

The Special Joint City Council meeting of the Petersburg City Council and the Planning Commission was held on Tuesday, March 23, 2021, live streamed. Mayor Parham called the meeting to order at 12:04p.m.

1. ROLL CALL:

Present:

Council Member Charles H. Cuthbert, Jr.
Council Member Treska Wilson-Smith
Council Member W. Howard Myers
Council Member John A. Hart, Sr.
Council Member Darrin Hill
Vice Mayor Annette Smith-Lee
Mayor Samuel Parham

Absent: None

Present from City Council Administration:

Interim City Kenneth Miller
City Attorney Anthony C. Williams
Clerk of City Council Nykesha D. Jackson

Present from Planning Commission:

Tammy Alexander
Fenton Bland
Marie Vargo
Thomas Harris
Michael Edwards
James Norman
Irvin Williams
Candace Taylor

2. DISCUSSION AND CONSIDERATION:

- a. A public hearing and consideration of a Petition and Ordinance to rezone the property at 3706 S. Crater Road from PUD – M-1c to PUD.

BACKGROUND: The City of Petersburg received a petition from PG Investments, LLC, contractual owners to rezone 1 parcel with a total land area of approximately 82.4 acres from “PUD” Planned Unit Development “M-1c,” Light Industrial District with conditions to “PUD” Planned Unit Development to permit a mixed use development to include Residential Single-Family District (R-2), Residential Townhouse District (RTH) in the Central and Western portion of the parcel, and General Commercial District (B-2) uses along South Crater Road. The property is located across South Crater Road West of Lakewood Drive and Thacker Hardware, North of the South Plains Subdivision, and South of Wal-Mart and the Addison Crater Woods Apartment Development.

The City Council adopted 7-Ord-104A on December 4, 2007, which approved the rezoning of the property from A - Agriculture to PUD for Mixed Use with proffered conditions. The City Council adopted 17-Ord-22 on May 16, 2017, which approved the rezoning of the property to PUD - M-1c. This is a request to rezone the property back to PUD to allow residential and commercial development on the property. Properties in the adjacent neighborhood to the South are zoned R-1. Adjacent properties to the North are zoned PUD.

*Audio available upon request.

The Developers are proposing a phased development over multiple years to include residential development and commercial development. The residential development is to include 300 market-rate mostly single-family and some townhouse units to meet existing an anticipated demand for single family homes, especially the Starter-home market. They are also proposing commercial development along South Crater Road.

All development would have to comply with relevant City State and Federal codes. All development would have to be accommodated by City utilities. The Planning Commission will review the proposal prior to the Public Hearing.

RECOMMENDATION: It is recommended that the City Council schedules a public hearing and considers adoption of an ordinance approving the petition to rezone property at 3706 South Crater Road from PUD – M-1c to PUD.

Lionel Lyons, Deputy City Manager, stated that the developer is withdrawing his request at this time.

Reginald Tabor, Interim Director of Planning and Community Development, gave a briefing on the request.

No action is requested for this item on the agenda.

- b. A public hearing and consideration of an ordinance amending the City of Petersburg Municipal Code regarding the Chesapeake Bay Preservation Act. (originally item 3d)

BACKGROUND: The Chesapeake Bay Preservation Act (Bay Act) was enacted by the Virginia General Assembly in 1988 as a critical element of Virginia's nonpoint pollution source management program. The purpose of the Bay Act program is to protect and improve water quality in the Chesapeake Bay by requiring the implementation of effective land use management practices.

The City of Petersburg Municipal Code currently includes provisions for the Chesapeake Bay Preservation Act. There is a need to amend sections of the City's Municipal Code to address additional Chesapeake Bay Preservation Act considerations and requirements to remain compliant with State and Federal laws.

The proposed Amendments to the Municipal Code are defined in the attached document (Exhibit A).

During the March 10, 2021 meeting, the Petersburg Planning Commission held a Public Hearing and considered the matter, then considered a resolution recommending approval by the City Council.

RECOMMENDATION: It is recommended that the City Council adopts the Ordinance amending the Municipal Code regarding the Chesapeake Bay Preservation Act.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public hearing.

Mr. Bland made a motion for approval. The motion was seconded by Mr. Edwards. The motion was approved on roll call vote. On roll call vote, voting yes: Bland, Vargo, Alexander, Hairston, Norma, Edwards; Absent: Taylor

Vice Mayor Smith-Lee made a motion to approve the ordinance approving an amendment to the City of Petersburg Municipal Code Chesapeake Bay Preservation Area Section. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert,

*Audio available upon request.

Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-ORD-16 AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF PETERSBURG MUNICIPAL CODE CHESAPEAKE BAY PRESERVATION AREA SECTION.

Mayor Parham stated, "I want to thank the Planning Commission for serving and for all the work that you do in helping us. I know just to be respectful of your time I wanted to get your items done for those who have to return to work. Next we will go back to item 2a (now 2c) for consideration."

- c. A request to authorize the Economic Development Authority to allow South Central Wastewater Authority to conduct due diligence (surveying, boring and archeological investigation) on the Roper Property (119, 130 Pocahontas Street) for a proposed ROW alignment extension. (originally item 2a)

BACKGROUND: The SCWWA presented the Pocahontas Street ROW extension to staff for preliminary discussion in December of 2020. Staff worked with SCWWA to provide feedback on the preliminary proposal. Afterward, SCWWA, City Staff and Councilmember Cuthbert held community meetings share SCWWA's proposal and to gather critical feedback from the residents of Pocahontas Island. Three (3) community discussion meetings were held at the Pocahontas Chapel and via Zoom in February 2021. Thirteen (13) people participated either in person or via Zoom. Upon the conclusion of the Community Discussions, after receiving valuable feedback and recommendations from the Pocahontas Island residents, SCWWA provided an updated revision to the proposed ROW extension.

Staff observed that one crucial voice of the neighborhood was not present during any of the community discussion, so staff reached out to the Pocahontas Island Elder to also receive feedback and recommendations from him per the updated revision. The Elder informed staff that a similar concept was considered years ago, and that the proposal utilized an existing ROW that exists upon a paper street, Haxall Lane. The submittal was provided for EDA discussion in March a day prior to the EDA presentation.

RECOMMENDATION: It is recommended that the City Council approves this resolution authorizing the EDA to grant SCWWA to conduct preliminary due diligence on the Roper Property for a proposed ROW extension through the property to connect from Pocahontas Street to Magazine Road.

Jeremy Tennant, Assistant to City Manager, and Robert Wilson, Executive Director of ARWA, gave a briefing on the presentation.

There was discussion among City Council, Mr. Wilson, and staff.

Council Member Cuthbert made a motion to approve the resolution authorizing the EDA to grant SCWWA to conduct preliminary due diligence on the Roper Property for a proposed ROW extension through the property to connect from Pocahontas Street to Magazine Road. The motion was seconded by Council Member Hill.

Mayor Parham opened the floor for public comments.

Andretta McCray, 532 South South Street, stated, "Good afternoon. I think that the project is really good. I think that it will bring in some piece and quiet to the residence who have been enduring that noise for such a very long time. I do have a question as to when everything starts to take place and go as planned will that help to possibly bring some type of employment to the City? I know that we will probably need construction workers and things of that nature. If some of the residents from Petersburg could possibly benefit from that. That was my only question."

*Audio available upon request.

Mr. Wilson stated, "We have not looked at formal numbers of employment. But a project of this size will bring in a lot of local subcontractors and they will hire part of their workforce onsite."

Ms. McCray stated, "I think it would be a good idea to have something where it is actually written that if we abide by the rules and regulations that we have to that we get something out of it during the process. So, if employment is something that could happen where the contractors come in and that if available to hire someone of the community. I know that it is out there but to have it available and to have it written down is better. Because what if they do not have it written down and just announce it."

The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-R-30 A RESOLUTION AUTHORIZING THE ECONOMIC DEVELOPMENT AUTHORITY TO ALLOW SOUTH CENTRAL WASTEWATER AUTHORITY (SCWWA) TO CONDUCT DUE DILIGENCE (SURVEYING, BORING, AND ARCHEOLOGICAL INVESTIGATION) ON THE ROPER PROPERTY FOR A PROPOSED ROW EXTENSION THROUGH THE PROPERTY.

3. OFFICIAL PUBLIC HEARINGS:

- a. A public hearing for the appropriation for a \$2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project. (originally item 3a)

BACKGROUND: Phlow, Civica, and AMPAC are partnering to design and construct a manufacturing facility for pharmaceutical products upon property that is currently owned by AMPAC at 2620 North Normandy Drive, Petersburg, VA. The project will produce more than 400 new jobs in Petersburg and will have a positive economic impact on the City.

The parties anticipate project funding through the Commonwealth Opportunity Fund (COF) which is detailed in the attached offer from the Virginia Economic Development Partnership entitled "Virginia's Financial Offer for Project Tube." Through this program, the City will receive \$2,000,000.00 grant in support of the project with proportionate clawback provisions should the company not achieve their investment and jobs target within the five-year performance period.

The City of Petersburg has agreed to facilitate certain improvements to the utility infrastructure in the area of this property which will accommodate the proposed project contingent upon the representations and mutual promises described in this agreement.

RECOMMENDATION: A public hearing for March 23, 2021 and for City Council to approve the appropriation of the \$2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project.

Mr. Tennant gave brief overview of the request.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "It seems like a no brainer to me to approve the \$2,000,000. The thing that I would ask you to do not as part of this meeting of course but in the future. But it would be really helpful to have a presentation about how all the pieces and parts fit together. Not only the Commonwealth Opportunity Fund but also some of the things that were talked about just a few minutes ago that Mr. Tabor talked about relative to what is going on with the pharmaceutical developments. Where the

*Audio available upon request.

money is coming from. It would be nice to have map of the whole thing. Thank you.”

Mr. Lyons stated, “Along those lines to address Mrs. Rudolph’s questions. Mr. Tennant did not go through the detail presentation. All of this information as well as everything about AMPAC are also being placed on our City website. So, it is available for everyone and for us to be as transparent and open as we possibly can.”

Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve the appropriation of \$2,000,000 grant from the Virginia Economic Development Partnership Authority for the Project Tube project. The motion was seconded by Vice Mayor Smith-Lee. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Hill, Smith-Lee, and Parham; Absent: Myers and Hart

21-ORD-17 AN ORDINANCE, AS AMENDED, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 FOR THE GRANTS FUND IN THE AMOUNT OF \$2,000,000.

- b. A public hearing and consideration on an ordinance amending the text of the City’s Zoning Ordinance regarding restaurants and other uses.

BACKGROUND: There are currently more than eighty (80) restaurants located in the City of Petersburg. The City’s Zoning Ordinance currently does not contain a definition for or otherwise regulate “restaurants.”

Within the current Zoning Ordinance, restaurant is included in the definitions of Adult Entertainment Establishment, Drive-in restaurant, and Nightclub. Restaurant is also included in the use regulations of Article 10. "R-5" Multiple Dwelling, and Article 18.1. "MXD-1" Mixed Use District. Fast Food Restaurants and Restaurants except fast-food restaurants but including those accessory to hotels and motels, are referenced in Art. 19, § 4 Petersburg Code Art. 19, § 6 Section 5. Parking space requirements. Zoning matters related to restaurants have been considered under Zoning Ordinance regulations listed above and in Article 14. "B-1" Shopping Center District Regulations, Section 2. Use Regulations (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center uses.

There is a need to further define restaurants and related uses to clarify zoning matters related to restaurants.

The Planning Commission adopted a resolution during their meeting on February 17, 2021 recommending approval of the text amendment.

RECOMMENDATION: It is recommended that the City Council approves the amendments to the text of the City’s Zoning Ordinance regarding restaurants and other uses.

Mr. Tabor gave a briefing of the request for amendments to the City’s Zoning Ordinance.

Mayor Parham opened the floor for public comments.

Seeing no hands, Mayor Parham closed the public comments.

Council Member Cuthbert made a motion to adopt the ordinance amending the text of City Zoning Ordinance regarding restaurants and other uses as proposed. The motion was seconded by Council Member

*Audio available upon request.

Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, Smith-Lee, and Parham; Absent: Hart

21-ORD-18 AN ORDINANCE APPROVING AN AMENDMENT TO THE PETERSBURG ZONING ORDINANCE TO ADDRESS RESTUARANTS AND RELATED USES.

- c. A public hearing and consideration of an ordinance amending the City of Petersburg Municipal Code regarding the Chesapeake Bay Preservation Act. (originally item 3e)

BACKGROUND: The City Council referred a proposal to the Planning Commission for a recommendation regarding an ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation in an amount not to exceed 30 percent of the total fees.

The City of Petersburg receives Site Plan applications and Land Disturbance Permits for development projects in the City of Petersburg.

The City has received offers to augment City staffing to expedite the review and approval processes. Expedited review and approval processes can benefit the City by reducing staff time required for the processes, and the expedited processes can serve as incentives for additional development.

The augmented staffing would be provided by the property developer at their expense. The augmented staffing would be provided in lieu of additional staffing that would be reflected in a reduction in fees and would reflect the reduction in City Staff resources necessary for the review and approval processes. The reduction in fees would not exceed 30 percent of the total permit fees.

The current fee for a site plan submittal and approval is \$800 per submittal and \$50 for each additional acre. A 30% reduction of the site plan fee for a 1-acre site is \$560.00.

The current fee for a land disturbance permit is \$250.00, plus \$50.00 for every acre or part thereof in excess of one acre. A 30% reduction of the land disturbance permit fee is \$175.00.

The Planning Commission considered the item during the February 17, 2021 meeting and voted to recommend approval.

RECOMMENDATION: It is recommended that the City Council adopts an Ordinance authorizing the City Manager to approve the reduction of site plan review and land disturbance permit fees when offset by in-kind staffing augmentation, in an amount not to exceed 30 percent of the total fees.

Mr. Tabor gave a briefing of the request on the public hearing.

Mayor Parham opened the floor for public comments.

Barbara Rudolph, 1675 Mt. Vernon Street, stated, "I think the concept of an offset is fine. My question would be, this is like the actual developer providing staff so that the City would not have to hire temporary help or contract someone to do the additional work. My concern is that the folks who are brought in by the developer, I do not know what type of work is being done. Maybe it is so standard and routine that it could be given to anyone to do and it would not change the outcome. It just seems like a little bit of subjectivity. If it is possible to be introduced by the developer who of course has a desired outcome whereas if it is performed by the government, it is supposed to be looked at entirely or objectively from the many standpoints. I think the developer has a single interest which is doing the project. I would just encourage the City to consider that

*Audio available upon request.

because if you do have developers providing staffing to do things and then something ends up coming out not the way that we want then we have let them in the door through this legislation. Thank you.”

Norma Williams, owner of Array Business and Technology, stated, “In regard to developers and contractors I have a question. Do we require any work or contracts that are given that these contractors only hire US citizens and there are no undocumented individuals doing the work? They must be US citizens on these contracts or doing the work. And that also chimes into the question that the young lady asked about Pocahontas. We were talking about jobs. We insured that there were no undocumented individuals on those contracts. Is there any oversight to ensure that these contacts have a clause put in them to ensure that US citizens get the job? Thank you.”

Seeing no further hands, Mayor Parham closed public comments.

There was discussion among City Council and staff.

Council Member Wilson-Smith made a motion to table until further information is provided. The motion was seconded by Council Member Hill. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Wilson-Smith, Myers, Hill, and Parham; Absent: Hart and Smith-Lee

- d. A public hearing and consideration of an ordinance authorizing the City Manager to execute a Lease Agreement with the Appomattox Regional Governor School for City-owned property located at 1555 Flank Road.

BACKGROUND: The Department of Economic Development received a proposal from the Appomattox Regional Governor’s School (ARGS) requesting the use of City-Owned property located at 1555 Flank Road to further expand its athletic and other recreational activities for its student; including for soccer, flag football, cross country, and other athletic and recreational activities and other school-related programs, and to make gradual upgrades to the Property over time.

RECOMMENDATION: The Department of Economic Development recommends approval of the proposed lease of City Owned property located at 1555 Flank Road to the Appomattox Regional Governor’s School to expand athletic and recreational activities for its students.

Mr. Lyons stated, “Is Ms. Boone still here? I thought that we had asked to move this to a later date. Mr. Tabor if I am wrong jump in. Because they had come back, and they were not meeting again until April. And they had a change of leadership and they had asked us if we could move to a later date. Mr. Tabor or Ms. Boone if I am incorrect please correct me.”

Mr. Tabor stated, “That is correct. We would ask that we be able to bring this back in May.”

Mr. Lyons stated, “We sent a memo out on several items that we want to bring back in May. We had been working with them and progress has been made to make sure that we are all dealing with the same facts and that they can give us more clarity moving forward.”

- e. A public hearing and consideration of an ordinance amending the text of the City’s Code of Ordinance to establish a Technology Zone at the former Southside Regional Medical Center site.

BACKGROUND: During the December 8, 2020 City Council Public Hearing, Councilmember Cuthbert raised a question after the City Council and Public were briefed on the proposed amendments to the definitions, incentives, procedures, compliance, and confidentiality sections of the I-95 Technology

*Audio available upon request.

Zone. Councilmember Cuthbert made the following inquiry, “If we were to extend the Technology Zone to the former Southside Regional Medical Center (SRMC) site what are the benefits and is it feasible?” As a follow up to that inquiry, on January 19, 2021 Councilmember Cuthbert requested through the City Manager that staff address the potential addition of another Technology Zone at the former SRMC site or potentially anywhere else in the City of Petersburg and if applicable, the next steps to be taken to do so and a timeline to complete those steps.

RECOMMENDATION: Staff recommends not expanding the existing Technology Zone at this time as the potential uses allowed within the Technology Zone would not be compatible under the current RB Office-Apartment District Regulations. If the City Council were so inclined to move forward on expanding the Technology Zone to the former Southside Regional Medical Center site, then staff would recommend a study be conducted on the site, through the City Planning Commission, to ensure that a PUD that allows manufacturing can be placed on the site to allow a compliant use that will fit within the character of the neighborhood.

Mr. Tennant gave an overview of the request.

Mayor Parham opened the public hearing for comments.

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Hill made a motion to approve staff’s recommendation of not expanding the existing Technology Zone at this time as the potential uses allowed within the Technology Zone would not be compatible under the current RB Office-Apartment District Regulations. There was discussion on the motion. The motion was seconded by Council Member Myers. The motion was approved on roll call vote. On roll call vote, voting yes: Cuthbert, Myers, Hill, and Parham; Absent: Wilson-Smith, Hart and Smith-Lee

Mayor Parham stated, “That is all of our public hearings for today. I would like to say before we adjourn that we have great news on our bond rating being increased to BBB+. That is a huge accomplishment being in a pandemic and being able to get a rate increase. It is just remarkable. I would like to thank the City staff for their contribution for helping us get there. It was a deep dive because I know that Standard & Poor was not looking at doing any rate increases for any locality, but they did see the progress that was being made in Petersburg. And I thank all of you for your hard work.”

4. ADJOURNMENT:

Council Member Hill stated, “I have one announcement if I may. I just want to let the citizens know that on March 30th, I will be having a Ward 2 meeting at 6pm at the school board office. It will be a drive-up meeting. So, all must stay in their car. Just like you do at your church services. I will announce this again. Thank you.

City Council adjourned at 4:45 p.m.

Clerk of City Council

APPROVED:

Mayor

*Audio available upon request.