

The special meeting of the Petersburg City Council was held on Tuesday, July 30, 2024, at the Union Train Station, 103 River Street. Mayor Parham called the meeting to order at 5:03 p.m. The meeting was not recorded.

1. ROLL CALL

Present:

Council Member Charles Cuthbert, Jr.
Council Member Annette Smith-Lee
Council Member Arnold Westbrook, Jr.
Council Member W. Howard Myers
Vice Mayor Darrin Hill
Mayor Samuel Parham

Absent:

Present from City Council Administration:

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

2. PRAYER

Vice Mayor Hill led the City Council meeting in the opening prayer.

3. PLEDGE OF ALLEGIANCE

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

4. DETERMINATION OF THE PRESENCE OF A QUORUM

A quorum was determined with the presence of the City Council members.

5. OFFICIAL PUBLIC HEARINGS

Public Hearing and Consideration of an Appeal by Victoria Glazer, Applicant and Owner of 104 Marshall Street, Tax Parcel 022260001, on the Decision of the Architectural Review Board (ARB) Regarding the Installation of a Fence Located Within the Poplar Lawn Historic District

BACKGROUND:

On June 12, 2024, the request to install a six-foot-tall wooden privacy fence at 104 Marshall Street was denied by the ARB due to conflicting with the zoning ordinance. Per the Zoning Ordinance Article 35, Section 13, those denied by the ARB may appeal to the City Council provided the request is filed within 30 days of the ARB's decision. The appeal request was filed via email on June 13, 2024.

RECOMMENDATION: Denial of the appeal per staff and ARB recommendation.

Naomi Siodmok, Director of Planning and Community Development, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Joe Patterson, 1 South Sycamore Street. Mr. Patterson, Chair of the ARB, stated that 10 years ago the ARB started approving 6 ft. fencing. He asked Council to approve pending conversation with Planning Department to discuss conflicts between historic guidelines and zoning ordinance.

Victoria Glazer, 104 Marshall Street. Ms. Glazer stated that she was the homeowner. She was not aware of the house being located in the historic district. They started putting up the fence in March/April, but once informed they stopped working on the fence.

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

Council Member Cuthbert asked Ms. Glazer the difference between the location and design of old and the new fence. Ms. Glazer responded that the new fence is 1ft. taller. The old fence was 5 ft. and the new one is 6 ft. Council Member Cuthbert asked Ms. Glazer if she could live with a 5ft fence. Ms. Glazer said that would be fine.

Council Member Smith Lee commented that the fence was 5ft but they want a 6ft fence. She noted that the fence across the street from the home is 7ft.

Council Member Jones stated that he did not have a problem approving the 6 ft. fence. He requested that it be added to the list of what is historic or not. He requested to add to the list of buildable lots.

Council Member Myers stated to remain with 5 ft. fence.

There was discussion among the City Council members.

Council Member Cuthbert made a motion to approve as proposed with the new fence no higher than the old one. Council Member Myers seconded the motion.

Vice Mayor Hill made a substitute motion to allow the 6 ft. fence. Council Member Jones seconded the substitute motion. The substitute motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Public Hearing and Consideration of an Ordinance to Approve Amendment and Readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses Pertaining to Recreation Substance Retail Uses (2nd Reading)

BACKGROUND: March 7, 2024 – staff discussed potential ordinance requirements for recreational substance retail facilities with the Planning Commission and were directed to initiate a public hearing for consideration of an ordinance amendment for consideration. April 4, 2024 – Planning Commission held a public hearing and recommended approval of 2024-ZTA- 02, which included definitions and use limitations for recreational substance retail uses. April 5, 2024 – HB 947 was signed by Virginia Governor, which limited the authority of the City to regulate the uses as initially desired. May 2, 2024 - The Planning Commission held a public hearing on a proposed text amendment which would make recreational substance retail facilities a by-right use in the B-1, B-2, and M-1 Districts if the facilities are located 1,000 linear feet from a day care center or school. The Planning Commission tabled the request and asked that the language be amended to require special use permits for recreational substance retail facilities in the B-1, B-2, and M-1 district. June 6, 2024 - The Planning Commission recommended approval of an amendment and

readoption of Article 3, Definitions and Article 23, Supplementary Use Regulations, Special Uses pertaining to recreational substance retail uses.

RECOMMENDATION: Planning Commission recommended approval of the text amendment on June 6, 2024.

Naomi Siodmok, Director of Planning and Community Development, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among the City Council members.

Council Member Cuthbert asked about cigar lounges on Washington Street at old bus station. He asked if there was any concern with eliminating them in B-1 and B-2 zoning districts. Ms. Siodmok stated that the cigar shop was grandfathered.

Council Member Jones asked if the code addressed how many were allowed. He asked if marijuana and raw materials from hemp could be added.

Council Member Westbrook asked about adding edibles.

City Attorney Williams stating that staff can look at adjusting the ordinance and bringing it back at a subsequent meeting.

Council Member Cuthbert questioned massage being allowed only in M-1 zoning districts.

Council Member Cuthbert made a motion to adopt as presented with recreational substances retail (both off-site and on-site use) being allowed with an approved Special Use Permit in M-1, Light Industrial Zoning District only. Council Member Jones seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

24-ORD-29 AN ORDINANCE TO AMEND AND READOPT ARTICLE 3. – DEFINITIONS AND ARTICLE 23.-SUPPLEMENTARY USE REGULATIONS – SPECIAL USES, AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO DEFINE RECREATIONAL SUBSTANCE RETAIL USES AND REGULATE THE ALLOWANCE OF SUCH USES WITHIN THE CITY

Council Member Jones that this item be returned to Council at their September meeting.

Public Hearing and Consideration of an Ordinance to Approve Adoption of Article 38, Site Plan Review, and Amendment and Readoption of Article 31, Permits, Plats, and Filing Fees as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Site Plan Review Standards and Fees (2nd Reading)

BACKGROUND: May 2, 2024 – Staff presented a discussion item covering the proposed changes and the Planning Commission moved to hold a public hearing on a potential text amendment.

RECOMMENDATION: Planning Commission recommended approval on June 6, 2024.

Naomi Siodmok, Director of Planning and Community Development, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among the City Council members.

Vice Mayor Hill made a motion approve the adoption of Article 38, Site Plan Review, and Amendment and Readoption of Article 31, Permits, Plats, and Filing Fees as Set Forth in the Zoning Ordinance of the City of Petersburg to Codify Site Plan Review Standards and Clarify Fees. Council Member Jones seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

24-ORD-30 AN ORDINANCE TO APPROVE ADOPTING ARTICLE 38. – SITE PLAN REVIEW AND AMENDING AND READOPTING ARTICLE 31. – PERMITS, PLATS, AND FILING FEES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG, TO CODIFY SITE PLAN REVIEW STANDARDS AND CLARIFY FEES

Public Hearing and Consideration to Create & Transfer Initial Funding to the Budget Stabilization Fund (BSF) (2nd Reading)

BACKGROUND: The City of Petersburg Financial Policy Guidelines Section 5.2 states: “The City shall separately establish a Budget Stabilization Fund, which shall be considered a part of the City’s Committed Fund Balance. The Budget Stabilization Fund shall be used for unforeseen, emergency expenditures or unplanned, unforeseen declines in revenues. The Budget Stabilization Fund shall be initially established at an amount equal to 5% of General Fund Budgeted Revenues & Expenditures.”

RECOMMENDATION: Approve the ordinance to transfer funds from the Unassigned Fund Balance to the Budget Stabilization Fund (BSF).

Garry Cozier, Budget Manager, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mt. Vernon Street, stated that the proposal was great. She stated that the City Council needs to establish criteria/policies when appropriate to use.

Freda Greenhouse, 1814 (did not capture full address), asked what would be the criteria for emergencies.

Seeing no other hands, Mayor Parham closed the public hearing.

There was discussion among the City Council members.

Council Member Jones asked what is considered an emergency.

City Manager Altman provided examples of emergencies. He noted that a definition of emergencies needs to be added.

Mr. Cozier stated that the policy does not state the criteria.

Mayor Parham stated that the Oak Hill and the Lafayette bridges are emergencies.

Council Member Cuthbert stated that one man's emergency is another man's inconvenience. He asked how the money will be invested. He asked if it would be in the LGIP.

Vice Mayor Hill made a motion approve the ordinance to establish a budget stabilization fund as outlined in the financial policy guidelines for the City of Petersburg with criteria of what consists of as an emergency. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

24-ORD-31 AN ORDINANCE TO ESTABLISH A BUDGET STABLIZATION FUND AS OUTLINED IN THE FINANCIAL POLICY GUIDELINES FOR THE CITY OF PETERSBURG

Council Member Cuthbert requested that the City Manager report to Council in September if the funds can be invested in the LGIP.

Mayor Parham requested that the City Manager report back to Council in September a quote to repair the Oak Hill Bridge.

Public Hearing and Consideration of an Ordinance to Adopt Section 2-193 of the Petersburg City Code Pertaining to Staff in the Office of the City Attorney (2nd Reading)

BACKGROUND: Having qualified, competent, and experienced, and skilled legal staff with significant institutional knowledge is imperative to the ability of the Office of the City Attorney to defend, prosecute, pursue, and advise City Council and the City's Administration in legal matters affecting the operations of the City.

Internal transfers of staff within the Office of the City Attorney have a substantial impact on the Office due to the small number of personnel working in this office. With the most recent transfer, the Office will be left without any permanent staff other than the City Attorney himself. The City has spent funds training staff within the City Attorney's Office in order to perform the functions specific to the needs of the Office of the City Attorney and it is difficult if not impossible for the Office with only two staff positions, to compete with the salaries and other jobs available given the large number of vacancies that the City currently has.

As the City Attorney's Office seeks to fill both of its currently open positions, the City Attorney is requesting that Council favorably consider the attached Ordinance which will enable him to (1) ensure continuity of staff so that his Office does not simply serve as a training ground for other positions within the City's organization; (2) ensure continuity and longevity of service and that funds expended on training personnel are not wasted; (3) enable the development of career development opportunities for City Attorney staff; (4) enable the City Attorney to effectively structure the positions to best serve the needs of the Office; and (5) ensure that the positions are funded

sufficiently within appropriated funds in order to remain competitive with other positions both within and outside of the City.

RECOMMENDATION: Approve Ordinance as presented.

Anthony Williams, City Attorney, gave a brief overview of the request.

Mayor Parham opened the public hearing.

Barb Rudolph, 1675 Mt. Vernon Street, stated that she strongly recommends not approving the ordinance presented.

Treska Wilson-Smith, 1151 Normandale Avenue East, spoke against Council approving the proposed ordinance.

Brittany Flowers, 3280 Denise Road, spoke against the proposed ordinance.

Gary Talley, 2323 Fort Rice, stated that accountability is needed and some independence.

Seeing no other hands, Mayor Parham closed the public hearing.

There was discussion among the City Council members.

Council Member Jones stated that he can see both sides. He stated that the State code states that elected officials cannot work in the municipality for a year after leaving office.

Vice Mayor Hill state that the City of Petersburg is under the Council and Manager form of government. He would like to table this issue.

Mayor Parham called for a 15 minute recess due to flooding. Meeting recessed at 6:26 p.m.

Meeting reconvened at 6:47 p.m.

Further discussion was held among the City Council members.

Vice Mayor Hill made a motion to table the approval of this ordinance to amend the Petersburg City Code by incorporating section 2-193 of the City Code pertaining to City Attorney staff until the September 3, 2024 Closed Session. Council Member Smith-Lee seconded the motion. Council Member Jones made a substitute motion to approve with amendments. The substitute motion died for lack of a second. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: Jones; Abstain: N/A.

Public Hearing for the Consideration of an Appropriation Ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life Grant, Carryover of Funds from FY 24 to FY 25 Budget for \$135,183.36 (2nd Reading)

BACKGROUND: The City of Petersburg Department of Fire, Rescue and Emergency Services received financial assistance through the Virginia Office of EMS to support EMS training and equipment as determined applicable by the Code of Virginia

RECOMMENDATION: The Council approve the ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life funding in the amount of \$135,183.36 to the Department of Fire, Rescue, and Emergency Services' FY25 budget.

City Manager March Altman gave a brief overview of the request.

Mayor Parham opened the public hearing

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the appropriation ordinance for the Virginia Office of Emergency Medical Services – Four-for-Life-Grant, Carryover of Funds from FY24 to FY25 Budget for \$135,183.36. Vice Mayor Hill seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Public Hearing for the Consideration of an Appropriation to Carry Over the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program Funding from FY24 to FY25 Budget (2nd Reading)

BACKGROUND: The City of Petersburg received annual funding from the Virginia Department of Emergency Management. These funds enhance Emergency Management and Operations during preparedness, response, mitigation, and recovery during significant incidents.

RECOMMENDATION: Recommend that Council approve an ordinance to carry over unspent funding from the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program for \$2,723.53 to the Department of Fire, Rescue and Emergency Services FY 25 budget.

City Manager March Altman gave a brief overview of the request.

Mayor Parham opened the public hearing

Seeing no hands, Mayor Parham closed the public hearing.

Council Member Myers made a motion to approve the appropriation ordinance to carry over the Virginia Department of Emergency Management – Radiological Emergency Preparedness Program Funding from FY24 to FY25 Budget for \$2,723.53. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Public Hearing on the Consideration of Appropriation for the Fiscal Year Commencing July 1, 2024, and ending on June 30, 2025, for Grant 521288-FY25-School Resource Officer Grants – SRO (2nd Reading)

BACKGROUND: The Petersburg Bureau of Police applied for and was awarded the School Resource Officer Grant. It will allow the addition of two School Resource Officers.

RECOMMENDATION: Recommended that the council accept the funds for the School Resource Officer Grant to be spent in the fiscal year.

Police Chief Travis Christian gave a brief overview of the request.

Mayor Parham opened the public hearing

Seeing no hands, Mayor Parham closed the public hearing.

There was discussion among the City Council members.

Council Member Smith-Lee made a motion to approve the appropriation ordinance for the Fiscal Year commencing July 1, 2024 and ending June 30, 2025 for Grant 521288-FY-25 School Resource Officer Grants-SRO. Council Member Jones seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; no: N/A; Abstain: N/A.

Public Hearing on the Consideration of Ordinance to Appropriate Funding for the Sports Training Facility (Fieldhouse) at Petersburg High School in the Amount of \$500,000.00 (2nd Reading)

BACKGROUND: Per the Memorandum of Agreement between the city, PCPS School Board, & the PHS Stadium Enhancement Committee, the City agreed to provide funds to the committee for the purpose of the Training facility project using the funds designated for future capital needs of PCPS.

RECOMMENDATION: Hold public hearing and approve ordinance to appropriate funds.

City Manager March Altman gave a brief overview of the request.

Mayor Parham opened the public hearing

Barb Rudolph, 1675 Mt. Vernon Street, spoke in favor of the appropriation but wanted to know more about the memorandum of understanding.

Seeing no other hands, Mayor Parham closed the public hearing.

Mayor Parham and Council Member Myers stated that they would be abstaining from the vote because they service as ex-officio members of the committee.

Vice Mayor Hill made a motion to approve the ordinance to appropriate funding for the Sports Training Facility (Fieldhouse) at the Petersburg High School in the amount of \$500,000. Council Member Smith-Lee seconded the motion. The motion was approved on roll call vote. On roll call vote, Yes: Cuthbert, Jones, Westbrook, Smith-Lee, and Hill; no: N/A; Abstain: Myers and Parham.

6. UNFINISHED BUSINESS

Council did not consider any matters under unfinished business.

7. NEW BUSINESS

Council did not consider any matters under new business.

8. CLOSED SESSION

The purpose of this meeting is to convene in the closed session pursuant to §2.2-3711(A)(7) and (8) of the Code of Virginia for the purpose of receiving legal advice and status update from the City Attorney and Legal Consultation regarding the subject of actual or probable litigation and specific legal matters requiring the subject of actual or probable litigation and specific legal matters requiring the provision of legal advice by the City Attorney, specifically including but not limited to discussion regarding the legal requirements of Part II Chapter 86 Article II of the Petersburg City Code; Section 10-2-13 of the Petersburg Zoning Ordinance; and Petersburg Circuit Court Case No.: CL24-563; and §2.2-3711(A)(1) of the Code of Virginia for the purpose of discussion pertaining to performance, assignment, and appointment of specific public employees of the City of Petersburg, specifically including but not limited to discussion of the performance, assignment, and appointment of a specific public officer of the City of Petersburg; and §2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of the acquisition of real property for a public purpose and the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically including but not limited to the acquisition and disposition of real property.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Smith-Lee seconded the motion.

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

Council entered into Closed Session at 7:31 p.m.

CERTIFICATION

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

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Westbrook seconded the motion. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

24-RES-36 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.

City Council returned to open session at 8:40 p.m.

Council Member Cuthbert made a motion to add the approval of EC1 Med to the agenda. Council Member Myers seconded the motion. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

Council Member Cuthbert made a motion to approve EC1 Med agreement. Vice Mayor Hill seconded the motion. There was no discussion on the motion. The motion was approved on roll call vote. On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Smith-Lee, Hill, and Parham; No: N/A; Abstain: N/A

18. ADJOURNMENT:

The City Council adjourned at 8:42 p.m.

Adopted: 10/1/2024

APPROVED:



Mayor

ATTEST:



City Clerk