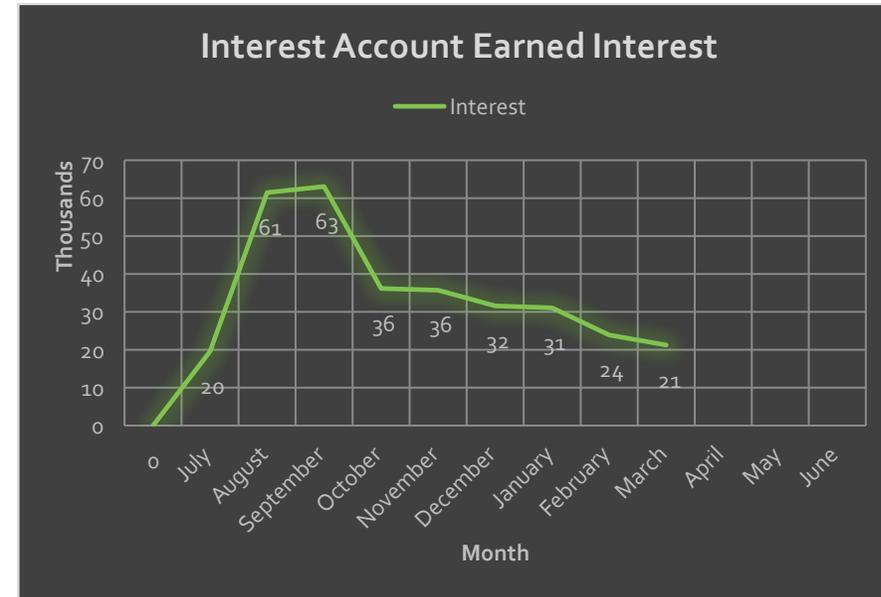
# BUDGET TO ACTUALS

Fund/Department	FY25 BUDGET	Expended Thru 3.31.2025: 75% of YR Completed	Remaining Budget Balance	% of Budget Expended
<b>GRANTS</b>				
Victim Witness Grant - Sub-Total	280,553	195,512	85,041	69.69%
Community Corrections - Sub-Total	533,064	381,782	151,282	71.62%
<b>TOTAL GRANTS FUND</b>	<b>813,617</b>	<b>577,293</b>	<b>236,324</b>	<b>70.95%</b>
<b>STREETS</b>				
Streets Operations Sub-Total	8,037,703	6,416,401	1,621,302	79.83%
<b>PUBLIC UTILITIES</b>				
Wastewater Sub-Total	7,496,161	5,487,514	1,910,495	74.18%
Water Sub-Total	7,637,912	5,518,138	2,217,926	71.33%
<b>TOTAL PUBLIC UTILITIES FUND</b>	<b>15,134,073</b>	<b>11,005,652</b>	<b>4,128,421</b>	<b>72.72%</b>
<b>STORMWATER</b>				
Stormwater Services Sub-Total	1,452,283	676,875	775,408	46.61%
<b>DOGWOOD</b>				
Dogwood Golf Sub-Total	1,299,550	1,116,774	182,776	85.94%
<b>MASS TRANSIT</b>				
Paratransit Sub-Total	246,630	211,980	34,650	85.95%
State/Projects Sub-Total	2,227,273	652,711	1,574,562	29.31%
Administration Sub-Total	3,938,858	2,633,820	1,305,038	66.87%
Maintenance Sub-Total	1,066,204	761,109	305,095	71.38%
<b>TOTAL MASS TRANSIT FUND</b>	<b>7,478,965</b>	<b>4,259,620</b>	<b>3,219,345</b>	<b>56.95%</b>



# Earned Interest Update

Category	Adopted Budget Projection	Total Funds in Account	MAR Earned Interest	TOTAL EARNED YTD
LGIP Investment Acct (Local Government Investment Pool)	\$1,400,000	\$42,000,000	\$163,632	\$1,454,445
AU Bank Interest Account	\$ -		\$21,247	\$325,798
<b>TOTAL EARNED INTEREST</b>				<b>\$1,780,243</b>





# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 2025

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

**THROUGH:**

**FROM:** John M. Altman, Jr., City Manager

**RE:** **Consideration of an Ordinance Authorizing the City Manager to Execute an Option Agreement and Convey Property Upon Satisfaction of Terms for 3501 Halifax Road**

### **PURPOSE:**

**REASON:** 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.

**RECOMMENDATION:** City Council approve the ordinance to authorize the City Manager to execute an option agreement and convey property upon satisfaction of terms for 3501 Halifax Street.

**BACKGROUND:** City Council conducted a public hearing to consider an ordinance to authorize the City Manager to execute an option agreement and convey the property upon the satisfaction of terms for 3501 Halifax Road, Parcel ID 092010001, with The Warrenton Group at the March 18, 2025 City Council meeting. City Council conducted a public hearing and voted to table the item until the April 18, 2025 meeting. The Warrenton Group is proposing to purchase this parcel from the City for the purpose of ancillary and supportive functions related to our data center project that they are pursuing at 2233 and 2701 Halifax Road. Preliminary evaluations indicate that the majority of the parcel contains significant wetlands and areas that present substantial constraints for vertical construction. Additionally, our initial environmental assessments suggest the possibility of environmental issues due to historical uses of adjacent properties. Given these conditions, we do not propose any construction of primary data center facilities or substations on this parcel. The Warrenton Group has indicated that the uses of this parcel specifically include construction staging, storage of materials and equipment, temporary construction offices, and other similar support activities necessary for the efficient and timely completion of our primary data center project. The proposed uses will be designed carefully to avoid negative environmental impacts and will be fully compliant with local, state, and federal environmental regulations.

### **COST TO CITY:**

### **BUDGETED ITEM:**

### **REVENUE TO CITY:**

**CITY COUNCIL HEARING DATE:** 3/18/2025

### **CONSIDERATION BY OTHER GOVERNMENT ENTITIES:**

**AFFECTED AGENCIES:**

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:**

**REQUIRED CHANGES TO WORK PROGRAMS:**

**ATTACHMENTS:**

1. 3501 Halifax Road Ordinance
2. Option Agreement - 3501 Halifax Road

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

WHEREAS, the City is the fee simple owner of land and improvements upon the property known as 3501 Halifax Road, Petersburg VA – Parcel ID No.: 092010001; and

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

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

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

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

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

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

## PURCHASE OPTION AGREEMENT

This PURCHASE OPTION AGREEMENT (“**Option Agreement**”) is made as of \_\_\_\_\_, 2025 (“**Option Effective Date**”) by and between **CITY OF PETERSBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (“**Seller**”), and **TWG PETERSBURG LLC**, a Virginia limited liability company, or assigns (“**Buyer**”).

### RECITALS

A. Seller is the fee simple owner of land and any improvements commonly known as 3501 Halifax Road, Petersburg, VA, Parcel Identification Number 092010001, a description of which is attached hereto as **Exhibit A** and which shall be updated upon to include the legal description in accordance with the Title Commitment (as defined below) (collectively, the “**Property**”).

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

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

**1. OPTION TERM AND PRICE.** The Option to Purchase period commences as of the date of this Option Agreement and expires six (6) months following the Option Effective Date, provided that by notices delivered to Seller in advance of expiration, Buyer may extend the term for up to one (1) additional period of six (6) months. If Buyer exercises its Option to Purchase, the purchase price to be paid by Buyer at closing is One Hundred Eighty- Eight Thousand – Six Hundred and 00/100Dollars (\$188,600.00) (“**Purchase Price**”). Notwithstanding the term of this Option Agreement, Buyer and Seller agree that this Option Agreement shall not merge, terminate, or otherwise expire in connection with exercise of the Option, but upon such exercise, this Option Agreement shall remain in effect through closing on the sale of the Property, unless earlier terminated.

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

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

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

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

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

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

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

(a) Seller represents that it is the fee simple owner of the entirety of the Property, and Seller has the legal power and authority to enter into and perform this Option Agreement.

(b) Seller further represents and warrants to Buyer that there are no recorded or unrecorded leases, purchase contracts, options, service contracts, or any other contracts pertaining to or affecting the Property, or any part thereof, including without limitation, those affecting ownership, operation, maintenance, repair, or development of the Property, and there is no party other than Seller in possession, or with a claim of possession or use, of the Property or any part thereof.

(c) Seller further represents and warrants that: (i) to Seller's actual knowledge, the Property is not in default under, or not in compliance with, any laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property; and (ii) no substances designated as, or containing components designated as, hazardous, dangerous, toxic or harmful, and/or subject to regulation under any federal, state or local law, regulations or ordinance, are stored on the Property or have been release at the Property by or for Seller, and to Seller's knowledge, no such storage or release has previously occurred at the Property.

(d) Seller represents and warrants that the Property is not subject to any pending litigation or, to Seller's knowledge, threatened litigation and that there are no special assessments or other impositions which are pending with respect to the Property or any portion thereof.

(e) Seller represents and warrants that to Seller's knowledge there are no recorded or unrecorded covenants, conditions, or use restrictions pertaining to or affecting the Property, or any part thereof.

(f) So long as this Option Agreement remains in effect, Seller shall not do any of the following, without the prior written consent of Buyer:

(i) Sell, grant, convey, lease or dispose of, or negotiate or contract to sell, grant, convey, lease or dispose of, the Property or any part thereof;

(ii) Grant or record any easement, license or right-of-way in, to or through the Property or any part thereof;

(iii) Create, record, nor allow to be created or recorded, any restriction or covenant of any kind, character, or nature whatsoever with respect to the Property or any part thereof; or

(iv) Cause, or allow, any material physical modifications to the Property.

**8. REMEDIES UPON DEFAULT.** If Buyer defaults under this Option Agreement, then in addition to any other remedies available to Seller at law or in equity, Seller may terminate this Option Agreement by giving written notice of the termination. If terminated as a result of Buyer's default, the Buyer shall lose entitlement to any refund of the Option Payment. If Seller defaults under this Option Agreement, then in addition to any other remedies available to Buyer at law or in equity or pursuant to this Agreement, Buyer may seek specific performance or terminate this Option Agreement by giving written notice to Seller and collect out of pocket costs and the Option Payment from Seller.

**9. RECORDING OF AGREEMENT.** A memorandum of this Agreement may be recorded against the Property by Buyer in the form attached hereto as **Exhibit B** (the “**Memorandum**”). Seller shall execute and deliver the Memorandum with original notarized signatures along with its execution and delivery of this Agreement. All costs and recordation taxes incurred in connection with recording the Memorandum shall be paid by Seller.

**10. ACKNOWLEDGMENTS.** The parties are executing this Option Agreement voluntarily and without any duress or undue influence. The parties have carefully read this Option Agreement and have asked any questions needed to understand its terms, consequences, and binding effect and fully understand them and have been given an executed copy. The parties have sought the advice of an attorney of their respective choice if so desired prior to signing this Option Agreement. This Option Agreement may be executed in any number of counterparts and may be delivered electronically, including by pdf, email, DocuSign, or similar method, each of which shall be deemed to be an original and all of which together shall comprise but a single instrument.

**11. TIMING.** Time is of the essence in this Option Agreement.

**12. GOVERNING LAW AND VENUE.** This Option Agreement shall be governed, construed and interpreted by, through and under the Laws of the Commonwealth of Virginia. The parties further agree that the venue for any and all disputes related to this Option Agreement shall be litigated exclusively in the Courts of the City of Petersburg, Virginia.

**13. NOTICES.** All notices required or permitted hereunder shall be in writing and shall be deemed made when delivered in person or by delivery service (such as FedEx), transmitted by electronic mail or when mailed by certified mail, postage prepaid, return receipt requested, addressed as follows:

IF TO THE BUYER:

TWG Petersburg LLC  
14 Ridge Square, NW, Suite 315  
Washington, DC 20016  
Attention: Warren C. Williams  
Email: wwiliams@warrentongroup.com

with a copy to:

Williams Mullen  
200 S. 10<sup>th</sup> Street, Suite 1600  
Richmond, Virginia 23219  
Attn: Alexander C. Graham, Jr.  
Phone: (804) 420-6458  
Email: sgraham@willamsmullen.com

IF TO THE SELLER:

City of Petersburg  
135 N. Union Street  
Petersburg, Virginia 23803  
Attn: John M. Altman, Jr., City Manager  
Email: maltman@petersburg-va.org

with a copy to:

City Attorney  
City of Petersburg  
135 N. Union Street  
Petersburg, Virginia 23803  
Attn: Anthony Williams  
Email: awilliams@petersburg-va.org

**14. ENTIRE AGREEMENT; MODIFICATION.** This document sets forth the entire agreement and understanding between the parties relating to the subject matter herein and supersedes all prior discussions between the parties. No modification of or amendment to this Option Agreement, nor any waiver of any rights under this Option Agreement, will be effective unless in writing signed by the party to be charged.

**15. EXCLUSIVITY.** Seller understands and acknowledges that Buyer shall incur significant expenses in connection with its investigation of the Property. Following the execution of this Option Agreement and at any time prior to the earlier of (a) the closing date and (b) the termination of this Option Agreement in accordance with the terms hereof, Seller shall not: (a) negotiate, discuss or otherwise communicate with any other parties with respect to the sale or other transfer of the Property, (b) initiate any discussions, solicit or encourage submission of any proposal or offer to acquire the Property, (c) furnish or provide to any person or entity, other than Buyer, any information regarding the Property. If Seller receives any unsolicited offer or proposal to acquire, lease or otherwise transfer the Property, Seller shall promptly notify Buyer and provide Buyer with a copy of any written material received by the Seller related to said offer or proposal.

**16. FURTHER ASSURANCES.** Buyer and Seller hereby covenant unto each other to execute and deliver any additional documents, materials, confirmations, certificates, or other assurances that may be required or reasonably necessary to effectuate the transaction contemplated hereby. Buyer shall have the right to assign its interest under this Option Agreement at any time by notice to Seller.

**[SIGNATURES ON FOLLOWING PAGES]**

IN WITNESS WHEREOF, the parties have caused this Option Agreement to be executed as of the day and year first above written.

SELLER:

**CITY OF PETERSBURG, VIRGINIA**

By: \_\_\_\_\_ (SEAL)  
Name: John M. Altman, Jr.  
Title: City Manager

COMMONWEALTH OF VIRGINIA

CITY OF PETERSBURG:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by John M. Altman, Jr., City Manager of the CITY OF PETERSBURG, VIRGINIA.

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

My commission expires: \_\_\_\_\_.

[SIGNATURES CONTINUE ON NEXT PAGE]

BUYER:

**TWG PETERSBURG LLC**

By: \_\_\_\_\_ (SEAL)

Name: Warren C. Williams

Title: President

COUNTY OF MONTGOMERY):

STATE OF MARYLAND):

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by Warren C. Williams, President, TWG Petersburg LLC.

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

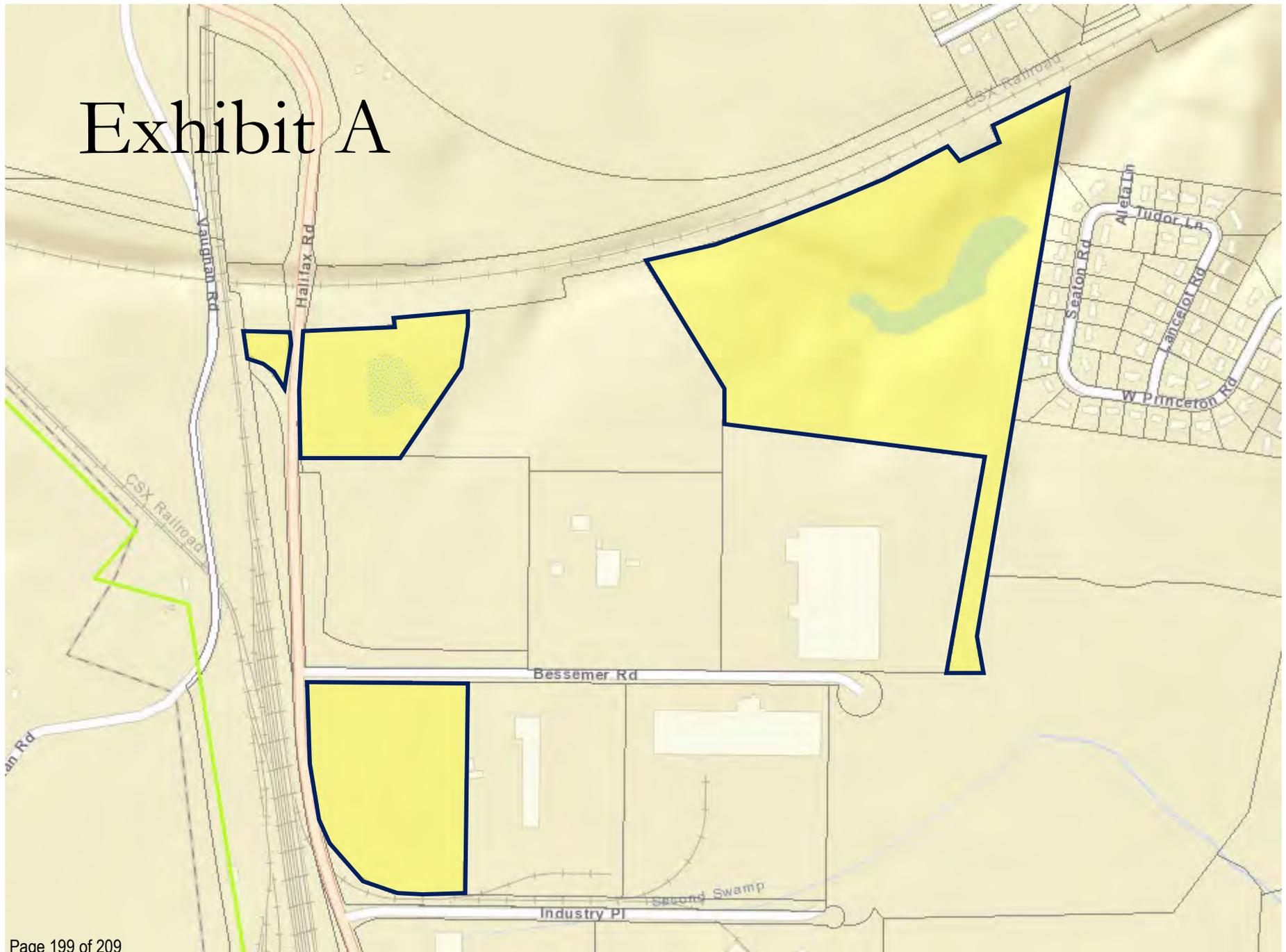
My commission expires: \_\_\_\_\_.

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

The following real property located in the City of Petersburg, Virginia, and identified for property tax purposes as Parcel Identification Number 092010001, and shown as follows:

# Exhibit A



**EXHIBIT B**  
**FORM OF MEMORANDUM**

This instrument was prepared  
Outside the Commonwealth of  
Virginia by, and please return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Parcel No(s).: \_\_\_\_\_  
Consideration: \$ \_\_\_\_\_  
Total Actual Value: \_\_\_\_\_

Grantee's Address: \_\_\_\_\_

Property Address: \_\_\_\_\_

Title Ins. File No: \_\_\_\_\_

**MEMORANDUM OF**  
**OPTION AGREEMENT**

THIS MEMORANDUM OF OPTION AGREEMENT (this "Memorandum") is made and entered into as of \_\_\_\_\_, 2025 ("Effective Date") by and between **CITY OF PETERSBURG, VIRGINIA**, a political subdivision of the Commonwealth of Virginia ("Seller" or "Grantor") with an address of 135 N. Union Street, Petersburg, VA., and **TWG PETERSBURG LLC**, a Virginia limited liability company, or assigns ("Buyer" or "Grantee") with an address of 14 Ridge Square, Suite 300, NW, Washington, DC 20016.

1. **Option.** Pursuant to that certain Option Agreement dated \_\_\_\_\_, 2024 (the "Agreement"), Owner granted to Buyer and Buyer acquired from Owner the option ("Option") to purchase certain real property located in the City of Petersburg, Virginia and Prince George County, Virginia, as more particularly described on **Exhibit A** (the "Property") upon the terms, covenants and conditions set forth in the Agreement, which provisions are incorporated into this Memorandum by reference.

2. **Term.** The initial Term of the Option commenced on \_\_\_\_\_, 2025 and expires six (6) months thereafter, subject to Buyer's right to extend such Term for up to one (1) additional extension period of six (30) months, unless sooner terminated pursuant to the Agreement.

3. **Price.** The price for the Term of the Option is \$\_\_\_\_\_.

4. **Interpretation.** This Memorandum is not a complete summary of the Agreement. Provisions in this Memorandum shall not be used in interpreting the Agreement provisions. In the event of conflict between the Memorandum and the Agreement, the Agreement shall control.

5. **Counterparts.** This Memorandum may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall comprise but a single instrument.

6. **Successors.** The Memorandum the Option referenced herein shall run with the land and inure to the benefit of and be binding upon Seller and Buyer and their respective heirs, representatives, successors and assigns.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Seller and Buyer have executed this Memorandum as of the day and year set forth above.

SELLER:

**CITY OF PETERSBURG, VIRGINIA**

By: \_\_\_\_\_ (SEAL)

Name: John M. Altman, Jr.

Title: City Manager

COMMONWEALTH OF VIRGINIA

CITY OF PETERSBURG:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by John M. Altman, Jr., City Manager of the CITY OF PETERSBURG, VIRGINIA.

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

My commission expires: \_\_\_\_\_.

[SIGNATURES CONTINUE ON NEXT PAGE]

BUYER:

**TWG PETERSBURG LLC**

By: \_\_\_\_\_ (SEAL)

Name: Warren C. Williams

Title: President

COUNTY OF MONTGOMERY):

STATE OF MARYLAND):

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2025,  
by Warren C. Williams, President, TWG Petersburg LLC.

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

My commission expires: \_\_\_\_\_.

EXHIBIT A- Legal Description



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** April 15, 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 Amendment to the Purchase 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 Amendment to the Purchase 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 Purchase 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:** 4/15/2025

**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)
2. 1 - ECI Med Resolution for Amendment

## 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

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: \_\_\_\_\_

## **Resolution**

### **A Resolution Authorizing the City Manager to Execute an Amendment to the Purchase Agreement Between the City Of Petersburg and ECIMED-1, LLC for the Purchase of 101 West Washington Street Located in Petersburg, VA**

**WHEREAS;** On April 15, 2025, the City of Petersburg entered into a purchase agreement with ECIMED-1, LLC for the Development of 101 West Washington Street Located in Petersburg, VA; and

**WHEREAS;** The due diligence period is not to exceed an extension of 90 days except by the written consent of the City as approved by Petersburg City Council; and

**WHEREAS;** the purchase agreement amendment authorizes 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.

**NOW THEREFORE BE IT RESOLVED,** that the City Council of the City of Petersburg hereby approves the City Manager to execute the amendment to the purchase agreement's due diligence period between the City of Petersburg and ECIMED-1, LLC for the Development of 101 West Washington Street Located in Petersburg, VA with an automatic reversion back to the City if the due diligence is not completed by July 14, 2025 as reflected in the attached document.