

City of Petersburg Virginia

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City Council

W. Howard Myers, Mayor – Ward 5
Samuel Parham, Vice-Mayor – Ward 3
Treska Wilson-Smith, Councilor – Ward 1
Darrin Hill, Councilor – Ward 2
Brian A. Moore, Councilor – Ward 4
David Ray Coleman, Councilor – Ward 6
John A. Hart, Sr., Councilor – Ward 7

Acting City Manager

Dironna M. Belton

Agenda

October 18, 2016

Union Train Station
103 River Street
6:30 p.m.

-
1. **Roll Call**
 2. **Closed Session**
 3. **Moment of Silence**
 4. **Pledge of Allegiance**
 5. **Presentations / Proclamations / Recognitions: (Each presentation will be limited to 10 minutes.):**
 - a. Proclamation for Community Planning Month
 - b. Presentation on Commissioner of Revenue Assessments
 - c. Update on Collection Results from City Treasurer's Office
 6. **Consent Agenda:**
 - a. Minutes: Regular City Council Meetings, September 6, 2016; Special City Council Meetings, September 7, 2016; September 20, 2016; September 14; September 30, 2016
 - b. Request a public hearing for a Special Use Permit pursuant to Article 23, Section 4(5) of the Zoning Ordinance to have a solar power generation facility at 950 (rear) Winfield Road, T.P. 034-02-0003. The property is zoned R-5, Multiple Dwelling District.
 - c. Request a public hearing for a Special Use Permit pursuant to Article 23, Section 4(12) of the Zoning Ordinance to operate a child care center in a residential district, subject to certain terms and conditions at 2568 N. Stedman Drive, T.P. 039-01-0012. The property is zoned R-1, Single Family Residence District.

7. Public Hearing: (In accordance with the Rules of Council, public comment will be heard before discussion by Council. Once discussion has started, no further input from the public will be accepted. Each speaker will be limited to three (3) minutes.)

8. Public Information Period – The Public Information Period is established by the Rules of Council to hear input from City residents or owners of businesses in the City. It will last for a maximum of 30 minutes. Speakers will be called in the order that they have signed up to speak. If there are ten (10) or fewer speakers, each shall speak for a maximum of 3 minutes. If there are more than ten (10) people desiring to speak, the time allotted to each person may be adjusted or the number of speakers limited to meet the time limitation. A speaker may speak on items except those that are listed on tonight's Council agenda. Any matter brought before the attention of the City Council during this public information period will not be acted upon by the City Council at this meeting.

9. Business or reports for / from the Mayor or other Members of City Council:

- a. Consideration to approve the Virginia Water and Wastewater Agency Network Mutual Aid Agreement and Resolution

10. City Manager's Agenda

- a. City Manager's Report

11. Clerk of City Council's Agenda

12. City Attorney's Agenda

13. Closed Session (if necessary)

14. Adjournment



City of Petersburg

5.a

Ordinance, Resolution, and Agenda Request

DATE: October 6, 2016
TO: The Honorable Mayor and Members of City Council
THROUGH: Dironna M. Belton, Acting City Manager
FROM: Michelle B. Peters, Director of Planning & Community Development
RE: Proclamation for 2016 National Community Planning Month

PURPOSE: To proclaim October 2016 as National Community Planning Month and to recognize the contributions of the Planning Profession to our great City.

REASON: October is recognized as National Community Planning Month, and in celebration of the contributions of Professional and community planners it is our desire to recognize the work of the Planning Department.

RECOMMENDATION: Proclaim October as Community Planning Month

BACKGROUND: October is the month that we join our planning colleagues from across the country to celebrate who planners are and the lasting value thoughtful planning has on our City. This year's theme is civic engagement, underscoring the necessity of engaging the public, elected officials, and key leaders in discussions that shape the future of our cities. It is our goal to involve the community and our key stakeholders in our city-wide strategy to get rid of blight and develop and implement initiatives that achieve the goal of community revitalization. We want to help create spaces and places that our citizens are proud to call home.

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Proclamation

STAFF: Department of Planning & Community Development

Office of The Mayor



PETERSBURG

VIRGINIA

Proclamation

WHEREAS, change in economic and population affects all cities, towns, suburbs, counties, boroughs, townships, rural areas; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, each year, members of the American Planning Association and its professional institute, the American Institute of Certified Planners, celebrate national Community Planning Month to highlight the value of sound planning and implementation to our communities, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our communities and environment; and

WHEREAS, National Community Planning Month is an opportunity to recognize the City of Petersburg planning commission, citizen planner, and the staff of the Department of Planning whose efforts aim to improve the lives of all;

NOW, THEREFORE, I, **W. Howard Myers**, by virtue of the authority vested in me as Mayor of the City of Petersburg, do hereby recognize the month of

October 2016

As

“NATIONAL COMMUNITY PLANNING MONTH”

in the City of Petersburg.

Dated: October 18, 2016

Mayor

ATTEST:

Clerk of Council



City of Petersburg

5.b

Ordinance, Resolution, and Agenda Request

DATE: October 18, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna Belton, Acting City Manager

FROM: Honorable Pamela Hairston, Commissioner of the Revenue

RE: Presentation on Commissioner of Revenue Assessments

PURPOSE: To provide a report of the amount of taxes that have been assessed within the last 9 months

REASON: For informational purposes only.

RECOMMENDATION: For informational purposes only.

BACKGROUND: At the request of City Council, this information is being provided for an understanding of the assessments done by Commissioner of Revenue cash flow

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: Tax assessments and or tax supplements put into the system daily

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Memo to Council; Breakdown of assessments January 1, 2016 – September 30, 2016

STAFF: Pamela Hairston, Commissioner of the Revenue

**CITY OF PETERSBURG
COMMISSIONER OF THE REVENUE
135 North Union Street
Petersburg, Va. 23803**

**Telephone (804)733-2315
Facsimile (804)863-2790**



**Pamela C. Hairston
Commissioner**

October 13, 2016

**To: Mayor W. Howard Myers
Members of City Council
Dironna Belton, Acting City Manager**

**From: Pamela Hairston
Commissioner of the Revenue**

Ref: Tax Revenue Assessment Report

The attached outlined report shows the revenue line items that the Commissioner of Revenue office is responsible for assessing and auditing. All real estate address or ownership changes for proper billing and the land book are recorded in our office. Real estate property value adjustments are also made by the Commissioner of Revenue as directed by the City Assessor. All of the other taxes listed are supplemented or entered into the system and any payments are processed by the Treasurer.

In the future this report will be made quarterly. The next report will be available in January 2017 for the months of October 2016 – December 2016.

Should council have any questions or concerns regarding this report, please contact myself or any one of our Commissioner of Revenue staff.

January 2016 thru September 2016 Assessments by the COR**Tax Assessments for:**

| | |
|--|-------------------|
| Business License | 2,847,700 |
| Admissions Tax | 5,209 |
| Lodging Tax | 208,436 |
| Meal Tax | 1,771,961 |
| Cigarette Tax | 167,293 |
| Personal Property Tax Supplements | 6,270,863 |
| Real Estate Taxes (Landbook) | 24,479,008 |
| Bank Franchise Tax | 193,150 |
| Total Tax Assessments Generated | 35,943,620 |
| Less Abatements/Corrections | -2,774,426 |
| Total Assessments | 33,169,194 |

Real Estate**Tax Relief & Tax Exemption Programs:**

| | |
|--------------------|----------|
| Veterans | -239,025 |
| Elderly & Disabled | -201,720 |

Respectfully Submitted,
Pamela C. Hairston 10/13/16



5.c

City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 18, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna Belton, Acting City Manager

FROM: Honorable Kevin A. Brown, City Treasurer

RE: Update on Collection Results from City Treasurer's Office

PURPOSE: Update City Council on the collection progress of delinquent revenues for the City of Petersburg

REASON: A request was made by Members of City Council and Citizens for the City Treasurer to make monthly reports on the collections of delinquent revenues.

RECOMMENDATION: Informational purposes only

BACKGROUND: City Treasurer contracted with Propel Financial Services and TACS to assist in the collection of delinquent taxes in November 2015. City Treasurer has prepared and presented a monthly collection of delinquent revenue presentation for City Council.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: N/A

STAFF: Kevin A. Brown, City Treasurer

The regular meeting of the Petersburg City Council was held on Tuesday, September 6, 2016, at Petersburg High School in the auditorium. Mayor Myers called the closed session meeting to order at 4:30p.m.

1. CLOSED SESSION MEETING – 4:30 P.M.

2. ROLL CALL:

Present:

Council Member David R. Coleman
Council Member John A. Hart, Sr.
Council Member Darrin L. Hill
Council Member Brian A. Moore
Council Member Treska Wilson-Smith
Vice Mayor Samuel Parham
Mayor W. Howard Myers

Absent: None

Present from City Administration:

Assistant City Attorney Danielle Powell
Acting City Attorney Mark Flynn
Acting City Manager Dironna M. Belton
Clerk of Council Nykesha Jackson

3. CLOSED SESSION:

Acting City Attorney Mark Flynn, stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Code of Virginia under Subsection 7 to consult with legal counsel and briefings by staff members pertaining to probable litigation, where consultation or briefing in the open meeting would adversely affect the negotiating or litigating posture of the public body. He stated that this concerns the sale of a piece of property that the City had.

Vice Mayor Parham moved that the City Council go into closed session for the purposes noted by the City Attorney. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council entered closed session at 4:32 p.m.

CERTIFICATION:

Council Member Hill made a motion to return City Council into open session. The motion was seconded by Council Member Coleman. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

Vice Mayor Parham made a motion to certify the purposes of the closed session. The motion was seconded by Council Member Hart. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-45 **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.**

1. **REGULARLY-SCHEDULED MEETING – 5:00 P.M.**

2. **ROLL CALL:**

Present:

- Council Member David R. Coleman
- Council Member John Hart, Sr.
- Council Member Darrin L. Hill
- Council Member Brian A. Moore
- Council Member Treska Wilson-Smith
- Vice Mayor Samuel Parham
- Mayor W. Howard Myers

Absent: None

Present from City Administration:

- Assistant City Attorney Danielle Powell
- Acting City Attorney Mark Flynn
- Acting City Manager Dironna M. Belton
- Clerk of Council Nykesha Jackson

3. **MOMENT OF SILENCE:**

- a. Clerk of Council, Nykesha Jackson, led council and the audience in a moment of silence.

4. **PLEDGE OF ALLEGIANCE:**

- a. Clerk of Council, Nykesha Jackson, led council and the audience in the Pledge of Allegiance.

5. **PRESENTATION/PROCLAMATIONS/RECOGNITIONS: (Each presentation will be limited to 10 minutes.)**

There are no items for this portion of the agenda.

6. **CONSENT AGENDA:**

- a. Minutes, Regular City Council Meeting July 19, 2016; Special City Council Meeting July 26; Special City Council Meeting July 27; Special City Council Meeting August 3; Council Advance August 4; Special City Council Meeting August 17; Special City Council Meeting August 23; Special City Council Meeting August 29.
- b. Request to hold a public hearing to operate a nightclub at 3270 South Crater Road, T.P. 088-01-0809. The property is zoned B-2, General Commercial District.

Council Member Coleman made a motion to accept the Consent Agenda that scheduled a public hearings for September 20, 2016, regular City Council meeting. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

7. OFFICIAL PUBLIC HEARINGS: (In accordance with the Rules of Council, public comment will be heard before discussion by Council. Once discussion has started, no further input from the public will be accepted. Each speaker will be limited to three (3) minutes.)

- a. A public hearing on a proposed ordinance amending Section 106-262 of the Code of the City of Petersburg – Lodging Tax

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made several recommendations that will assist the City's current financial status. One of the recommendations was to increase the City's lodging tax from 6% to 10%. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the Lodging Tax.

Ms. Jackson opened the floor for public comment.

Linwood Christian, 410 Mistletoe Street, stated concerns about the homeless people in the City and how this would increase those numbers. He addressed concerns on the factor that some of the families in the hotels have children that are attending Petersburg Public Schools. He stated that if the families became homeless then the children would also be homeless and the streets. He stated that he is opposed to the increase on lodging taxes.

Crystal Brown, 733 Confederate Avenue, stated that she has some recommendations for bringing revenue to the City. She stated that there needs to be a decrease in pay of the City employee that received an increase while other employees received a 10% reduction. She stated that some things in the City are unethical. She stated that she calls on the resignation of the City Treasurer and his staff for mismanagement and not being organized as well as embezzlement of payments. She stated that the State of the City leads her to questions how many leaders live in the City of Petersburg.

Concerned citizen stated that she is requesting that the City does not give up the senior program at Tabernacle Baptist Church.

Vernel Gannaway, 652 Old Wagner Road, stated that he has seen many changes but no mismanagement. He stated that embezzlement falls under mismanagement. He stated that some of the trips that were taken need to be recruited. He stated that there needs to be an understanding with miseducation. He stated that they need to bring back the former council members that went on trips to Paris who brought back no information. He stated that the City needs help to go forward but that they need to know what happened from behind.

Delores Smith, 410 Mistletoe Street, stated that there are a lot of cuts going on but that she does not see any cuts up on stage. She stated that Mrs. Yerby is the babysitter of the City and that they are talking about cutting her. She stated that the City has an attorney so there is no need for an assistant city attorney. She stated that that salary needs to be cut as well.

Doug Martlin, concern citizen, asked City Council do they know what a "Triple B Rating" is. He stated that the City is now a "Triple B Rating." He stated that this is the rating of a crackhead standing on the corner after you give them a \$5 dollar and expect the money back. He stated that it is his understanding that the City cannot get a loan unless the Commonwealth gives them the loan. He stated that also the City has to pass the 19 recommendations. He stated that with this being stated he does not understand the need for a public forum.

Nona Wartella, Ward 3 citizen, stated that she bought a historic home in 2007. She stated that she has continued to work part-time as a museum tour guide. She stated that she begin this about 30 years ago. She stated that she wanted to buy a historic home in the City of Petersburg. She stated that she would like City Council to consider not closing the sites down until the foundation is on its feet. She stated that she realize that they have to have a reduction in staff. She stated that visitation is up at the tour sites and that they are all patriots. She stated that she hopes that they continue to spread the word to get the people to continue to visit. She stated that she just would like City Council to reconsider the closing of the sites.

Tracy Eden, Business Owner on Farmer Street, stated that she owns a building and a business in Petersburg but lives in Prince George. She spoke on the police and firefighters being taken away. She stated that the firefighters are right next door to their business and that they have helped them numerous times. She stated that the area that they have their business in is very poor and dilapidated and that it needs a lot of help. She stated that getting rid of the firefighters will not help it. She asked that being a resident of Prince George and having a business in Petersburg how can she register to vote in Petersburg. She stated that she is entitled to make comments and have a say in things. She stated that she does not get it.

Karl Dingedine, 248 Southwood Drive, asked City Council Members if they loved the City. He asked whether they love it enough to give up half of their salary to sacrifice for the crunch that the City is going through. He stated that the firefighters are important to the seniors and the City. He stated that 35-40% of the people that live in the City are seniors. He stated that the insurance companies will increase if they look at how many firefighters are in the City to protect.

Barbara Vaughn, citizen of Petersburg, stated that she would like to thank the citizens of Petersburg that have taken their time to volunteer to cut the grass and the money out of their pockets to have grass cut. She stated that they talk about bringing people here but cannot afford to get the grass cut. She stated that the City cannot afford to pay the contractors that cut grass in the City. She spoke on the increase of refuse going up. She stated that it is attached to the water bills so they have to pay the bill.

Ida Edwards, 30 Corling Street, stated that she has been a resident at her address since 1965. She stated that when she moved in that area her family was the second African American family to move on that street. She stated that everyone moved because they did not want to be near them. She stated that since 1965 she has seen the street sweeper come on her street about five times. She stated that the last time she seen them they only did half the street. She stated that they pay their taxes so where are their services. She stated that she has called and reported the home across the street regarding the overgrown grass. She stated that the grass in the street is growing out in the street. She stated that she pays the bills but yet they are talking about taxing being raised. She asked where the money that they are collecting is. She stated that if it wasn't for the fire department she would have been dead. She stated that there have been four house fires around her home. She stated that she does not beg because she is too proud to beg. She stated to Council Member Moore that is he drives on her street he can see the overgrown grass. She stated that she would like to know where the money went to that was collected.

Cynthia Jones, citizen of Petersburg, stated that the fire department and police department are important to her. She stated that she does not want anyone to go into the building without the proper gear. She stated that the Census states that there are 34,000 people in the City of Petersburg. She stated that they cannot burn and not have police around to protect them. She stated that they should start saving the City and

stop arguing. She stated that if the City gets redlined anymore they will not have a Fire Department, insurance and they will be sitting around looking like stats until shipped around to their time again.

Concerned citizen spoke on the firefighters. He stated that he is not from Petersburg and that all his friends that lived in the City moved to Richmond for a better horizon. He stated that the City has the chance to change. He stated to help the people in the City of Petersburg.

Seeing no further hands, Mrs. Harris closed the public hearing.

Vice Mayor Parham made a motion to adopt the ordinance amending Section 106-262 of the Code of the City of Petersburg increasing the lodging tax of 6% to 10%. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-34 AN ORDINANCE TO AMEND CHAPTER 106, TAXATION, SECTION 106-262 OF ARTICLE VII, INCREASING THE LODGING TAX; OF THE 2000 CODE OF THE CITY OF PETERSBURG, AS AMENDED.

- b. A public hearing on a proposed ordinance amending Section 106-292 of the Code of the City of Petersburg – Meal Tax.

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made several recommendations that will assist the City's current financial status. One of the recommendations is to increase the City's meals tax from 6% to 7.5%. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the Meal Tax.

Ms. Jackson opened the floor for public comment.

Gloria Brown, 1557 South Sycamore Street, stated that she does not agree with the meal tax but she understands that they are trying to bring in more revenue. She stated that they have great restaurants in the City. She stated that they would like to keep these restaurants in the City. She stated that she thinks that they should hold off on the increase in meal tax.

Henri Dozier, 1762 Monticello Street, stated that he is proud to have moved to the City of Petersburg. He stated that most of the things that the City is proposing are the type of things that will chase people away.

Linwood Christian, 410 Mistletoe Street, stated that he does not agree with the meals tax but that he can understand why they are doing this. He asked that with the last 2% meals tax what is there to show from it. He asked that because of the increase in the meals tax, will anyone from PMF let the homeless people come to their house and eat. He stated that this is not something that happened overnight. He stated raising a meal tax and the recommendations by PMF; these people will be gone and can afford to eat wherever. He stated that the City's people cannot. He asked with an increase in the meal tax what the City has seen. He stated that it is obvious that they have not seen much. He stated that some of the cuts that will be discussed later would not be on the table.

Karen Graham, 402 High Street, stated that before they propose to raise the taxes she would like someone on City Council or the Acting City Manager to explain their rationale on how they came up with the

increasing amount and how it compares to the surrounding localities before they vote. She stated that there is no real justification. She asked whether the increases in line with the surrounding localities.

Arthur Capuano, 1931 Matoax Avenue, stated that he moved to the City about 30 years ago. He stated that there were eight supermarkets and a lot of businesses in the City. He stated that he has watched the City crumble. He stated that now he sees the last little bits of the town left and that he sees homes that are crumbling. He stated that this town needs to make it to where the materials that it cost to build a house at least represent the value of the home. He stated that for 30 years they have raised children and let them down. He stated that what you teach children will change their life forever. He stated that the way to make more money in town is to double, triple or quadruple the value of the homes that are in the City. He stated that the taxes that are collected will support the City. He asked about the baseball team and field. He stated that the one thing in the City that works is when he dials 9-1-1 for the police and fire department. He stated that if they want the City to succeed then they must show success.

James Tynes, citizen of Petersburg, stated that he is in a band and that he performs in the district. He stated that he meets people every week they have a negative feel on the City. He stated that when the people visit they have another vision of the City and they come and enjoy themselves. He stated that raising the meals tax is not a good idea.

Business owner in the City of Petersburg stated that when she opened her business in 2003 she met with the then City Manager, David. She stated that she asked where the meal tax was and what they businesses were paying. She stated that she was told that the funds would go to tourism and the other part would go to the City. She stated that she pulled the restaurants together to discuss the taxes. She stated that when Mr. Johnson came to the City they had a meeting in her restaurant with the businesses. She stated that at that time Council Member Moore was the Mayor and he attended as well. She asked where the money going and what is the City is doing with it. She stated that all Council Members should walk through their districts and see the things going on. She stated that she is opposed to the increase in meals tax.

Shawn Harper, 1700 Fairfax Street, stated that he is not going to give them a lecture on taxes. He stated that he is from New York. He stated that if they are going to raise the tax he asks that they put in a sunset clause. He stated that this should be done to be a confidence builder.

Seeing no further hands, Ms. Jackson closed the public hearing.

There was discussion among staff and City Council.

Vice Mayor Parham made a motion to adopt the ordinance amending Section 106-292 of the Code of the City of Petersburg, increasing the meals tax from 6% to 7.5%.

Council Member Coleman made a substitute motion to raise the meals tax from 6% to 7%. The motion was seconded by Council Member Moore. There was discussion on the motion. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill and Moore; Voting No: Wilson-Smith, Parham and Myers

16-ORD-35 AN ORDINANCE TO AMEND CHAPTER 106, TAXATION, SECTION 106-292 OF ARTICLE VIII, DIVISION I, INCREASING THE MEALS TAX; OF THE 2000 CODE OF THE CITY OF PETERSBURG, AS AMENDED.

- c. A public hearing for on a proposed ordinance amending Section 106-442 of the Code of the City of Petersburg Cigarette Tax.

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made

several recommendations that will assist the City's current financial status. One of the recommendations is to increase the City's cigarette tax from \$.10 to \$.90. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the Cigarette Tax.

Ms. Jackson opened the floor for public comment.

Harold Rietdorf, 115 South Market Street, asked what happens to the home owners when the taxes are raised and the numbers do not come through. He asked who makes up the difference if these things do not work out. He stated that it is great to want to raise them but that they are assuming that people will be buying the same amount of cigarettes and same amount of fund. He stated that when the restaurants get overburdened they have a choice to close or not. He stated that it is scary as a property owner and a citizen. He asked how much more can they take on their own. He stated that the statistics are nice but it's hard to predict that this will work.

Ron Flock, 1708 Pender Avenue, stated that he would like to challenge everyone to come up with alternatives. He stated that there are 2,300 vehicles that are exempt because they are with churches and other things. He stated that he has been looking at some of the different departments throughout the City. He stated that there are too many chiefs and not enough Indians. He went over the pay scale of the firefighters and captains.

Ken Pritchett, 1113 Overbrook Road, stated that he has listened to the last three subjects. He stated that the City is nickel and diming the citizens with the little amounts that they are going to get from raising meals, lodging and cigarette taxes. He stated that two years ago there was a conversation on rescinding the average of 20% of raises that department heads received. He stated that it totaled \$454,000. He stated that the savings would have been about \$1 million dollars by today. He stated that nobody sitting on the stage would consider that for whatever reasons. He stated that they have to spend what they collect and that they cannot keep spending more than they receive. He stated that putting the burden on the citizens is the wrong thing to do. He stated that they have to keep within the City's revenue. He stated that they really need to get to "Item F" and let the citizens know what is really going to be cut. He stated that the meals tax was to support tourism in the City.

Seeing no further hands, Mayor Myers closed the public hearing.

There was discussion among City Council Members and staff.

Vice Mayor Parham made a motion to adopt the ordinance amending Section 106-442 of the Code of the City of Petersburg increasing the cigarette tax from \$0.10 to \$0.90. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Wilson-Smith and Parham; Voting No: Moore and Myers

16-ORD-36 AN ORDINANCE TO AMEND CHAPTER 106, TAXATION, SECTION 106-442 OF ARTICLE XII, INCREASING THE CIGARETTE TAX; OF THE 2000 CODE OF THE CITY OF PETERSBURG, AS AMENDED.

d. A public hearing on an amended ordinance amending personal property tax.

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made

several recommendations that will assist the City's current financial status. One of the recommendations was to increase the City's personal property tax from \$4.40 to \$4.90. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the Personal Property Tax.

Ms. Jackson opened the floor for public comment.

Linwood Christian, 410 Mistletoe Street, asked who do the people think they are that are providing City Council with information. He asked do they think that the citizens in Petersburg have money falling out of their pockets. He stated that he is a cancer survivor and he has a son that is a sophomore in Virginia State University. He stated to Council Member Hill and Vice Mayor Parham that some of the comments that they are saying are bad towards the citizens. He stated that City Council has messed up jobs. He stated that they passed the cigarette tax and that they will now start to see bootlegging just like in New York. He stated that they should not continue to try to build the City on broken backs.

Michael Edwards, 409 Grove Avenue, stated that he has listened to everyone. He stated that he hears that the citizens have to endure more taxes because of poor mismanagement. He stated that due to poor mismanagement the citizens have to pay the price. He stated that he is sure that in the audience there are numerous independent owners that are present. He thanked Council Member Moore for having two meetings prior to the meeting tonight so that they can voice their opinions. He stated that when Mr. Canada left office there was a surplus in the bank. He stated that there was also rainy day money in the bank when the Mayor was Mayor Dance. He stated that for the record he is not campaigning. He stated that it is time that they get down to business and put the City back on track. He stated that they surrendered in 1865 and that they will not do it in 2016.

Bernard Wilson, City resident, stated that it 43 years ago that the City was not known until him and his teammate, Moses Malone, put it on the map. He stated to City Council that they put the City on the map for the crime to go up and the poverty goes forward. He stated that now the City is trying to kill the citizens.

Grady Milton, City resident, stated that he has 25 years of experience in government. He stated that he moved from one commonwealth to another. He stated that he does not come to them as a democrat or a republican. He stated that he comes to them as an extremist. He stated that he knows with a lot of them it did not happen when they were in office but it happened on their watch. He stated that because it happened on their watch they are responsible. He stated that he can tell them to not come to him with a problem unless they have a solution. He stated that he brings them a solution. He stated that he believes that putting middle to upper management on six months furlough. He stated that during those six months it may be a little hardship but they will be able to collect unemployment. He stated that City Council put them their now they have to shake it off. He stated that a lot of people have to work two or three jobs in order to make the city function. He stated that he is asking City Council to consider the six month furlough.

Gloria Brown, 1557 South Sycamore Street, stated that she came to the meeting to handle business with everyone else. She stated that is a citizen but that she is in a special place. She stated that she lives on both sides of the fence. She stated that they blame everything on the City government. She stated that it is the citizens City. She stated that they have a responsibility. She stated that there are seven people. She stated that she does not agree with the raise. She stated that she spoke with her husband on the FOIA information on delinquent taxes. She stated that they can jump on her husband or City Council. She stated that her husband does not embezzle. She stated that no one is perfect. She stated that she has been a fighter since the time that she has stepped into Petersburg. She stated that because the people are in government it does not mean

that they are responsible. She stated that everyone is responsible.

Karen Graham, 402 High Street, asked that if they consider the increase on the property tax how are they going to guarantee that they will get increased revenues. She stated that she does not think that they have seen any numbers come out on what has been collected. She asked that given that there are so many delinquent taxes can they put a realistic budget together based on rates. She asked whether the increasing rate compares to the surrounding localities. She asked does the City have in place a mechanism to determine those people that are renters in Petersburg which is a larger percent of homeowners. She asked are they paying their personal property taxes. She stated that she is assuming that any increase that they vote on tonight will go into effect after the first of the year. She asked when the other increases will go into effect.

Carleta Charmain Sanchez Moore, City resident, stated that she has been in Petersburg all her life. She stated that last night her grandson had a bad seizure and that if it was not for Petersburg Fire Department and ambulance she would not be able to come tonight and talk to City Council. She stated that would probably be planning his funeral. She stated that this has nothing to do with them because it is a medical reason. She stated that she is not sure where the money went to and that she does not care. She stated that she would like to know how City Council will fix it and not the citizens. She stated that when the party was started no one evented her.

Aquilla Mason, City resident, stated that she has lived in Petersburg since 1997. She stated that she moved to the City fresh out of college. She stated that she learned what the true value and history in Petersburg is. She stated that since she has purchased her home she has seen the City decline. She stated that people lie and that numbers do not. She stated that the City almost killed her by cutting off her water when she was having her hot water tank changed out. She stated she received a \$1,500 water bill and that she lives alone. She stated that she works for Central State Hospital. She stated that the City is her home and that she cannot sell her home. She stated that the value of her home is little. She asked what City Council is going to do to correct the incompetence.

Reverend John Conwell, City resident, stated that he was born and raised in the City of Petersburg. He stated that he is a pastor in Alberta, Virginia. He stated that he has been a pastor for 30 years. He stated that in 2010 he was appointed to the Petersburg Redevelopment and Housing Authority. He stated that as a commissioner it was going into receivership and that HUD was about to close the door on the City. He stated to the board and some of the commissioners that they were going to dot every "I" and cross every "T" in dealing with federal money. He stated that since he has been on the board they have come out of receivership and have pulled poor performance to high performance in 2016. He stated that they now get more grant funding. He stated that they have applied for a grant to redo Sycamore Towers. He stated that they are there for policy making. He stated that in order to know policy making they have to know the business. He stated that in order to know the business they have to know accountability. He stated that they deal with finances every month. He stated that there is a hole in the City because there is no transparency.

Marlow Jones, City resident, stated that God gave everyone their own identity. He stated that people have compared the City to other localities. He stated that no one can be Petersburg better than Petersburg. He stated that City Council should have been doing a job since the first day that they got elected. He stated City Council wants to take away from a lot of things in the City that affects the citizens, children and community. He stated to the Acting City Manager that someone set her up for failure. He stated that he dares the City to close a fire station. He stated that they have a training center that they do not really need. He stated that they are told that the City has a hiring freeze. He stated that the City has a hiring freeze tag. He stated that some people get to get in while others are getting put out.

Breonna Cook, 165 Fairfax Street, stated that Mr. Jones just stated what she had to say. She asked City Council why they would close the police department, fire stations and EMS down when they have lives who have so many problems with their health. She stated that she has a grandmother has problems. She

asked why they would close it when they have people shooting each other. She stated that the police are the ones that are going after them. She stated that they have the fire department putting out fires. She stated to think about all the people who lives are in the hands of the police and fire department.

Corey Harris, 2316 Anderson Street, stated that the beauty of the City is being hidden among the chaos. He stated that his father has worked for the school system for 33 years and he worked for the police department for 17 years. He stated that in 2014 his parents had a fire at their home. He stated that the fire department came to his home. He stated that EMT was there but that the fire department stayed with them. He stated that the fire department went beyond their duties to help. He stated that his father went missing two weeks ago looking for his father. He stated that the police and fire department helped him to find his father. He stated that for two years City Council has ignored him and that this is the results of them not listening. He stated that everyone knows about the deficit and that the cuts have to be made. He stated that they need to give the people something to fall back from. He stated to City Council to never under estimate the power of image.

Della Brown, 235 Elm Street, stated that she comes to ask a question. She asked what happened to the money. She stated that they are Petersburg and that they want their City. She stated that they have the lawyers and investigators. She stated that they are the IRS and that they want to know. She stated that they have fired some people and that they want to know where the money is. She stated that they want the money back. She stated that if they cannot pay then they should be punished. She asked how is it they are asked to give up extra money but that they know most of the citizens do not have it. She stated that they are going to come back later and ask for more money when they find out that it is not enough. She stated that they are going to ask the citizens to give up more now. She stated that the increase is going to cause some of them to lose their places. She stated that what City Council is doing now will help them for a few months but then it will not help after that. She stated that they need to keep everything like it is. She stated that they want to take what the citizens have and kill them.

Dave Jordan, Investor in City of Petersburg, stated that raising taxes is a bad idea and that they are going to chase investors away. He stated that they have a six and a half million dollar project going on. He stated to Mayor Myers that he has called his office several times and he has not had a return call. He stated to the Mayor that he needs to step down and that he is a clown.

Vernel Gannaway, 652 Old Wagner Road, stated that he is present as a gentle reminder. He stated that he is not going to charge three of the council members. He stated that he will charge it to those in the meeting when the former Mayor, who is now senator, made a proclamation. He stated that the proclamation was when the City was given back to God. He stated that the City is not the representation of the God that he serves. He stated that there is mismanagement and that it is an embarrassment to the person that everyone calls Christ. He stated that the citizens deserve better than this. He stated that it is the whole core. He stated that it time for them to bring prayer back into the meeting. He stated that mismanagement is serious. He stated that everyone is now a part of this and that if they did not want to be a part of this they should not have put their name on the ballot.

Beth Whitten, City resident, stated that there have been a number of people that have asked how they have gotten in this situation. She stated that she will tell them it is by voting for incompetent leadership. She stated that when people vote based upon their personal feelings rather than the qualifications of an applicant you wind up to where they are today. She stated to the citizens that she has a petition for the removal of every City Council Member. She stated in addition the back of the auditorium and as they leave in the cafeteria there will be members from each ward ready to take signatures from anyone interested in signing the petition. She stated that if they are scared to be seen in public that they can look her up on Facebook and she will direct them to the right individual.

Kaley Penn, 2744 Forest Hill Road, stated to Ms. Whitten that she will be the first to sign the petition.

She stated that she attended Petersburg Public Schools back then and that they were great schools. She stated that she left and came back to Petersburg. She stated that the men and women already do not get the compensation that they deserve. She stated that City Council is quick to cut the employees pay and have equipment repossessed. She stated that whether they live in the City or not if they call 9-1-1 they will come. She stated that if they lose Petersburg then what is City Council going to do. She stated that she is a spouse of the Rocky Mount Fire Department in North Carolina. She stated that she stands behind the firefighters and that she ask that they do not put them in danger. She stated that if they do they are putting everyone lives in danger. She stated that the fire department does not half step and that they do not get to choose who they help and don't. She stated that they give 100%. She stated that when they mention the Petersburg Fire Department to put respect on their name.

Jordan Reekes, 272 High Street, stated that she is a homeowner. She stated that she stands before them concerned about the health and safety of the citizens of Petersburg. She stated that the emergency management plan will be jeopardized if they cut fire and EMS services. She stated that mutual aid only goes so far. She stated that the City spent the Fire Departments grant money and now they want to cut the firefighters. She stated that she stands behind the firefighters of Petersburg and Southside EMS.

Dan Lipford, 126 South Adams Street, stated that he comes with some concerns of actions of the Petersburg City Council. He stated that throwing money at a situation is not the social of this problem. He stated that he stated that he would like to express disappointments in the Mayor on the comments and concerns of the people that are not for him or City Council. He stated that comments such as they are republicans and racist that he finds offensive. He stated that this is hate language. He stated that this is not something that they expect from leaders of the community. He stated that these decisions will further the City in debt and in poverty. He stated that he is reminding them that they are servants of the people in the community. He stated that the same way that they were given the privilege of the community is the same way this privilege can be taken away from City Council.

Former resident stated that she has been watching the news about City of Petersburg. She stated that she lived in Petersburg but has moved out of the City. She stated that when she came to Petersburg she thought the City was phenomenal. She stated that they cannot live without first responders. She stated that the firefighters need the proper equipment to do their job. She spoke on the well-being of the school systems. She stated that the City has to put their money where it will be affected.

Ralph Westbay, past Superintendent of Finance for Petersburg Public Schools, stated that he recently retired. He stated that he still comes down to Petersburg to visit friends and former students. He stated that he has spent 160 hours reviewing all the City's financial documents over the last two months. He stated that he has sent City Council information. He stated that he has a recommendation to make. He stated that it is tremendous to see the passion from the community. He stated that the previous City Manager retired in June 2011 and the new manager started in July 2011. He stated that in the five years before that the general, mass and golf fund balanced. He stated that they effectively broke even in that period. He stated that he uses the golf course with some former students when he visits. He stated that mass transit was a means that people used to get an education or to get to a job. He stated that the five year period from FY12-FY16 has seen a mass to close to \$28 million dollars in deficit. He stated that the difference is he budget has not been managed well. He stated that his recommendation is that he would put this on hold for a while before making decisions and bring back the previous City Manager and Finance Director on an interim basis only. He stated that he would place Ms. Belton back in Mass Transit where she came from and have her come up with a plan that is going to help balance the Mass Transit operation. He stated that once they have done this then come back and explains each operation.

John Hennessee, 516 Oakhill Road, stated that he lives in a house that the City values at \$135,000. He stated that he looks around and that he cannot see it. He stated that there are two houses for sale on his street and that they are bigger and better. He stated that one house is \$81,000 and that the other is \$72,500.

He stated that the City is already taxing him bad for his house and that they want to raise his taxes and bleed him dry. He stated that all of them can say that it was past administration but it's not. He stated that when they took that chair they should have had an accounting come in and tell them that it was a whole. He stated that if they listened to the past people that said that everything was fine and that they believed it then that they were really dumb.

Arthur Capuano, 1931 Matoax Avenue, stated that he was raised to be a scientist by a scientist. He stated that he looks at numbers, facts and information. He stated that he looks at a town that has financial problems. He stated that he sees a 10% and 20% tax increase on the people. He stated that people will look at the taxes and say that it is too much. He stated that he does not hear any conversation of more or different and outside the box thinking. He stated that he does not see fundraising of any sort coming to the town. He stated that if the City had all this money then it would not be a problem adding more tax. He stated that people are not stupid and that they are not all hand and mouth. He stated that why don't they run a town that is done so by intelligent people. He stated that he sees things being run down by small conversation. He asked where is the new money going to come from that will make them bigger or better. He stated that they need to act like a community.

Seeing no further hands, Mayor Myers closed the public hearing.

There was discussion among City Council Members and staff.

Council Member Moore made a motion to table action on the amendment of personal and that a review will be done of the supplemental billing periods and the personal property relief amounts at the next regular scheduled City Council meeting. The motion was seconded by Council Member Coleman. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore and Wilson-Smith; Voting No: Parham and Myers

Council Member Moore made a motion for recess. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council went into recess at 7:49pm.

Council Member Moore made a motion for recess. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

Council Member Hill made a motion to reconsider the personal property vote and to adopt the amended ordinance. The motion was seconded by Vice Mayor Parham. The motion was approved on roll call. On roll call vote, voting yes: Hart, Hill, Wilson-Smith, Parham and Myers; Voting No: Coleman and Moore

16-ORD-37 AN ORDINANCE TO AMEND ORDINANCE NUMBER 14-63, THE AMOUNT FOR IMPOSING AND COLLECTING TAXES ON PERSONAL PROPERTY WITHIN THE CITY OF PETERSBURG, VIRGINIA FOR THE PURPOSE OF RAISING SUCH SUMS OF MONEY AS MAY BE NECESSARY FOR THE SUPPORT OF THE CITY GOVERNMENT AND DEFRAYING EXPENSES OF THE CITY OF PETERSBURG, VIRGINIA.

- e. A public hearing on a proposed ordinance amending Section 94-56 of the Code of the City of Petersburg – Solid Waste Fee.

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made

several recommendations that will assist the City's current financial status. One of the recommendations is to increase the solid waste fee from \$14 to \$20 per month. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the Solid Waste Fee.

Ms. Jackson opened the floor for public comment.

Arthur Capuano, 1931 Matoax Avenue, asked do the City make money or lose money due to recycling waste. He asked is there an actual revenue stream. He asked how much money was lost to recycling.

Rowena Carter, 2519 Deerfield Drive, stated that she has been at her address since 1953. She stated that she has been seeing things go downhill. She stated that the first was no tax consideration given to Brown & Williamson. He stated that she talked to people from other cities and that they do not lump the refuse, water and sewer tax. She stated that they keep them separate so that they have much more accountability. She stated that if they are messing with the water they are messing with the public health.

Aimee Joyaux, 22 North Sycamore Street, stated that she would like to talk more about the creative math. She stated that she thinks that they have a right as citizenship to be frustrated. She stated that it would help them if City Council would take some responsibility. She stated that her question would be regarding the \$900,000 to buy out the company that was responsible for trash collection. She asked how this thinking came about against their budget.

Michael Edwards, 409 Grove Avenue, stated that he wanted to remind everyone in the audience that it has been voted on and that the water bill will increase over the next couple of years. He stated that \$14 every month for trash collection and now they will be at \$20. He stated that this little increase is a lot of money for people on fixed income. He stated that they know that everything on the public hearing must happen in order to avoid government shut down. He stated that goes with his previous statements of how much more is the City going to have these accounts to happen next year. He asked that if so will the taxes go up again. He stated that he ask on this increase that they do not go up on this jump.

Ida Edwards, City resident, stated that she wanted clarification on the trash items. She stated that she was at the meeting regarding the amount of \$14. She stated that the trash is supposed to be out of sight until the actual trash pick-up and that if not they would be charged a fee. She asked has anyone been charged. She stated that on Corling Street and Harrison Street the trash cans are in sight every day. She stated that she does not agree on the increase from \$14 to \$20. She stated that she is one of the people on a fixed income.

Sarah Reed, Centre Hill resident, stated that her husband and she are military and that they chose to live in Petersburg. She stated that they chose to purchase property in the City. She stated that they really appreciate the community. She stated that they like the energy of the people in the City. She stated that she called CFS regarding their trash. She stated that CFS told them that they were not setup for trash pickup. She stated that they had been in their home for over a year and a half. She stated that this calls into question some of the policy and procedures that the City currently has and that it may not be enforced. She stated that this could be a quality control issue. She stated that she suggest that they look at the quality control issue. She stated that this is one of the issues that the city faces with utility. She stated that no one answers the phone when she calls. She stated that she called three days straight and still no answer. She stated that her husband had to go down to City Hall because their meter was reading zero. She stated that meters may have been installed improperly. She asked where the warranties for meters are.

Seeing no further hands, Ms. Jackson closed the public hearing.

Vice Mayor Parham made a motion to adopt the ordinance to amend Section 94-56 of the Code of the City of Petersburg increasing the fee of solid waste collection fees. The motion was seconded by Council Member Wilson-Smith. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-38 AN ORDINANCE TO AMEND CHAPTER 94, SOLID WASTE, SECTION 94-56 OF ARTICLE II, DIVISION I, INCREASING THE FEE OF SOLID WASTE COLLECTION ESTABLISHMENTS; OF THE 2000 CODE OF THE CITY OF PETERSBURG, AS AMENDED.

f. A public hearing on an amended ordinance to amend the City's currently adopted budget.

BACKGROUND: During the Special City Council meeting held August 23, 2016, PFM made several recommendations that will assist the City's current financial status. One of the recommendations was to amend the City's currently adopted budget. During that same meeting, Council made a motion to schedule a public hearing for this matter on September 6, 2016.

RECOMMENDATION: Recommend Council adopt the attached ordinance.

Dironna Belton, Acting City Manager, gave a brief overview of the proposed ordinance amendment for the City's currently adopted budget.

Ms. Jackson opened the floor for public comment.

Jeffrey Fleming, 1819 Chuckatuck Avenue, stated that he comes to City Council tonight to speak on the items and the proposal submitted by the PFM firm. He stated that he is in a very unique position being that he is a citizen and taxpayer and a member of the Petersburg Fire and Rescue Services. He stated that some people that he shouldn't speak tonight because they can retaliate against him. He stated that he is not to blame anyone but that they have a crisis on hand. He stated that PFM used numbers in their proposals but there was no information on respond time in the community. He stated that Petersburg has unique challenges that other jurisdictions do not have when it comes to providing fire protection. He asked City Council how much a human life worth is. He stated that the proposal is depleting the man power that the City is already low on. He stated that there are many tasks that are required to handle fires in the City. He stated that it would irresponsible to cut the fire department. He stated that the City of Petersburg has a fire department that is top 2% in the nation. He stated that this is an economic driver for the businesses in the City. He asked with all the cuts in the City why is the fire department taking the biggest cuts in the City.

Ben Greenbaum, 134 South Adams Street, stated that the dismal state of the City is in the Washington Post and that it has gone national now. He stated that the embarrassment continues. He stated that Chesterfield County did a survey with the citizens in the last five or six months. He stated that they asked the citizens to name things that would be positive to attract people. He stated that they ranked the quality of education then the quality of safety, fire, EMS and a police system structure. He stated that he would suggest that in Petersburg they have none of the above. He spoke on the comments from Mayor Myers saying that this was an explosion. He stated that there was information from Davenport year after year. He stated that the City has not had a real City audit for over 30 years. He asked where is the accountability of all this. He asked why the citizens are being punished for the transgression of Mr. Johnson, Mr. Carter, Mr. Telfair and members of City Council. He asked where is the FEMA money that was supposed to go to the fire department. He asked why the Freedom Support Center still here is. He asked about the raises that Mr. Johnson gave out. He stated that he is displeased with the Mayor.

Michael Edwards, 409 Grove Avenue, stated that in 1748 Petersburg was a colonial town. He stated

that this was when the first fire department started. He stated that in 1773 it was incorporated as volunteer. He stated that in 1775 it was then called the City of Petersburg where it became the first paid service. He stated that since then many men and women have given their service to the City of Petersburg. He stated that closing a fire station is playing with a life. He stated that no dollar figure can be put on a life. He stated that he knows when they close the public hearing that council will vote to close the station. He stated to City Council to not close the fire station and continue the partnership with Southside Emergency Crew. He stated that the Tourism Department has been under marketed for years. He stated that the movie crews come to the City and go straight to Centre Hill. He stated that the Tourism Department is needed.

Sylvia Jones, Attorney with Legal Aid Justice, stated that Legal Aid has been in the community for decades. She stated that in the 11 years that she has been working in the City she has helped provide numerous services to the citizens in Petersburg. She stated that she is present to say that Legal Aid is still a good investment. She stated that she is asking that they do not cut funding for them.

Gloria Brown, 1557 South Sycamore Street, stated that she would like to address issues on the raises. She stated that obviously they were a mistake. She stated that they should rescind the raises and that it is just that simple. She stated that City Council needs to put there foot down. She stated that almost all department heads make six figures. She stated that parks and recreation should be something that they do not touch. She stated that without parks and recreation they are going to put the City in a serious predicament. She stated that there will be no guidance with regards to this. She stated that she is very passionate about the children because they are the future. She stated that she would like to speak on tourism as well. She stated that tourism is needed in the City. She stated that they are about to build a major hotel. She stated that the City is going to be up the creek. She stated that they should not close the museums or tourism in the City.

Linwood Christian, 410 Mistletoe Street, stated that \$100,000 is being cut from the babysitter of the City. He stated that the City is looking at 46 jobs for the young people and bus drivers. He stated that the money that they paid the consulting firm is the money that could have went to recreation. He stated that the firm made the suggestion to go to Virginia State University (VSU) or Petersburg High School (PHS) for programs. He asked whether the City had already went and talked to them. He stated that at VSU the National Youth Program ended a while ago at VSU. He stated that now they are also touching the education in the City. He stated that Dr. Newsome was brought to the City to help. He asked how he can turn around the schools with no funds to do this with. He stated that City Council is making a big mistake listening to the consultants. He spoke on in regards of the firefighters and police being cut. He stated that if anyone is going to be promoted the City has an Assistant City Attorney that is very bright. He stated that the City already has a lawyer and that he is not trying to take anything from the contracted lawyer with saying this. He stated that if anyone deserves a raise Ms. Jackson does. He stated that she is performing duties that are not spelled out in the City charter.

Jim Vanlandingham, representative for Southside Virginia Emergency Crew, stated that he is present to speak about the group. He stated that the in 24 days they will begin the process of ceasing business and liquidating its assets to pay off indebtedness for lack of committed funding by the City. He asked City Council do they think that they are ready for them to go away. He stated that with their departure their vehicles will be lost and their employees will be going elsewhere. He stated that they run EMS and that this is what they do. He stated that they are being told that these cuts are to save money. He stated that the City is not going to be saving money. He stated that this will go down as one of the worst decisions that the City has made in history.

Talibah Majeed, 1847 Brandon Avenue, stated that she is really concerned about what is going on in the City. She stated that it is heartbreaking and that it has been since she has moved to the City. She stated that City Council is stating that they are not responsible for what has happened. She stated that maybe they didn't have anything to do with it but that they are not doing anything to fix it. She stated that she is asked all the time what is going on in Petersburg. She stated that she read the information pertaining to an employee of the City receiving a \$10,000 raise. She stated that she had to read it numerous times because it didn't make

sense. She stated that it didn't make sense because the person was in charge of purchasing and in charge of the defective meters. She asked how this person got a promotion and a raise. She stated people should not be able to get a raise now with the state of the City. She stated that people cannot pay their taxes because they may be over taxed and also they may not have a job or reasonable pay. She asked where the economic development person is. She stated that she has not head one report from this person. She stated that they see the surrounding areas around the City growing and creating jobs. She stated that she has been in the City long enough for something positive to happen. She stated that she loves the City of Petersburg. She stated that city Council needs to really look at the proposal and look at who it is really affecting. She stated that she would like to know where the money went because they City need it back.

Barb Rudolph, 1675 Mt. Vernon Street, stated that it has been real interesting to watch City Council when they are questioned about what happened and where the money went. She stated that there is always this search look. She stated that however long that they have been on council they have not been asking questions about finance. She stated that there is a lot of things that are going on in City Hall were not looked at. She stated that the City is in a situation where things can be done efficiently. She stated that if there is going to be suffering it cannot be on the backs of schools, public safety, tourism and tax payers.

Francis Brown, lives off Regency Court, stated that she is speaking on the fire department and the rescue squad. She stated to City Council to please take into consideration of them. She stated that they have helped her and her son. She stated that she called on them to help her son come out of a diabetic coma. She stated that she also had a problem with her hot water heater when her home became flooded. She stated that the fire department helped to get up the water and dry her home. She stated that last year she found her son on the bathroom floor and that he had a massive brain hemorrhage. She stated that she could not get her son of the floor. She stated that they had to call Chesterfield because Petersburg was tied up with a major fire in the City. She stated to City Council to not get rid of the fire department and rescue squad.

Patricia Nunnally, 1205 Rome Street, stated that in 2014 her home caught on fire. She stated that she called 9-1-1 and they put the fire out. She stated that the fire department stayed at her home until she went to get wood to cover the damage to her home. She stated that having a fire is one of the most devastating things that can happen to anyone. She stated that there are a lot of things that may need cutting but the fire department and EMS are not one of them that needs.

Ginger Hawkes, Ward 5 resident, stated that she works for the City currently and that she works in the Tourism department. She stated that she plans all the tour visits in the City. She stated that she is in opposition of closing the tourism office in the City. She stated that she is not sure what she is to tell people that have set up tours in the City of Petersburg. She stated that she needs answers and that she would appreciate that they bring this to their attention. She stated that they can accept changes to their office but do not come to a complete stop.

Mary Beth, wife and sister of Petersburg firefighters, stated that she would like to thank Council Member Moore for the tremendous workshop that he has had. She stated attending them her eyes has been opening to some things that people do not know. She stated that she heard a speaker speak on an investigator coming into the City to do the forensic audit. She stated that the audit has not been done. She stated that they talk about the money and the revenue that the City will bring in. She stated that there is no guarantee that they will receive this revenue because people have already stated that they will go elsewhere. She stated that if they make these changes and give this money there no guarantee that they will receive another loan or money to do things with. She stated that the firefighters already work a second job at least six or seven days a week. She stated to Ms. Belton that she spoke of special funds. She asked her where is the money for special funds to pay for the turnout gear and air packs for the new recruits. She stated that if her husband or any of her brothers cannot get out of the fire she will come as well as she will bring the wife and the children to City Council's door step.

Ron Flock 1708 Pender Avenue, stated a few weeks ago the City had these people to come in and say this is the miracle for the City. He stated that he has not seen anyone sitting up there to come up with one additional way to bring in revenue. He asked why they have not sat down as an individual looking at things. He stated that he is trying and that he is not sitting up there and that may be they should not be.

Mary Harnett, resident of Petersburg, stated that she is nobody special or important. She stated that she is not a republican or a racist. She stated that the only reason that she is present today is because of the firefighters and EMS. She stated that she was attacked by dogs a while ago. She stated that EMS saved her life. She stated that she knows that she is here today because they saved her life. She stated that she knows that they have difficult decisions to make. She stated that she has difficult decisions to make as well. She stated that they have to look somewhere else to cut. She stated that she tries to give back to the City and to others.

Reverend John Conwell, member of Fire Department of Petersburg, stated that he joined them in 2011. He stated that a couple of years ago they memorialized a firefighter that lost his life trying to save a life. He stated that 32 years ago was the last time that they lost a death due to a fire. He stated that has watched them and observed the firefighters. He stated that he has seen them use equipment that is old and antiquated. He stated that he watched them order equipment through a grant as well. He stated to City Council to look at what they are about to do. He stated that they need to look at the domino effects that may take place after actions tonight.

John Rooney, former Petersburg resident, stated that his concern tonight is Blandford Church. He stated that the church is known all over the country. He stated that people come to visit and that they may visit some restaurants in the area as well. He stated that the churches windows are a national treasure. He stated that he is worried about vandalism happening in the area if they close the church and the visitor's center.

Arthur Capuano, 1931 Matoax Avenue, stated that he is watching and listening tonight. He stated that from what he understands that a lot of what they are talking about deals with taxation. He stated that it keeps being said of how many people is not part of Petersburg. He asked whether this was a case of taxation without representation. He stated that when they close a firehouse it is not City Council's home that will not have a fire engine come to it when called. He stated that it is a strange question but that he wonders how true this is. He asked why they do not care the same as the citizen's care.

Seeing further no hands, Mayor Myers closed the public hearing.

There was discussion among City Council and staff.

Vice Mayor Parham made a motion to approve the amended budget of \$102,312,073 to \$89,613,952 and add \$183,000 to keep Southside Virginia Emergency Crew and keep the firefighters and do administrative cuts. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

8. **PUBLIC INFORMATION PERIOD:** The Public Information Period is established by the Rules of Council to hear input from City residents or owners of businesses in the City. It will last for a maximum of 30 minutes. Speakers will be called in the order that they have signed up to speak. If there are ten or fewer speakers, each shall speak for a maximum of 3 minutes. If there are more than six (6) people desiring to speak, the time allotted to each person may be adjusted or the number of speakers limited to meet the time limitation. A speaker may speak on items **except those that are listed on tonight's Council agenda.** Any matter brought before the attention of the City Council during the public information period will not be acted upon by the City Council at this meeting.

Barb Rudolph, 1675 Mt. Vernon Street, stated that she does not think that she need to tell them that

people are very disturbed by City's financial situation. She stated that they are searching for answers about what happened, how it happened and who is responsible. She stated that they have heard quite a few people comment on this tonight. She stated that the stock answer from City Council was that this is what the forensic audit is for. She stated that she and other citizens are not satisfied with that answer because they have not seen the forensic audit that they have been hearing about for months. She stated that it is not the same as the work that was done by the state team. She stated that she went back and wanted to reconstruct the history briefly. She stated at the February 18th Special Meeting when City Council was deliberating on the firing of the City Manager and City Attorney, one of the center piece actions that council approved was to go out and get a forensic audit done. She stated that then they came along in a meeting in voting on selling some property that was in the historic Halifax Triangle to come up with the \$300,000 to pay for the audit. She stated that all of it sounded like momentum. She stated that they will not stop asking about the forensic audit.

Gloria Brown, 1557 S. Sycamore Street, stated that they have gone through and talked about what tipped the cart over. She stated that that she would like to have some answers on why they have not addressed publicly Steve Hicks, Johnson Controls and whoever else what at the table. She stated that this is basically the apple that tipped the City over to get to this point. She stated that Mr. Hicks set up the meeting and that they found out about the second hand meters that were installed. She stated that no one knows who signed off and that they are all at a new point. She stated that it makes her uncomfortable to find out why they have not brought him back to address this. She stated that no one wants to address who was at the table. She stated that may be she is naïve and that she does not know. She stated that the raises were a mistake. She asked why the raises cannot be rescinded. She stated that even if they are rescinded those persons are still making a decent salary. She stated that the raises from what she seen is over \$1 million. She stated that these have to be checked. She stated that the City cars and extra cell phones are expenses that need to be rescinded also.

Kevin Brown, 1557 S. Sycamore Street, stated that he would like to thank his wife for her comments on delinquent taxes that were put in the paper. He stated that they do need people to pay their taxes. He stated that he will be talking about collection results and raising the taxes. He stated that they have two collection agencies. He stated that they have collected monies since 2015. He went over the money amounts that were collected so far by the treasurer department.

9. BUSINESS OR REPORTS FOR/FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL:

- a. Consideration of appropriation for Federal/State Asset Forfeiture Sharing Program.

BACKGROUND: Asset Forfeiture funds are relinquished by court order to the Agency. The accounting is managed by the City. The request allows the Department to utilize Forfeited funds for purchases authorized by the State and/or Federal Asset Forfeiture Sharing Program. This request makes funds available to be expended in accordance with sharing regulations and as approved by the Chief of Police.

RECOMMENDATION: Recommend Council approve appropriation of \$57,070 to the Federal/State Asset Forfeiture Sharing Program.

Vice Mayor Parham made a motion to approve the appropriation of \$57,070 to the Federal/State Asset Forfeiture Sharing Program. The motion was seconded by Council Member Coleman. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-39 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017 IN THE SPECIAL FUNDS FUND IN THE AMOUNT OF \$57,070 FOR FEDERAL/STATE ASSET FORFEITURE FUNDS – POLICE.

- b. Consideration of appropriation for CIT Asset Forfeiture Funds.

BACKGROUND: Crisis Intervention Team (CIT) are carryover funds in support of CIT activities. The grant expires this year. The remaining funds have been specifically allocated and purchases approved by the Grantor.

RECOMMENDATION: Recommend Council approve appropriation of \$32,890.

Council Member Coleman made a motion to approve appropriation of \$32,890. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-40 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017 IN THE SPECIAL FUNDS FUND IN THE AMOUNT OF \$32,890 FOR CIT ASSET FORFEITURE FUNDS-POLICE.

- c. Consideration of appropriation for DMV Highway Safety Fund.

BACKGROUND: This grant funding is for Alcohol Open Container initiatives with the Division of Motor Vehicles (DMV).

RECOMMENDATION: Recommend Council approve appropriation for \$56,370.

Council Member Hart made a motion to approve the appropriation for \$56,370. The motion was seconded by Vice Mayor Parham. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-41 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2016, AND ENDING JUNE 30, 2017 IN THE SPECIAL FUNDS FUND IN THE AMOUNT OF \$56,370 FOR DMV HIGHWAY SAFETY-POLICE.

Council Member Wilson-Smith stated that they just had a vote by Vice Mayor Parham which was an amendment to what they actually voted on from PFM. She stated that they voted on Vice Mayor Parham motion but that they did not vote on whether they accept the recommendation of PFM.

Mr. Flynn stated that tonight City Council was voting on the specific legal steps that were suggested by PFM. He stated that each ordinance is required by state code if they are going to make a change in tax rate or budget. He stated that collectively the action was taken tonight with modification was the recommendations of PFM. He stated that there was no need to act on the PFM report itself.

Council Member Wilson-Smith thanked Mr. Flynn. She stated that she is concerned about the City's ability to have some checks and balances in place. She stated that she thinks that it is a serious error on the City's part and that she thinks that they need to have some corrective action going into the future.

Council Member Wilson-Smith made a motion that in the place of an assistant City Manager that they hire a Comptroller to be responsible for all financial updates every month by the second council meeting. She stated that this would be to give an account to City Council and the public for all accounts. The motion was seconded by Council Member Hart. There was discussion among City Council Members. The motion was not

approved on roll call. On roll call vote, voting yes: Hart, Moore and Wilson-Smith; Voting No: Hill, Parham and Myers; Abstain: Coleman

Council Member Hart stated that there were two votes on the floor. He stated that it was one by himself and one by Council Member Moore as they talked about formulating committees. He stated that one was being the audit and finance committee. He stated that it was passed and that it time that they move forward in in getting the committees set. He stated that he would like to also bring forth that they bring in other committees to help the City to get back on its feet. He stated that there are a lot of areas that they need to pay attention to finance, audit and bunch of different committees out the City that they need to start looking at. He stated that the City needs to get back up and running on the path that they need to meet.

Council Member Hill stated that he would like to thank everyone that came out tonight to express that concerns and love for the City. He stated that Ward 2 will be having a Town Hal Meeting on Thursday September 15, 2016, at 6:30pm at Good Shepherd Baptist Church. He stated that they will be featuring Dr. Newsome, the Superintendent of Petersburg Public Schools, and Dironna Belton. He stated that he invites the parents, students and citizens to come out to his meeting.

Vice Mayor Parham thanked everyone for coming out. He stated that he wanted to give some clarity on some information to his constituents on a lot of the meetings that have been held in last couple of weeks. He read the City Code 2.2-3707 in regards to the notice of meetings and recordings of minutes. He stated that he just wanted the City Council Member's to be aware of this. He stated that if there are three or more there is a meeting. He stated that they should adhere to this code.

Mayor Myers stated that City Council will meet in the next 15 days at an undisclosed location to interview candidates for City Manager. He asked Mr. Flynn to read the code section.

Mr. Flynn read the code reading the interview for City Manager.

10. **CITY MANAGER'S AGENDA:**

a. City Manager's Report

Ms. Belton stated that she wanted to give an update to the forensic audit. She stated that the interviews for the procurement of the final process are set for September 13th. She stated that she apologizes for some of the items that have come up that have not allowed the process to go as fast they can. She stated that some of the items are what the cause of the final crisis is at the moment. She stated she wanted to explain briefly what the "S&P, BBB" is. She stated that "BBB" is where the City was prior to where they were a downgraded to a "BB." She stated that in the report it stated that if they had not taken the actions tonight the City would downgrade an additional three points. She stated that she appreciates City Council in taking the steps that are necessary. She stated that the basis for what they have been working through with the financial crisis deals with three different issues. She stated that the three issues are the \$18.8 million dollar unpaid obligations that exist, the \$12 million dollars structurally unbalanced budget that feeds into the obligatory fund that the City has that did not structural balance and that the last is the cash flows. She stated that currently the City has a concentration account. She stated that in some cases they call it the general fund. She stated that based on the separation of funds in that account through accounting is how the different funds arrive. She stated that the concentration fund is the one fund that holds those accounts. She stated that they have been working very diligently with fund restriction for daily cash reports. She stated that restricted funds are set aside through that concentration fund. She stated that they have seen savings operationally and efficiencies as with regard to payroll. She stated that the saving of \$1.3 million is what the City owed when she took the seat. She stated that they have now begun to see that bi-weekly amount. She stated that they look to have that amount down by \$100,000 or \$200,000 monthly with the implementation of the 10%.

11. **CLERK OF CITY COUNCIL'S AGENDA:**

No items for this portion of the agenda.

12. **CITY ATTORNEY'S AGENDA:**

No items for this portion of the agenda.

13. **CLOSED SESSION (IF NECESSARY):**

No closed is necessary.

14. **ADJOURNMENT:**

City Council adjourned at 10:23p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The Special Meeting of the Petersburg City Council was held on Wednesday, September 7, 2016, at Crater Planning District Commission. Clerk of City Council called the special meeting to order at 4:00p.m.

1. **ROLL CALL:**

Present:

- Council Member David R. Coleman
- Council Member John A. Hart, Sr.
- Council Member Darrin Hill
- Council Member Brian A. Moore
- Council Member Treska Wilson-Smith
- Vice Mayor Samuel Parham
- Mayor W. Howard Myers

Absent: None

Present from City Administration:

- Clerk of Council Nykesha Jackson, CMC
- Assistant City Attorney Danielle Powell

CERTIFICATION:

Council Member Hart made a motion to return City Council into open session and certify the purposes of the closed session. The motion was seconded by Council Member Coleman. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-46

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.

2. **PURPOSE:**

- a. Interviews of applicants for City Attorney.

CLOSED SESSION:

Assistant City Attorney Danielle Powell stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Code of Virginia under Subsection 1 to interview potential candidates for the City Attorney.

Council Member Coleman moved that the City Council go into closed session for the purposes noted by the Assistant City Attorney. The motion was seconded by Council Member Moore. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council entered closed session at 4:55 p.m.

CERTIFICATION:

Council Member Hart made a motion to return City Council into open session and certify the purposes of the closed session. The motion was seconded by Council Member Coleman. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-47 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.

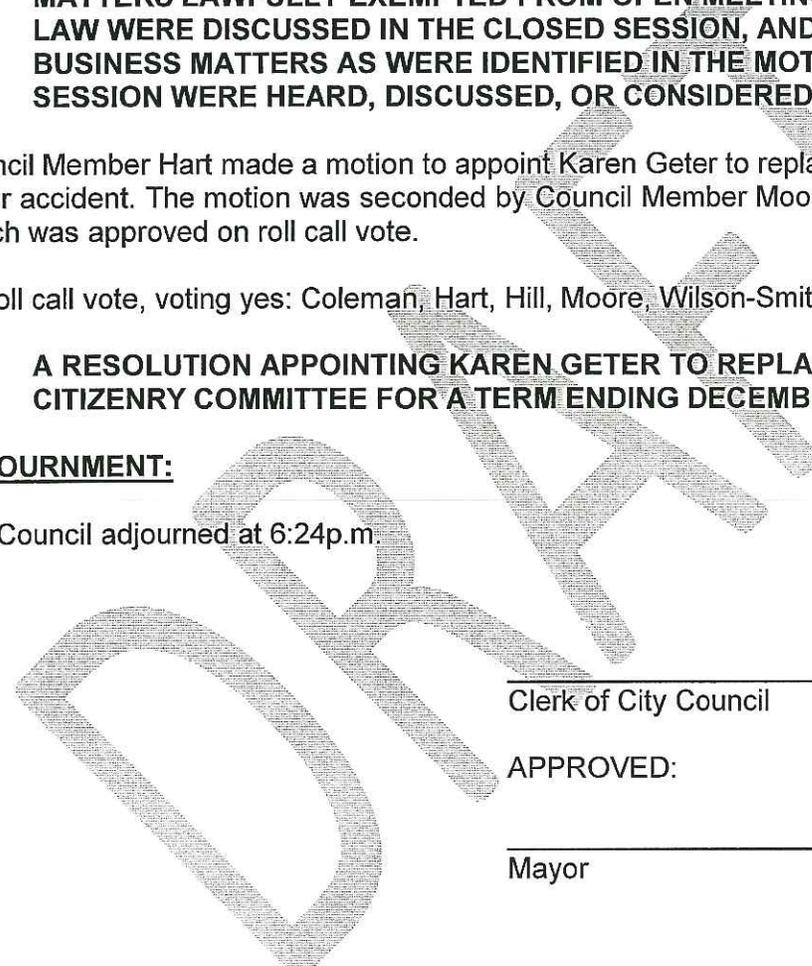
Council Member Hart made a motion to appoint Karen Geter to replace Willie Noise due to him being in a serious car accident. The motion was seconded by Council Member Moore. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-48 A RESOLUTION APPOINTING KAREN GETER TO REPLACE WILLIE NOISE ON THE CITIZENRY COMMITTEE FOR A TERM ENDING DECEMBER 31, 2016.

4. ADJOURNMENT:

City Council adjourned at 6:24p.m.



Clerk of City Council

APPROVED:

Mayor

The regular meeting of the Petersburg City Council was held on Tuesday, September 20, 2016, at the Union Train Station. Mayor Myers called the regular meeting to order at 6:30p.m.

REGULAR-SCHEDULED MEETING – 6:30 P.M.

1. ROLL CALL:

Present:

Council Member David R. Coleman
Council Member John A. Hart, Sr.
Council Member Darrin L. Hill
Council Member Brian A. Moore
Council Member Treska Wilson-Smith
Vice Mayor Samuel Parham
Mayor W. Howard Myers

Absent: None

Present from City Administration:

Assistant City Attorney Danielle Powell
Acting City Attorney Mark Flynn
Acting City Manager Dironna M. Belton
Clerk of Council Nykesha Jackson

2. CLOSED SESSION:

No Closed Session.

3. MOMENT OF SILENCE:

a. Clerk of Council, Nykesha Jackson, led council and the audience in a moment of silence.

4. PLEDGE OF ALLEGIANCE:

a. Clerk of Council, Nykesha Jackson, led council and the audience in the Pledge of Allegiance.

5. PRESENTATION/PROCLAMATIONS/RECOGNITIONS: (Each presentation will be limited to 10 minutes.)

There are no items for this portion of the agenda.

6. CONSENT AGENDA:

No items for this portion of the agenda.

7. OFFICIAL PUBLIC HEARINGS: (In accordance with the Rules of Council, public comment will be heard before discussion by Council. Once discussion has started, no further input from the public will be accepted. Each speaker will be limited to three (3) minutes.)

a. A public hearing for a Special Use Permit pursuant to Article 23, Section 4(15) of the Zoning Ordinance to operate a nightclub, subject to certain terms and conditions at 3270 South Crater Road, T.P. 088-01-0809. The property is zoned B-2, General Commercial District.

BACKGROUND: The property is currently being used as a restaurant, and the restaurants use will continue. The operator wants to have a portion of the building become a location where patrons can come and listen to music. The zoning ordinance has a nightclub defined as an establishment which provides entertainment, including but not limited to live bands, floor shows, comedians, solo artist or dance floor for patrons, stays open after 11:00pm, and has a capacity exceeding 100 persons. *A restaurant that provides a dance floor for its patrons shall be excluded from this definition, provided, however, that the area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater. A private club shall be excluded from this definition, provided attendance is limited to bonafide members of such club and bonafide guests of such members. If admission privileges to a private club are sold or otherwise permission to the general public at any time, then such club shall be classified as a nightclub and shall conform to all applicable requirements of this ordinance.*

The fact that the restaurant will have live entertainment along with hours past 11:00pm is what makes this a nightclub use under the zoning code. The applicant is requesting permission to host live entertainment as well as music played by a DJ and to stay open until 2 a.m. on Thursday, Friday and Saturday. In addition, the applicant is requesting permission to charge admission for entry into the restaurant after normal operating hours. The bar and a limited food menu will be offered to patrons who come to hear music or live entertainment.

Staff met with the applicant to explain the plans of the City of Petersburg, and conveyed to the applicant that the City would love to have recreation, entertainment and other opportunities for fun, but these uses cannot create a public safety nightmare. This use will have to be managed by the applicant and there will need to be strict enforcement of the rules and regulations of the City of Petersburg. Lt. Wills of the Administrative Services Division of the Police Department and the City's ACE Team (Abatement, Compliance and Enforcement) have been working with Outlaws which is an existing nightclub approximately a mile South of this establishment dealing with crowd and traffic control issues which occur once the establishment closes.

At the request of the Planning Commission, the Planning Director and the Zoning Administrator attended a Ward 2 Town Hall meeting held on Monday June 27, 2016, to discuss this proposal. This is the Ward in which the nightclub will be located and it was an opportunity to hear from concerned businesses and/residents.

WAWA's management was also contacted and informed that the applicant was applying for a special use permit for Plaza Mexico. The proposed changes were discussed with the Regional Manager for WAWA. The Planning Staff made WAWA aware of the June 27, 2016, Town Hall meeting if they wanted to attend and voice any concerns.

There was an incident that occurred at the WAWA's earlier this year, which witnesses reported the incident started at an event held at the Plaza Mexico Restaurant. Lt. Wills, a member of the Development Review and ACE Teams of the City of Petersburg spoke with WAWA and Outlaws, which is a nightclub (currently legally permitted) about their operation, crowd and traffic control plans. At the time Plaza Mexico was informed that they needed to obtain special permission to hold events and as a part of that permit they will be required to have off-duty security to assist them with the crowd and traffic control.

Once the applicant applied for the Special Use Permit, Lt. Wills again met with the applicant and reviewed the security requirements and the number of officers required during the operating hours of 9:00pm to 2:00am. It was also explained that additional officers may be requirement depending on the type of event and the expected crowd for a particular event. The applicant has contracted with EPG Security, Inc. out of Hopewell, VA and the City of Petersburg off-duty police officers to meet the security requirements.

RECOMMENDATION: Following a duly advertised public hearing, Council may affirm the

Planning Commission recommendation, overturn the Planning Commission recommendation, table for further consideration, or return the item under consideration to the Planning Commission requesting further review. The recommendation of the Planning Commission was to deny the special use permit request with a vote of 5-2.

Michelle Peters, Director of Planning and Community Development, gave an overview of the Special Use Permit request.

Ms. Jackson opened the floor for public comment.

Bill Sizemore, owner of Go-Kart next to restaurant, stated that he thinks that this should be approved with very strict control. He stated that he has lighting on his side that they can use to light up the parking lot to make sure that it is clear at 2:00am. He stated that he thinks that there are a lot of things that the community needs and that jobs will be reopening. He stated that the Go-Kart tracks will be reopening probably in six months.

Brandon Martin, 1546 Berkeley Avenue, stated that he lived in the City for 41 years. He stated that they need to think back to what he asked them years ago to reflect on what happened at the Coppermine Café.

Linwood Christian, 410 Mistletoe Street, stated that he would honestly thought that he would never be in this City long enough when another club has the nerve to say they want to open up in Petersburg. He stated that the city has had some clubs that have pressed the last nerves of the citizens. He stated that some of them have been up and down Sycamore Street. He stated that he can say that having gone to the Coppermine they did not start having problems until they allowed the "under 25" crowd come in. He stated that there are those clubs that have done well. He stated that now with things like this come this summer 2017 there will not be recreation programs. He stated that looking at the number of jobs among other things that are fleeing the City it may rain tonight because he is agreeing with the Planning Commission. He stated that they should let the club open. He stated that they are running the citizens away from the City. He stated that looks at the problems that have been given to Ms. Parker who owns Neptune's. He stated that there are very few things that people his age can do. He stated that most of the problems come from letting the "under 25" adults come into the clubs. He stated that there is nothing on Crater Road but Crater Road and WAWA. He stated that he has been to WAWA once when the restaurant did have something. He stated that it is not fair to blame them for what happens at WAWA. He stated to at least give them some type of hope.

Vernel Gannaway, 652 Old Wagner Road, stated that he agrees that City Council should approve this. He stated that met with Mr. Sizemore many years ago when they were helping the schools to find jobs. He stated that a program was used to help the youth. He stated that it impresses him that the owner of the property approves this. He stated that he thinks that this should be considered when making the decision.

Ken Pritchett, 1113 Overbrook Road, stated that a lot of times Mr. Christian has some words of wisdom. He stated that one thing that they may look at is the age limit. He stated that if they go back and look it has been the 21 year olds in these events. He stated that they should have an age restriction. He stated that there are things that need to be down in the south part of the City. He stated that there are people in the surrounding areas that can be good customers to Petersburg. He stated that the City is going through a time where people are not coming to the City. He stated that if the Planning Commission could go back and add other conditions that would state that there would be consequences if certain things happened. He stated that he would recommend approving this with added conditions.

Seeing no further hands, Mrs. Harris closed the public hearing.

There was discussion among City Council, staff and the petitioner.

Council Member Hill made a motion to approve the Special Use Permit for property located at 3270 South Crater Road. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-ORD-42 AN ORDINANCE TO APPROVING THE SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 3270 SOUTH CRATER ROAD.

8. **PUBLIC INFORMATION PERIOD:** The Public Information Period is established by the Rules of Council to hear input from City residents or owners of businesses in the City. It will last for a maximum of 30 minutes. Speakers will be called in the order that they have signed up to speak. If there are ten or fewer speakers, each shall speak for a maximum of 3 minutes. If there are more than six (6) people desiring to speak, the time allotted to each person may be adjusted or the number of speakers limited to meet the time limitation. A speaker may speak on items **except those that are listed on tonight's Council agenda**. Any matter brought before the attention of the City Council during the public information period will not be acted upon by the City Council at this meeting.

Brandon Martin, 1546 Berkeley Avenue, stated that he owes City Council an apology. He stated that several meetings ago he indicated that he could not find out anything on the FOIA instruction on the website. He stated that he is in error. He stated that several months ago David Hughes from Robinson Farmer and Cox Associates did a presentation on the 2015-2016 CAFR to this body and assembled citizens. He stated that City Council had copies and a few citizens had some. He stated that this document became the City's watershed. He stated to City Council to look at the approved minutes that stated that he gave a brief overview of the text. He stated that Mr. Hughes did not read from any material. He stated that he suggested that City Council needs to amend the minutes to say what he said word for word. He stated that PMF presentation is a beginning. He stated that there should be a regular posting of the entire checks registry and reinstates the position of an internal auditor that has been missing from personnel for the past 30 years. He asked where the plan to eliminate the \$18 million dollar deficit is. He stated that this was not discussed. He stated also that the entire list of all the City's accounts payable as of June 30, 2016 should be posted. He asked what is going on with the little green shoebox that he started talking about in January. He stated that it is reported being found. He stated that it needs to be addressed.

Ella Sykes, 510 N. Azalea Road, stated that she is very disgusted with Petersburg City Council. She stated that they have to know where the money is and why they are not getting retirement. She stated that they cannot sit back and say that nothing is wrong. She stated that she goes to bed every night worrying about whether they will have water the next morning. She stated that they do not know whether the trash is coming the next morning or not. She asked City Council to please give the citizens some answers. She stated that she gets sick and tired of getting up and getting the paper and sees the City in it every day. She stated that they have to get better. She stated good luck to all City Council.

Mary Muckle, 2554 Century Drive, stated that since all this has been going on they have been charging her too much for her water and trash bill. She stated that she was charged one something for her water and three something for her sewer. She stated that it should not be that much. She stated that all together it is \$508.65. She stated that she cannot afford to pay all of it.

Linwood Christian, 410 Mistletoe Street, asked about the forensic audit. He asked about the status of it and when will it be shared with the public. He stated that it he does not want it in bits and pieces. He asked that as a result of the forensic audit will some heads roll. He asked will something be done. He stated that as one gentleman stated that they have gone through the motion of raising taxes on everything but they have not given a plan on what they are going to do or how the City will get out of the situation. He stated that this comes back to when Council Member Moore was Mayor and even before then. He stated that they have asked City

Council time and time again for some type of financial report and that they do not get it. He stated that hopefully what they are going through would cause City Council to bring about a change. He stated that in this country deadbeat dads or parents go to jail for not taking care of their children. He stated that City Council has gotten into that deadbeat parent situation. He stated that he says this because anytime that they cut of a program that helps the young people it goes to show that they really do not care about the young people. He stated that these are the young people. He stated that they hired Tami Yerby to be the babysitter of the City and now they have yanked it and want her to do miracles. He stated that deadbeat go to jail. He stated that deadbeat moms go to jail. He stated that he knows because he had to put his son's mom in jail. He stated that when he gained custody of his son and the mother did not want to pay child support he stated to her that she can go to 40 Henry Street. He stated that come summer 2017 and something is not done for Mrs. Yerby then the City has not seen a problem on earth yet. He stated that the young people are going to run amuck because City Council has constantly showed that they care nothing about them. He stated that he has watched many City Council Members faces when various citizens come up there and then they look like they have something to say because the citizens say something. He stated that they get irritated to when City Council as elected officials come back on the citizens in a defense mode. He stated that they forget that the citizens elected them and that they did not elect the citizens. He stated that if they did not want the job they should not have gotten out there and campaigned for it.

Barb Rudolph, 1675 Mt. Vernon Street, stated that yesterday Secretary of Finance Rick Brown stated that it's extremely important that Petersburg avoids City intercept. She stated that this will take some very careful financial management and even a little bit of luck. She stated that those on City Council who support Rochelle Small-Toney to be City Manager must not be concerned about having a skilled financial manager. She stated that Ms. Small-Toney demonstrated in Savannah that she is good at spending money on perks for herself and those she favor. She stated that this is not the type of leadership that is needed in Petersburg. She stated that some of them think that it is still a number of limited citizens paying attention to all of this and that they can be persuaded by words of attack. She stated that she knows that they realize now that this is not working. She stated that if the City has to suffer state intercept then she believes that a lot more people around the City will take notes on Social Services programs being cut back. She stated that she wants to remind them that federal programs like Social Services have a state match. She stated if the state redirects there funding share in order to make a loan payment to the Virginia Resource Authority then they don't get the federal dollars either. She stated that this considerably amplifies the negative impact on the population. She stated that she would ask that they please keep this in mind as they deliberate.

Russell Prude, owner of property in City of Petersburg, stated that he is very concerned about the property in Delectable Heights. He stated that he has problems with trees growing in the streets and the sidewalks. He stated that the gutters are flooding. He stated that he is paying taxes but his property value is going down because of the neighborhood. He stated that it is very hard for him to get a decent renter to look at the house. He stated that after they come through the neighborhood they do not want any parts of it. He stated that he realizes that the City is already short of money but that they can still clean up. He stated that he may be broke but he is going to take a bath.

Patricia Miller, 1732 S. Halcun Drive, stated that she has spoken to them in the past questioning their decision making. She stated that they have all heard the report about Petersburg bills not being paid. She stated that one of the bills is the Central Virginia Waste Management. She stated that in January 2013 when their contract was under consideration she came before City Council in question of the rationale of this contract since \$900,000 had been spent to buy out the existing trash collection contract. She stated that one of the justifications offered were the funds that would be received from curbside recycling. She stated that at that time she asked the question if the recycling income is being used to offset the cost of the contract buyout and if so what the projected timeline to recoup \$900,000 is. She stated that here request this evening is to please share with the citizens of Petersburg how much income they have received form the curbside recycling program since the contract started. She stated that ask them again as they make decisions that impact the City and citizens to think about it. She stated to please do not make decisions based on friendship, kinship or personal

gain.

Karen Graham, 402 High Street, stated that she is speaking on the City museums and the adjustment to the budget. She stated that the tourism budget was cut down to \$310,000. She stated that at Council Member Moore's Ward Meeting on August 31st, Ms. Belton and Mr. Mann mentioned a potential partnership between the City and a private entity to keep the museums open. She stated that Ms. Belton had thought that a Memorandum of Understanding (MOU) would be developed between the entity and the City. She stated that she was very disappointed at the last council meeting when they voted on the budget to do a drastic reduction on tourism. She stated that there was not a mention of MOU forthcoming so that the museums would not close. She stated that she would like to know what the status of this is for a joint partnership to enable the museums to stay open. She asked are they currently closed. She asked that if they are closing the museums how do they intend to spend the \$310,000. She asked will the Director of Tourism and Cultural Affairs position be eliminated. She asked what these funds will be used for. She stated that she thinks that there are some other creative ways to keep the museums open, particularly Blandford Cemetery or the Blandford Church. She asked has there been discussion with the Ladies of the Memorial Association. She stated that it can be run privately. She stated that in a town in Mississippi that is no bigger than Petersburg they have buildings in similar condition. She stated that they have a lot of historical areas. She stated that they have a small, short riverfront area that the City should be tapping. She stated that they have a tight partnership with the national park service. She stated that the house museums people come and regular attend and pay \$20 and \$30 for a house ticket to come in. She stated that they should think about increasing the charge for the City museum. She stated that they are well worth more than the \$5 admission. She stated that she would like to speak on the water bill next. She stated that she is astounded that they are being told that water billing has been corrected. She stated that it has not been corrected. She stated that duplicate bills came out last month. She asked how with the current financial situation the City cannot afford to be sending out duplicate bills. She stated that the fact that the billing amount is still not accurate. She stated that her bills are not accurate. She asked how much is the forensic audit going to cost and where do they expect the money to come from to pay for the audit. She stated that she knows that it is desperately needed.

Raymond Crockett, 248 Southwood Drive, stated that he was present in May and that he made a comment as being a business person. He stated that City Council has to make a business decision. He stated that he asked them to call all the department heads in and let them know that everyone's job is on the line because of the budget crisis that the City is in. He stated that they know that if you run a business and there is no income coming in there has to be a lay-off. He stated that they need to be honest with the employees. He stated they do not want them to know in November and layoff in December around Christmas time. He stated that if they would have dealt with this in May they had six months to do something before Christmas got here. He stated that the employees could have been looking for another job. He stated that he understands that the City is looking for another City Manager. He stated that the Acting City Manager is doing a good job. He stated that she brought the state in to get support. He stated that this young lady should be looked at very close before they go outside and see what they have outside and see what somebody bypassed in North Carolina what she did in Georgia. He stated that this young lady has been working day and night trying to turn the City around. He stated that every time something comes up they run to the Acting City Manager. He stated that they should think outside the box.

9. BUSINESS OR REPORTS FOR/FROM THE MAYOR OR OTHER MEMBERS OF CITY COUNCIL:

- a. Consideration of approval of Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund Application.

BACKGROUND: The Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund were established to promote the restoration and redevelopment of brownfield sites and to address environmental problems or obstacle to reuse, so that these properties can be effectively marketed to new economic development prospects.

RECOMMENDATION: Recommend City Council approves authorization for Department of Economic Development to apply for Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund and permit the Acting City Manager to sign the grant application.

There was discussion among City Council and staff.

Vice Mayor Parham made a motion to approve the authorization for Department of Economic Development to apply for Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund and permit the Acting City Manager to sign the grant application. The motion was seconded by Council Member Hart. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

b. Consideration of re/appointments to the Economic Development Authority.

BACKGROUND: The Economic Development Authority consists of 7 members appointed by City Council. The duties of the board include, but are not limited to, the following: The Authority shall have the powers to acquire, own lease, and dispose of properties. Such authority may be able to promote industry and develop trade by inducting manufacturing, industrial, governmental and commercial enterprises to locate in or remain in the Commonwealth and further the use of its agricultural products and natural resources; to issue its bonds for the purpose of carrying out any of its powers.

RECOMMENDATION: Recommend Council make an appointment to the Economic Development Authority.

Vice Mayor Parham made a motion to replace Wilbert Bland with Winston T. Sanders on the Economic Development Authority. The motion was seconded by Council Member Hill. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-50 A RESOLUTION APPOINTING WINSTON T. SANDERS TO THE ECONOMIC DEVELOPMENT AUTHORITY FOR A TERM ENDING SEPTEMBER 30, 2020.

Council Member Moore made a motion to reappoint Robert Guirdy to the Economic Development Authority. The motion was seconded by Council Member Coleman. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-51 A RESOLUTION REAPPOINTING ROBERT GUIRDY TO THE ECONOMIC DEVELOPMENT AUTHORITY FOR A TERM ENDING SEPTEMBER 30, 2020.

Council Member Wilson-Smith gave a PowerPoint presentation regarding PFM recommendations. She stated that it is her desire and plans to bring back these items to City Council at the next City Council meeting for consideration in the form of a motion.

Council Member Hart stated that back in April City Council made a motion to formulate a committee. He stated that he would like to see this getting started to set up somewhere in the mid October range. He stated that this is for the audit committee. He stated that it was already motioned and approved as stated. He asked what the status on the forensic audit update is. He asked whether they are moving forward with this. He stated that prior to coming on City Council he knows that the City had an agreement with the school system to meet twice a year. He stated that they only met once this year. He asked when the next meeting will be. He stated that his final thing is to establish Standing Committees. He stated with the Standing Committees it helps them structure things that are going on in the City. He stated that it gives them structure to increase efficiency in the

way that they do business in the City. He stated that he believes that if the City had an audit committee, finance committee and other committees throughout the City some of the issues the City may not be addressing today. He stated that he is asking that they look forward to standing committees and get this moving in the right direction to help them as a City.

Council Member Hart made a motion to establish a Standing Committee in the City of Petersburg. The motion was seconded by Council Member Hill.

There was discussion among City Council Members.

*Motion pulled from floor.

Council Member Moore stated that they had the first Citizenry Committee last Tuesday. He thanked Council Member Wilson-Smith. He stated that they had a great turnout. He stated to Council Member Hart that they did not have a representative from Ward 7 present.

Council Member Hart stated that he finally got a response back and that the person will be Karen Geter.

Council Member Moore stated that the committee did chose a chair and vice chair. He stated that Annie Mickens is the Chair and Ron Flock is the Vice Chair. Council Member Moore thanked Mr. Flock that was present at the meeting for being on the committee. He stated that Mr. Flynn and the Deputy City Attorney gave a great discussion on the charter and some legal items. He stated that they will be meeting every other Tuesday. He stated that they have a nice group and that this is a good chance for people to come out. He stated that the next meeting will be on September 28, 2016 at 6:30pm at the train station. He stated that he was just informed by the City Attorney that they meetings may be at the transit station. He stated that Ms. Jackson will make sure that the information gets out once confirmed. He stated that they will email everyone as well. He stated that he has a question about the budget. He stated that when they went through with the high school there was \$12 million dollars in discussion. He stated that the City took a half of a cent off of the meals tax and that it is supposed to be 7.5%. He stated it is \$150,000 there. He stated that he has questions in regard to the motion on Southside Virginia Emergency Crew and the fire station with personnel. He stated that this was amended but that there was no source of funds.

Ms. Belton stated that the budget had to be amended by the \$183,000 for the Southside Virginia Emergency Crew. She stated that the \$150,000 was for the change in the half percentage. She stated that the fire department reduction was taken not from the closing of the fire house but the reduction in administration personnel. She stated that they are approximately at the goal as well.

Council Member Hill thanked the citizens of Ward 2 for coming out to the town hall meeting on last week. He stated that he would like to give a special thanks to Dr. Newsome, Schools Superintendent and Ms. Belton. He stated that he would like to also thank Atiba Muse, Bishop Jeffrey Reeves and their staff. He stated that he would like to make a motion as well regarding the hiring process for the City Manager. He stated that he request that the City Attorney with support from the City's purchasing staff to secure through competitive negotiation with written request from proposal with ethical law service and executive search firm specializing in the government sector for the search of City Manager.

Council Member Hill made a motion to request that the City Attorney with support from the City's purchasing staff to secure through competitive negotiation with written request from proposal with ethical law service and executive search firm specializing in the government sector for the search of City Manager. The motion was seconded by Council Member Hart.

There was discussion among City Council Members.

The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers.

Council Member Hill made a motion to deduct only 10% from the City Assessor and the City Manager salary in accordance with the citywide employee cuts. The motion was seconded by Council Member Coleman.

There was discussion among City Council Members and City staff.

The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Wilson-Smith, Parham and Myers; Voting No: Moore

Vice Mayor Parham stated that he has concerns about what has been going on with the fire hydrants issue. He asked Ms. Belton where they are in servicing the fire hydrants today.

Ms. Belton stated that fire hydrant maintenance continues to be done for over 1,700 fire hydrants that are in the City since August 2nd when she received the memo. She stated that there have been over 300 that have been maintained. She stated that this has been since August 2nd when they implemented the maintenance program which had not been in existence or performed since 1990 or 1996. She stated that they have begun to maintenance the fire hydrants. She stated that she has attached for City Council's records a breakdown of the maintenance inspection that the utilities department performed. She stated that the maintenance inspection involves flushing hydrants of debris and performing statics to insure if there is leakage then they will repair it. She stated that they have been greasing and painting the hydrants if necessary and that grass and weeds near the hydrants are being taken care of so that the hydrants are visible.

Vice Mayor Parham asked Ms. Belton if this effort is by public works or between public works and fire.

Ms. Belton stated that the maintenance has been performed by the utility department. She stated that the fire department did volunteer and have been asked to assist to speed things up. She stated that at this time they have not contributed to helping. She stated that they are looking to reassess this so that they can get all 1,700 done.

Vice Mayor Parham stated that this is a public safety issue and that he thinks that they need all hands on deck in correcting this issue. He asked how they can get all the firemen involved in getting these 1,700 hydrants done. He stated that they are not even at halfway yet and that they have to get this done as soon as possible. He asked Ms. Belton if she can bring fire into this or do she need a motion to do so.

Ms. Belton stated that she can direct it.

Mayor Myers stated that Woodley and Flynn's total bill for 53 and three and a half hours for JCI and 49 hours. He stated that the contract states that for bills over 40 hours are asked for a motion to approve June bill.

Mayor Myers made a motion to approve for payment to Woodley and Flynn for their total bill. The motion was seconded Vice Mayor Parham. The motion was approved on roll call. On roll call vote, voting yes: Coleman, Hart, Hill, Wilson-Smith, Parham and Myers; Voting No: Moore

10. CITY MANAGER'S AGENDA:

- a. City Manager's Report

Ms. Belton gave a briefing of the State of the City since March of 2016 in a written report.

There was discussion among City Council Members and staff.

11. CLERK OF CITY COUNCIL'S AGENDA:

No items for this portion of the agenda.

12. CITY ATTORNEY'S AGENDA:

Mr. Flynn stated that the Citizenry Committee had their first meeting. He stated that he thinks that they are going to see the committee working seriously on changes and recommended changes. He stated that he thinks that there four more meetings left. He stated that City Council will in November have the opportunity to take a look at the changes that they recommend. He stated that City Council's timetable is very short if they choose to ask for amendments for the 2017 session of the General Assembly. He stated that it would need to be by the City's patron by December 1, 2016. He stated that the committee seems to bite into it very seriously.

13. CLOSED SESSION (IF NECESSARY):

Acting City Attorney Mark Flynn, stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Code of Virginia under Subsection 1 regarding personnel matters of City Manager and City Attorney; under Subsection 1 for specific performance of public officials or appointees ; under Subsection 3 for 20 West Tabb Street and a possible lease of museum space; and under Subsection 7 to consult with legal counsel and briefings by staff members pertaining to probable litigation regarding regional utilities.

Vice Mayor Parham moved that the City Council go into closed session for the purposes noted by the Acting City Attorney. The motion was seconded by Council Member Coleman. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council entered closed session at 8:50 p.m.

CERTIFICATION:

Council Member Hill made a motion to return City Council into open session. The motion was seconded by Council Member Hart. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

Vice Mayor Parham made a motion to certify the purposes of the closed session. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-52 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.

14. ADJOURNMENT:

City Council adjourned at 9:41p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The Special Meeting of the Petersburg City Council was held on Wednesday, September 14, 2016, at City Hall in Council Chambers. Mayor Myers called the special meeting to order at 4:30p.m.

1. **ROLL CALL:**

Present:

Council Member David R. Coleman
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Council Member Brian A. Moore
Council Member Treska Wilson-Smith
Vice Mayor Samuel Parham
Mayor W. Howard Myers

Absent: None

Present from City Administration:

Clerk of Council Nykesha Jackson, CMC
Assistant City Attorney Danielle Powell
Acting City Attorney Mark Flynn

2. **PURPOSE:**

a. Regarding selection of a City Manager

CLOSED SESSION:

Acting City Attorney Mark Flynn stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Code of Virginia under Subsection 1 for the discussion of prospective candidates for employment of appointee to the public body regarding the City Manager.

Vice Mayor Parham moved that the City Council go into closed session for the purposes noted by the Acting City Attorney. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council entered closed session at 4:33 p.m.

CERTIFICATION:

Council Member Coleman made a motion to return City Council into open session. The motion was seconded by Council Member Hart. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

Vice Mayor Parham made a motion to certify the purposes of the closed session. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

16-R-49 **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.**

3. **ADJOURNMENT:**

City Council adjourned at 5:504p.m.

Clerk of City Council

APPROVED:

Mayor

DRAFT

The Special Meeting of the Petersburg City Council was held on Friday, September 30, 2016, in City Hall in Council Chambers. Mayor Myers called the special meeting to order at 12:00p.m.

1. **ROLL CALL:**

Present:

Council Member David R. Coleman
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Council Member Brian A. Moore
Council Member Treska Wilson-Smith
Vice Mayor Samuel Parham
Mayor W. Howard Myers

Absent: None

Present from City Administration:

Assistant City Attorney Danielle Powell
Clerk of Council Nykesha Jackson, CMC

2. **PURPOSE:**

a. Regarding Personnel Matter

Assistant City Attorney Danielle Powell, stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Code of Virginia under Subsection 1 regarding the discussion of performance of specific City employees in at least three departments; under Subsection 1 regarding the discussion of performance of the City Manager and under Subsection 1 regarding the discussion or consideration of the appointment of specific public officers, specifically the City Attorney.

Council Member Coleman moved that the City Council go into closed session for the purposes noted by the Assistant City Attorney. The motion was seconded by Council Member Moore. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

City Council entered closed session at 12:10 p.m.

CERTIFICATION:

Vice Mayor Parham made a motion to return City Council into open session. The motion was seconded by Council Member Hill. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

Vice Mayor Parham made a motion to certify the purposes by roll call vote that only public matters lawfully exempted from open meeting requirements were discussed and that only those matters contained in the motion for closed session were indeed discussed during that session. The motion was seconded by Council Member Hart. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Moore, Wilson-Smith, Parham and Myers

- 16-R-53 **A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER’S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.**

Council Member Coleman made a motion to hire Joseph Preston as the City Attorney according the rules, regulations and stipulations set forth in the contract. The motion was seconded by Council Member Hart. There was no discussion on the motion, which was approved on roll call vote.

On roll call vote, voting yes: Coleman, Hart, Hill, Wilson-Smith, Parham and Myers; Voting No: Moore

- 16-R-54 **A RESOLUTION APPOINTING JOSEPH PRESTON AS THE CITY ATTORNEY FOR CITY OF PETERSBURG.**

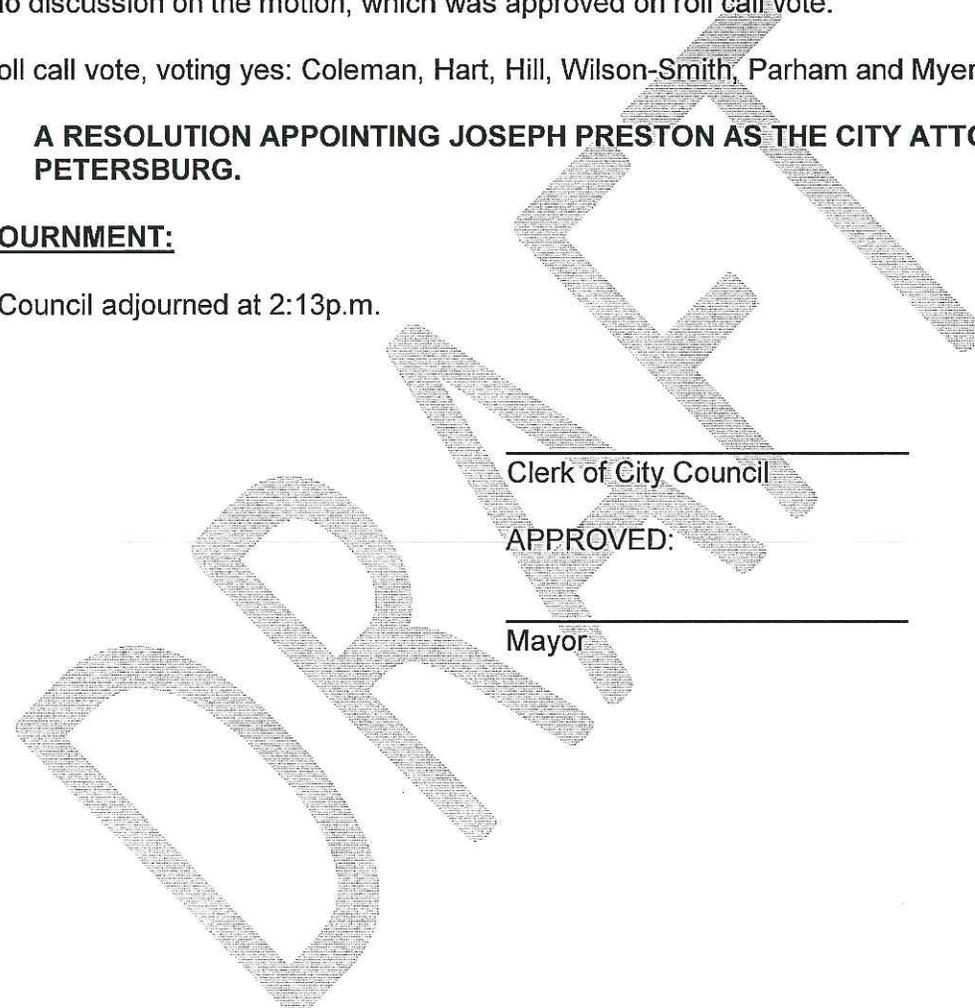
3. **ADJOURNMENT:**

City Council adjourned at 2:13p.m.

Clerk of City Council

APPROVED:

Mayor





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 6, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna Belton, Interim, City Manager

FROM: Michelle B. Peters, Director of Planning & Community Development

RE: Request public hearing for a Special Use Permit pursuant to Article 23, Section 4(12) of the Zoning Ordinance to operate a child care center in a residential district, subject to certain terms and conditions at 2568 N. Stedman Drive, T.P. 039-01-0012. The property is zoned R-1, Single Family Residence District.

PURPOSE: To request a public hearing be scheduled to receive citizen comment on a petition for a special use permit to operate a child care center in a residential district at 2568 North Stedman Drive.

REASON: Council is required to schedule and conduct a public hearing before it takes legislative action on a request for a special use permit.

RECOMMENDATION: Staff recommends City Council to schedule a public hearing on this matter at the November 1, 2016 City Council meeting.

BACKGROUND: The applicant has requested to operate a Child Care Center within an existing church located in a residential district. Ms. Jones will be seeking licensure through the Commonwealth of Virginia Department of Social Services, but before she can obtain a license she must receive authorization from the City of Petersburg.

Ms. Jones is a former correctional officer at Sussex State Prison, and has many years of childcare experience. She has operated an in-home daycare as well as a child care facility as recent as last year. Ms. Jones closed her last facility due to limited space and no opportunity to expand. Ms. Jones would like the opportunity to own and operate a child care center, and this location became available so she is pursuing this location for her business.

The proposed child care center will operate from 5:00 am – 6:00 pm, Monday – Friday, and on an as needed basis on the weekends. The child care facility will co-exist with the church, but each will operate independently.

COST TO CITY: None

BUDGETED ITEM: N/ A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

STAFF: Department of Planning & Community Development



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 6, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna Belton, Interim, City Manager

FROM: Michelle B. Peters, Director of Planning & Community Development

RE: Request a public hearing for a Special Use Permit pursuant to Article 23, Section 4(5) of the Zoning Ordinance to have a solar power generation facility at 950 (rear) Winfield Road, T.P. 034-02-0003. The property is zoned R-5, Multiple Dwelling District.

PURPOSE: To request a public hearing be scheduled to receive citizen comment on a petition for a special use permit to allow a solar power generation facility at 950 rear Winfield Road.

REASON: Council is required to schedule and conduct a public hearing before it takes legislative action on a request for a special use permit.

RECOMMENDATION: Staff recommends City Council to schedule a public hearing on this matter at the November 1, 2016 City Council meeting.

BACKGROUND: The property is vacant and adjacent to railroad tracks. This is a request for a special use permit to provide public utilities through an innovative way of providing energy by having these solar panels laid out on a large tract of land. The solar facility is green and utilizes the sunlight to provide renewable power. This is the future of providing energy, and working cooperatively with Virginia Power.

The solar panels can sit as low as two feet from the ground to a maximum height of about 22' from the ground. The solar panels are installed in rows and looks like a garden. Other than a fence around the property and a transformer with other ground equipment that is part of the generation, transmission and distribution system there will be no other buildings or structures.

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: Planning and Community Development

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

STAFF: Department of Planning & Community Development

9.a



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: October 11, 2016

TO: The Honorable Mayor and Members of City Council

THROUGH: Dironna M. Belton, Acting City Manager

FROM: Daniel L. Harrison, Interim Director of Public Works

RE: Consideration of Approval for Virginia Water and Wastewater Agency Response Network Mutual Aid Agreement and Resolution

PURPOSE: To permit the City of Petersburg to join VA WARN (Virginia Water/Wastewater Agency Response Network)

REASON: VA WARN purpose is to provide a method whereby water and wastewater utilities that have sustained damages from natural or manmade events can obtain emergency assistance in the form of personnel, equipment, materials and other associated services as necessary from other water and wastewater utilities and obtain assistance before a local, state or federal emergency declaration is issued. Their objective is to provide rapid, short-term deployment of emergency services to restore the critical operations of the impacted utility as soon as possible. Utility performance is increased by being able to tap into resources that would not otherwise be available without the WARN network; being a member of WARN enhances management performance by being proactive and planning for either man made or natural emergencies. Membership in VA WARN is open to all public and private water and wastewater systems operating within the Commonwealth of Virginia.

RECOMMENDATION: Recommend that City Council approve the resolution and mutual aid agreement to allow the Virginia Water/Wastewater Agency Response Network to provide rapid, short-term deployment of emergency services to restore the critical operations of the impacted utility operations in an emergency.

BACKGROUND: The National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest. Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and

Wastewater Agency Response Network (“VA WARN”) Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia

COST TO CITY: None

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: October 18, 2016

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Department of Public Works and Public Utilities

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS: Resolution and Mutual Aid Agreement

STAFF: Daniel L. Harrison, Interim Director of Public Works and Public Utilities

**RESOLUTION AUTHORIZING EXECUTION OF THE
VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK
MUTUAL AID AGREEMENT**

WHEREAS, the National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest; and

WHEREAS, in furtherance of such national Water Sector plan, Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and Wastewater Agency Response Network ("VA WARN") Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia; and

WHEREAS, the VA WARN Committee has developed the attached form of a VA WARN Mutual Aid Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests as well as a related form of an Event Agreement for providing assistance of a defined scope on defined terms and conditions; and

WHEREAS, this VA WARN Mutual Aid Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope; and

WHEREAS, [INSERT NAME] the City of Petersburg owns or operates [SELECT AS APPROPRIATE: water supply facilities, wastewater facilities, or water and wastewater facilities], is responsible for public water supply or wastewater management in the Commonwealth of Virginia, and is therefore eligible to participate in VA WARN and the VA WARN Mutual Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the [INSERT NAME OF GOVERNING BODY] City Council of the City of Petersburg, that the [INSERT TITLE OF CHIEF ADMINISTRATIVE OFFICER] City Manager is hereby authorized to execute the VA WARN Mutual Aid Agreement, which is hereby approved.

Adopted by the [INSERT NAME OF GOVERNING BODY] City Council of the City of Petersburg this [INSERT DAY] day of [INSERT MONTH] October, 2016.

VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK MUTUAL AID AGREEMENT

THIS MUTUAL AID AGREEMENT (this "Agreement") is made and entered into by and among the undersigned Member Utilities of the Virginia Water and Wastewater Agency Response Network, each of which is responsible for public water supply or wastewater management in the Commonwealth of Virginia.

BACKGROUND

A. The National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency ("EPA") identifies the development of a Water/Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest.

B. In furtherance of such national Water Sector plan, Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and Wastewater Agency Response Network ("VA WARN") Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia.

C. The VA WARN Committee has developed this form of Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests.

D. This Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the parties hereto agree as follows:

SECTION 1 – DEFINITIONS

"ASSISTING UTILITY" means a Member Utility that elects to provide assistance in the form of personnel, equipment, materials or supplies to a Requesting Utility pursuant to an individual Event Agreement following a request for assistance under this Agreement.

"AUTHORIZED REPRESENTATIVE" means an officer, principal or employee of a Member Utility authorized in writing by that entity to request, offer or provide assistance pursuant to this Agreement.

“EVENT AGREEMENT” means a separate agreement entered into by and between a Requesting Utility and Assisting Utility for the purpose of providing and accepting assistance for a Utility Event. See Exhibit B.

“PERIOD OF ASSISTANCE” means the period of time commencing when the Assisting Utility dispatches personnel, equipment, materials or supplies pursuant to an individual Event Agreement and ending when personnel, equipment and remaining materials or supplies return to the Assisting Utility (*i.e.*, portal to portal).

“REQUESTING UTILITY” means a Member Utility that requests assistance pursuant to this Agreement or that receives assistance pursuant to an individual Event Agreement.

“MEMBER UTILITY” means any locality, water authority, wastewater authority, sanitary district, sanitation district or public service corporation that (i) owns or operates any water storage, treatment, transmission or distribution facilities for drinking or other domestic uses, or any wastewater collection or treatment facilities and (ii) has been accepted and acknowledged in writing as a member of VA WARN by the Chair of VA WARN Committee following delivery and receipt of this executed Agreement.

“UTILITY EVENT” means any event or occurrence, or threat thereof, whether natural or manmade, the desired response to which is or is likely to be beyond the affected Member Utility’s capability or then-available resources including but not limited to personnel, equipment, materials and supplies. A Utility Event may be a one-time event not reaching the nature or criteria requiring the declaration of a disaster, emergency or local emergency but still requiring inter-utility assistance. A Utility Event may be a recurrent event or occurrence where inter-utility assistance is beneficial for expediting the response to a particular need or filling temporary gaps in service of the Requesting Utility.

SECTION 2 – PROCEDURES FOR REQUESTING ASSISTANCE

2.1 ASSISTANCE REQUEST – When a Member Utility is affected by a Utility Event, it may request assistance by (a) submitting a written request for assistance to another Member Utility in the form provided at Exhibit A hereto, as amended and updated in the discretion of the VA WARN Committee from time to time, or (b) verbally communicating a request for assistance to another Member Utility followed as soon as practicable by a written confirmation of such request. Assistance shall not be requested under this Agreement by a Member Utility unless resources otherwise reasonably available to the Member Utility are deemed to be inadequate. A Requesting Utility may cancel a request for assistance at any time and shall provide such notice thereof as soon as practicable to the Member Utilities of whom it has made a request for assistance. The Requesting Utility may communicate the cancellation verbally but shall provide written confirmation as soon as practicable thereafter.

2.2 RESPONSE – After a Member Utility receives a request for assistance, its Authorized Representative evaluates whether resources are available to assist and informs the Requesting Utility as soon as possible if it is able and willing to provide assistance. Execution of this Agreement does not establish a duty to respond to a request for assistance. Each Member Utility shall retain absolute discretion as to determinations regarding its ability to respond and its decision whether to do so. If the Member Utility is able and willing to provide assistance, the Member Utility’s Authorized Representative responds with the type of available resources and the approximate arrival time that such assistance could be provided to the Requesting Utility.

2.3 EVENT AGREEMENT – To enter into an agreement to provide assistance, the Requesting Utility and the Assisting Utility shall communicate directly and enter into an Event Agreement, the form of which is provided in Exhibit B hereto.

2.4 AUTHORIZED REPRESENTATIVES – Upon execution of this Agreement, each Member Utility shall designate and notify the VA WARN Committee of one or more Authorized Representatives authorized to act on its behalf in requesting or agreeing to provide assistance under this Agreement. Each Member Utility shall notify the VA WARN Committee whenever a current Authorized Representative(s) is no longer authorized to act on its behalf and whenever it designates a new or additional Authorized Representative. All notices pursuant to this Paragraph shall be made in writing on a form provided by the VA WARN Committee, which shall include 24-hour access contact information and shall be signed on behalf of the Member Utility. If a Member Utility designates more than one person as an Authorized Representative, each Authorized Representative shall be considered fully authorized to act for the Member Utility in requesting or agreeing to provide assistance under this Agreement, and each Authorized Representative shall have the responsibility for expedient notification of the other Authorized Representative(s) within the Member Utility of requests for assistance that he has made or assistance he has agreed to provide on behalf of the Member Utility.

SECTION 3 – ROLE OF VA WARN COMMITTEE

The parties acknowledge and agree that the role of the VA WARN Committee, its individual members and any advisors is limited to the development and administrative support of VA WARN, on a voluntary basis and not as a party to this Agreement or as representative of any party hereto. While the VA WARN Committee may volunteer to assist the parties in coordinating requests for assistance or in other ways, this Agreement does not contemplate that the VA WARN Committee will be a required intermediary in arranging the details of assistance or reimbursement therefor and instead this Agreement contemplates that such arrangements will be arranged directly by and between Member Utilities. The VA WARN Committee, its members and any advisors assume no responsibility for this Agreement, for the delivery of assistance hereunder, or for any obligation incurred by any party hereto.

SECTION 4 – TERM AND WITHDRAWAL

4.1 TERM – This Agreement shall be in effect upon execution by two Member Utilities and subsequent acceptance and acknowledgment in writing as a member of VA WARN by the Chair of VA WARN Committee. This Agreement shall continue in full force and effect so long as there are at least two Member Utilities.

4.2 WITHDRAWAL – Any Member Utility may withdraw from this Agreement upon 30 days written notice. Withdrawal from this Agreement shall in no way affect a Requesting Utility's obligation to reimburse an Assisting Utility for costs incurred pursuant to an Event Agreement, which obligation shall survive such withdrawal.

SECTION 5 – MODIFICATIONS AND ADMINISTRATIVE PROCEDURES

5.1 MODIFICATION OF THIS AGREEMENT – This Agreement may be modified upon agreement of the parties according to the following procedure. From time to time, the VA WARN Committee may recommend approval of a proposed modification, either on its own initiative or following its endorsement of a suggestion made by a Member Utility. Modification to this Agreement shall be made on the basis of receipt by the VA WARN Committee of the written approval of the proposed modification by at least two thirds of the parties hereto. The effective date of the modification shall be 90 days after the day on which notice is given to all Member Utilities of the receipt of such approval. All parties that have failed or declined to approve the proposed modification on or before the effective date shall be deemed to have withdrawn from this Agreement as of the effective date.

5.2 MODIFICATION OF FORM OF EVENT AGREEMENT – The form of Event Agreement attached as Exhibit B hereto shall be modified only by the same procedure provided in Paragraph 5.1 for modification of this Agreement.

5.3 ADMINISTRATIVE PROCEDURES – The VA WARN Committee may adopt such administrative procedures as it deems appropriate to facilitate implementation of VA WARN and this Agreement, either on its own initiative or following its endorsement of a suggestion made by a Member Utility. The adoption of such procedures shall not be deemed a modification of this Agreement or the Event Agreement and therefore shall not require approval under Paragraph 5.1 or Paragraph 5.2.

SECTION 6 – MISCELLANEOUS PROVISIONS

6.1 OTHER AGREEMENTS – The parties acknowledge and agree that any Member Utility may have entered into other mutual aid agreements, either with other Member Utilities or with third parties, which shall not be deemed to be amended, superseded or repealed by execution of this Agreement. This Agreement shall govern with respect to all actions expressly taken or made pursuant hereto. Nothing in this Agreement is intended to interfere with any party's ability to request or provide

assistance under the Virginia Statewide Mutual Aid Program or the Emergency Management Assistance Compact.

6.2 INTERPRETATION – This Agreement shall be construed in accordance with and governed for all purposes by the laws of the Commonwealth of Virginia.

6.3 SEVERABILITY – Should any provision of this Agreement be held to be invalid, illegal or unenforceable by a court of competent jurisdiction, that fact shall not affect or invalidate any other provision, which shall remain in full force and effect.

6.4 ASSIGNMENT – This Agreement shall not be assigned or transferred by any party.

6.5 NO THIRD PARTY BENEFICIARIES – This Agreement is solely for the benefit of the Member Utilities who are parties hereto and shall not confer any rights or benefits on any other person or entity.

6.6 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 and the same instrument. The parties further agree that a facsimile or scanned signature may substitute for and have the same legal effect as an original signature, and that any copy of this executed Agreement made by photocopy, facsimile, or scanner shall be considered an original.

6.7 AUTHORIZATION OF SIGNATURE – In the case of a locality, authority or district, the party represents and warrants that its execution of this Agreement is made by an individual authorized to do so by its governing body. In the case of a public service corporation, the party represents and warrants that its execution of this Agreement by the undersigned is duly authorized and validly performed.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed in their names and on their behalf.

[SIGNATURE PAGES FOLLOW]

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK
MUTUAL AID AGREEMENT SIGNATURE PAGE**

MEMBER UTILITY

Utility Name: _____

Signature: _____

Signatory's Name (print): _____

Signatory's Title: _____

Date: _____

-- FOR USE BY VA WARN COMMITTEE ONLY --

**MEMBERSHIP ACCEPTANCE AND ACKNOWLEDGMENT
BY VA WARN COMMITTEE CHAIR**

Signature: _____

Signatory's Name (print): _____

Date: _____

**VA WARN MUTUAL AID AGREEMENT EXHIBIT A
ASSISTANCE REQUEST FORM**

VA WARN MUTUAL AID AGREEMENT EXHIBIT A

ASSISTANCE REQUEST FORM

| | | | |
|---|--|----------------------------|-------------------------------|
| Event Name: | | Requesting Utility: | |
| Date: | | | |
| Time: | | | |
| Requesting Utility Contact Name: | | | |
| Phone: | | E-mail: | |
| Description of Assistance Requested: | | | |
| Specific Resources Needed: | | | |
| Mobilization: | | | |
| Date Needed: | | Time needed: | Pick hrs: hrs |
| Demobilization: | | | |
| Release Date: | | Time needed: | Pick hrs: hrs |
| Deployment Considerations: | | | |
| | Work Location/Facilities: | | Pick One: |
| | Working Conditions | | Pick One: |
| | Living Conditions | | Pick One: |
| | Health & Safety Concerns: | | Pick One: |
| | Safety Concerns/Remarks: | | |
| | Additional Conditions Comments: | | |
| Requesting Utility Resource Coordination Contact | | Name/Title: | |
| Phone: | | E-mail: | |
| Staging Area: | | Location: | |
| | Address 1: | | |
| | Address 2: | | |
| City: | | State: | Zip: |
| Authorized Representative Name: | | Date: | |

**VA WARN MUTUAL AID AGREEMENT EXHIBIT B
EVENT AGREEMENT FORM**

VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK EVENT AGREEMENT

THIS EVENT AGREEMENT (this "Agreement") is made and entered into by and between the undersigned Requesting Utility and Assisting Utility and shall be in effect as of the date of execution of the last signatory hereto.

BACKGROUND

A. The parties are Member Utilities of the statewide mutual aid network for water and wastewater utilities known as the Virginia Water and Wastewater Agency Response Network ("VA WARN") and are signatories to the VA WARN Mutual Aid Agreement.

B. The undersigned Requesting Utility has requested assistance pursuant to the VA WARN Mutual Aid Agreement, and the undersigned Assisting Utility desires to assist the Requesting Utility as more fully set forth herein.

C. The VA WARN Committee has developed this form of agreement for use by VA WARN Member Utilities in agreeing to provide and accept assistance as needed to respond to a Utility Event.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the parties hereto agree as follows:

SECTION 1 – DEFINITIONS

Terms not specifically defined herein shall have the definitions provided in the VA WARN Mutual Aid Agreement to which the Requesting Utility and Assisting Utility are both parties.

SECTION 2 – SCOPE OF ASSISTANCE

To support the Requesting Utility's response to a Utility Event, the Assisting Utility agrees to provide, and the Requesting Utility hereby accepts, assistance as set forth on Attachment A hereto. Such assistance is provided subject to the terms and conditions of this Agreement, including without limitation the Assisting Utility's right to recall its personnel and resources in whole or in part and the Requesting Utility's right to reduce or cancel the previously agreed upon Scope of Assistance pursuant to Paragraph 3.1 below.

SECTION 3 – PROCEDURES FOR PROVISION OF MUTUAL AID

3.1 SUPERVISION, CONTROL, AND RECALL – Personnel and other resources of the Assisting Utility shall remain under the supervision and control of the

Assisting Utility. The Assisting Utility shall coordinate with the Requesting Utility regarding response activities for assignment to the Assisting Utility's personnel. The Assisting Utility shall have the right and duty to refuse directions that it considers to be unsafe, contrary to law, or not in accordance with the Scope of Assistance at Attachment A hereto. The Assisting Utility's personnel and other resources shall remain subject to recall, in whole or in part, by the Assisting Utility at any time. The Assisting Utility shall provide at least twenty-four hours advance notice of intent to withdraw personnel or resources to the Requesting Utility, unless such notice is not practicable, in which case such notice as is practicable shall be provided. The Requesting Utility may at any time reduce the Scope of Assistance at Attachment A, including by reducing the Period of Assistance or the personnel or other resources requested; provided, however, that the Requesting Utility shall remain responsible for reimbursing the Assisting Utility pursuant to Section 4 for expenses incurred.

3.2. FOOD, HOUSING, AND SELF-SUFFICIENCY – Unless otherwise agreed, the Requesting Utility shall have the responsibility of providing food and housing for the personnel of the Assisting Utility from the time of their arrival at the designated location to the time of their departure.

3.3 COMMUNICATIONS – Unless otherwise agreed, the Requesting Utility shall have the responsibility for coordinating communications between the personnel of the Assisting Utility and the Requesting Utility and shall provide radio equipment as available and radio frequency information to facilitate such communications. The Assisting Utility shall be responsible for communications among its personnel regardless of the availability of radio equipment from the Requesting Utility.

3.4 RIGHTS AND PRIVILEGES – Unless otherwise provided by law, the Assisting Utility's officers, principals or employees retain the same privileges, immunities, rights, duties and benefits associated with their position with or employment by the Assisting Utility.

3.5 SUMMARY REPORT – Within ten days of the return of all personnel deployed under this Agreement, the Requesting Utility shall prepare a summary report of the event and provide a copy to the Assisting Utility. The report shall be in a format established by the VA WARN Committee or, if none, in the format used by the Virginia Department of Emergency Management, and shall include a chronology of events and description of personnel, equipment, materials and supplies provided.

SECTION 4 – REIMBURSABLE EXPENSES

The terms and conditions governing reimbursement for any assistance provided pursuant to this Agreement shall be in accordance with the following provisions and applicable VA WARN administrative procedures, unless otherwise agreed upon by the Requesting Utility and Assisting Utility and set forth in Attachment A hereto.

4.1 PERSONNEL – During the Period of Assistance, the Assisting Utility shall continue to pay its employees according to its normal policies. The Requesting Utility shall reimburse the Assisting Utility for all direct and indirect payroll costs (including overtime) and expenses (including travel expenses, benefits, costs of insuring for workers' compensation claims, and other expenses) incurred during the Period of Assistance, unless otherwise agreed and set forth by the parties in this Agreement.

4.2 EQUIPMENT – The Assisting Utility shall be reimbursed by the Requesting Utility for the use or damage (unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Utility's personnel) of its equipment during the Period of Assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which some costs may be reimbursed by the Federal Emergency Management Agency, the eligible direct costs shall be determined in accordance with 44 CFR 206.228, or other regulations in effect at the time of the Utility Event. Each Utility shall maintain its own equipment in safe and operational condition. At the request of the Assisting Utility, fuels, miscellaneous supplies, and minor repairs may be provided by the Requesting Utility, if practical. If the equipment charges are based on a pre-established local or state hourly rate, then these charges to the Requesting Utility shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Utility and by the amount of any insurance proceeds received by the Assisting Utility for damage to or loss of such equipment.

4.3 MATERIALS AND SUPPLIES – The Assisting Utility shall be reimbursed for all materials and supplies furnished by it and used or damaged during the Period of Assistance, except for the costs of equipment, fuel, maintenance materials, labor and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Utility's personnel. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228 or other regulations in effect at the time of the Utility Event. In the alternative, the Utilities may mutually agree in writing that the Requesting Utility will replace, with like kind and quality as determined by the Assisting Utility, the materials and supplies used or damaged.

4.4 RECORD KEEPING – The Assisting Utility shall maintain records and submit invoices for reimbursement by the Requesting Utility in accordance with the Assisting Utility's existing policies and practices. The Requesting Utility may provide information, directions, and assistance for record keeping to the Assisting Utility personnel to facilitate future potential reimbursement to the Requesting Utility from the federal or State government.

4.5 PAYMENT – Unless otherwise mutually agreed in writing, the Assisting Utility shall invoice the Requesting Utility for all reimbursable expenses with an itemized statement as soon as practicable after the expenses are incurred, but not later than sixty (60) days after the Period of Assistance, unless the deadline for identifying damage or expenses is extended in accordance with applicable federal or State regulations. The

Requesting Utility shall pay the bill, or advise of any disputed items, not later than sixty (60) days following receipt of the invoice, unless the parties mutually agree in writing to a different time.

4.6 WAIVER OF REIMBURSEMENT – An Assisting Utility may elect to assume or donate, in whole or in part, the costs associated with any loss, damage, expense or use of the personnel or other resources provided by the Assisting Utility.

4.7 EFFECT OF WITHDRAWAL FROM VA WARN MUTUAL AID AGREEMENT – Withdrawal by either Utility from the VA WARN Mutual Aid Agreement shall in no way affect the obligations of the Utilities under this Event Agreement, including but not limited to the Requesting Utility's obligation to reimburse the Assisting Utility for costs incurred pursuant to this Event Agreement.

SECTION 5 – INSURANCE

5.1 WORKERS' COMPENSATION COVERAGE – Each Utility shall be responsible for its own actions and those of its employees and is responsible for complying with the Virginia Workers' Compensation Act.

5.2 AUTOMOBILE LIABILITY COVERAGE – Each Utility shall be responsible for its own actions and is responsible for complying with the Virginia motor vehicle financial responsibility laws. Each Utility agrees to maintain automobile liability coverage in the amount of at least \$1,000,000 combined single limit and coverage for owned, non-owned, and hired vehicles, or maintain a comparable self-insurance program.

5.3 GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, AND LAW ENFORCEMENT LIABILITY – To the extent permitted by law and without waiving sovereign immunity of governmental entities, each Utility shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own actions and the actions of its personnel pursuant to this Agreement. Each Utility agrees to obtain general liability and, in the case of governmental entities, public official's liability and law enforcement liability insurance, if applicable, with minimum single limits of no less than one million dollars, or to maintain a comparable self-insurance program.

SECTION 6 – MISCELLANEOUS PROVISIONS

6.1 OTHER AGREEMENTS – The parties acknowledge and agree that either party may have entered into other mutual aid agreements, either with other Member Utilities or with third parties, which shall not be deemed to be amended, superseded or repealed by execution of this Agreement. This Agreement shall govern with respect to the Scope of Assistance set forth at Attachment A hereto. Nothing in this Agreement is intended to interfere with either party's ability to request or provide assistance under the Virginia Statewide Mutual Aid Program or the Emergency Management Assistance Compact. In the event of a declaration of an emergency or

disaster, the parties may agree in writing to terminate this Event Agreement to enable an efficient response to be coordinated instead through the Statewide Mutual Aid Program and Emergency Management Assistance Compact, as appropriate.

6.2 INTERPRETATION – This Agreement shall be construed in accordance with and governed for all purposes by the laws of the Commonwealth of Virginia and shall be interpreted as if it were mutually drafted by the parties.

6.3 SEVERABILITY – Should any provision of this Agreement be held to be invalid, illegal or unenforceable by a court of competent jurisdiction, that fact shall not affect or invalidate any other provision, which shall remain in full force and effect. It is the intent of the parties to this Agreement, and the parties agree, that in lieu of any provision of this Agreement that is illegal, invalid or unenforceable, the parties in good faith shall supply as part of this Agreement a legal, valid and enforceable provision as similar to such illegal, invalid or unenforceable term or provision as may be possible.

6.4 ASSIGNMENT – This Agreement shall not be assigned or transferred by any party without the written consent of the other party hereto.

6.5 NO THIRD PARTY BENEFICIARIES – This Agreement is solely for the benefit of the parties hereto and their permitted successors and assignees and shall not confer any rights or benefits on any other person or entity.

6.6 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 and the same instrument. The parties further agree that a facsimile or scanned signature may substitute for and have the same legal effect as an original signature, and that any copy of this executed Agreement made by photocopy, facsimile, or scanner shall be considered an original.

6.7 AUTHORIZATION OF SIGNATURE – In the case of a locality, authority or district, the party represents and warrants that its execution of this Agreement is made by an individual authorized to do so by its governing body. In the case of a public service corporation, the party represents and warrants that its execution of this Agreement by the undersigned is duly authorized and validly performed.

NOW, THEREFORE, in consideration of the covenants and obligations set forth in this Agreement, the parties have caused the execution of this Agreement.

[SIGNATURE PAGE FOLLOWS]

**VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK
EVENT AGREEMENT SIGNATURE PAGE**

REQUESTING UTILITY

Utility Name: _____

Authorized Representative's Signature: _____

Authorized Representative's Name (print): _____

Authorized Representative's Title: _____

Date: _____

ASSISTING UTILITY

Utility Name: _____

Authorized Representative's Signature: _____

Authorized Representative's Name (print): _____

Authorized Representative's Title: _____

Date: _____

VA WARN EVENT AGREEMENT ATTACHMENT A

SCOPE OF ASSISTANCE

This form is used by the Assisting Utility to respond to request for assistance by a Requesting Utility. Upon acceptance by the Requesting Utility, this form, either as originally submitted by the Assisting Utility or as revised by the parties prior to the Requesting Utility's acceptance, as appropriate, is attached to the Event Agreement to define the Scope of Assistance. The Assisting Utility reserves the right to recall its personnel and resources, and the Requesting Utility reserves the right to reduce the Scope of Assistance, as provided in Paragraph 3.1 of the Event Agreement.

| | | | |
|---|------------------------|---------------------|-------------------------|
| Assisting Utility: | | | |
| Assisting Utility Authorized Representative: | | | Date: |
| Requesting Utility: | | Date: | |
| Event Name: | | Time: | |
| Requesting Utility Contact Name: | | | |
| | Phone: | | E-mail: |
| Description of Assistance Offered: | | | |
| Specific Resources Available: | | | |
| Assisting Utility Resource Coordination Contact: | | | |
| | Phone: | | E-mail: |
| Mobilization: | | | |
| | Date Available: | Time needed: | Pick hrs: hrs |
| Demobilization: | | | |
| | Date Released: | Time needed: | Pick hrs: hrs |

| | | | |
|--|---------------------|--|---------------|
| COST ESTIMATE (details below): | | | |
| Total Cost Estimate: | | Total Cost Estimate (Total from Excel sheet): | \$0.00 |
| Total Travel Costs: | | | \$0.00 |
| # of fuel consuming equipment: | | # of non-fuel consuming equipment: | |
| Travel Costs: | | | |
| Personal Vehicle: | | Vehicle Rental/Fuel/Mileage: | |
| Governmental Vehicle Costs: | | Air Travel: | |
| Meals/tips: | | Lodging: | |
| Notes/Comments: | | | |
| | | | |
| Total Equipment Costs: | | | \$0.00 |
| Equipment Costs (insert lines as needed): | | | |
| | Description: | Cost: | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| Total Commodity (Materials & Supplies) Costs: | | | \$0.00 |
| Commodity Costs (insert lines as needed): | | | |
| | Description: | Cost: | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| Total Other Costs: | | | \$0.00 |
| Other Costs (insert lines as needed): | | | |
| | Description: | Cost: | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

