

The regular meeting of the Petersburg City Council was held on Tuesday, April 17, 2007 at the Union Train Station. Mayor Mickens called the regular meeting to order at 6:30p.m.

1. **ROLL CALL:**

Present:

Council Member Joan K. Carter
Council Member Brian A. Moore
Council Member Ken Pritchett
Council Member Dama E. Rice
Council Member Carl M. Ross
Vice Mayor Horace P. Webb
Mayor Annie M. Mickens

Absent:

Present from City Administration:

City Manager B. David Canada
Assistant City Manager Eric Campbell
City Attorney Robert Dawson
Finance Director T. Robertson Blount, Jr.

2. **CLOSED SESSION:**

City Attorney Robert Dawson stated that it was City Council's desire to enter into a closed session under Section 2.2-3711.A (1) of the Virginia Freedom of Information Act, and specifically under Subsection 1 for the discussion or consideration interviews of prospective candidates for employment, 3 items; under Subsection 3 for the discussion or consideration of acquisition of real property for public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, 2 items; and under Subsection 7 for consultation with legal counsel employed or retained by the City regarding specific legal matters requiring the provision of legal advice by such counsel, 1 item.

Vice Mayor Webb moved that the City Council go into closed session for the purposes noted by the City Attorney. The motion was seconded by Council Member Ross. There was no discussion on the motion, which was approved unanimously on voice vote.

City Council entered closed session at 6:34 p.m.

CERTIFICATION:

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

On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-R-30

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. PRAYER/PLEDGE OF ALLEGIANCE:

- a. Mayor Mickens led council and the audience in the pledge of allegiance.

4. CONSENT AGENDA:

- a. Minutes of the April 3, 2007, Regular Meeting

Council Member Rice moved to adopt the Consent Agenda. The motion was seconded by Council Member Carter. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

There was no discussion. The motion was approved unanimously on voice vote.

5. OFFICIAL PUBLIC HEARINGS:

- a. As required by the Code of Virginia, as amended, and on referral from the Planning Commission, a public hearing on a petition from Bill Rutledge as agent for F.O. Powers, property owner for a change of zoning designation of property addressed as 2463 County Drive, further identified as Tax Parcel 039-01-0004, from R-1A, Single-Family Residence District, to B-2, General Commercial District, to permit the use of the subject property for commercial purposes.

BACKGROUND: Bill Rutledge, agent for F.O. Powers, owner of the subject property, requests a change of zone designation of property addressed as 2463 County Drive, further identified as Tax Parcel 039-01-0004, from R-1A, Single-Family Residence District, to B-2, General Commercial District, to permit the use of the subject property for commercial purposes.

The purpose of the public hearing is to receive citizen comment on the request for a change of zone designation. The public hearing was duly advertised in the local newspaper.

ACTION REQUESTED: Following the public hearing, Council, may accept or reject the Planning Commission's recommendation to approve the change of zoned designation.

Leonard A. Muse, Director of Planning and Community Development, presented the case report.

Mr. Muse stated that the applicants for this hearing are requesting that the public hearing be tabled until the next regular City Council meeting. He stated that there are concerns regarding the submission made by the applicants, concerning conditions of the rezoning and the exact nature of the rezoning. He stated that in the interim the staff with the applicants will seek to clarify this matter and bring it back to City Council to conduct the hearing.

Council Member Rice made a motion to table the public hearing and rezoning request for property addressed as 3501 Halifax Road until the next regular City Council meeting in May. The motion was seconded by Vice Mayor Webb. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

- b. As required by the Code of Virginia, as amended, and as referral from the Planning Commission, a public hearing on a petition from Richard F. Ward, III, and David E. Harrison, owners of the subject property, for a change in the zoning designation of property addressed as 201 East Bank Street, further identified as Tax Parcel 011-16-0004, from M-1, Light Industrial

District, to B-3, Central Commercial District, to permit the rehabilitation of an existing structure on the subject property into residential apartments.

BACKGROUND: Richard F. Ward, III, and David E. Harrison, owners of the subject property, request a change of zone designation of property addressed as 201 East Bank Street, further identified as Tax Parcel 011-16-0004, from M-1, Light Industrial District, to B-3, Central Commercial District, to permit the rehabilitation of an existing structure on the subject property into residential apartments.

The purpose of the public hearing is to receive citizen comment on the request for a change of zone designation. The public hearing was duly advertised in the local newspaper.

ACTION REQUESTED: Following the public hearing, Council, may accept or reject the Planning Commission's recommendation to approve the change of zone designation.

Leonard A. Muse, Director of Planning and Community Development, presented the case report.

Richard F. Ward, III, thanked City Council for hearing the public hearing and also the Planning Commission for the recommendations that they presented.

Mayor Mickens opened the floor for public comment.

Richard Stewart, 129 Rolfe Street, stated that he was glad that the city is at the point of trying to figure out what to do with the building. He stated that Rountree Pontiac wanted to tear the building down so that they could expand their parking lot. He stated that he thinks that the city did a very good job with keeping the building up. He asked where the people who would reside in the apartments would park their vehicles. He stated that the property is only sidewalks and street.

Mr. Ward stated that there are nine places to park behind the building. He stated that they have a right-of-way that carries 41 feet back to the north side of the building.

Willie Noise, III, 1508 Circle Drive, stated that he is in favor of the petitioner getting the request for the change of zone designation. He asked what about the safety of the children who might occupy the building.

Terry Ammons, Architect for the petitioner, 555 High Street, stated that this would probably not be a place that families would choose to live in. He stated that within the constraints that they have to work with, they will do anything that they can to make the building itself as safe as possible. He stated that they will be working on upgrading the parking lot and sidewalk with lighting.

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

Council Member Pritchett asked whether there is a plan to put the power lines in a different location.

Mr. Ammons stated no.

Council Member Pritchett stated that in the guidelines provided for the public hearing there is some discussion regarding the power lines.

Mr. Ammons stated that there may be some issues during construction due to the proximity of the power lines to the building. He stated that this is not specific but that this is something that they may take into consideration with the contractors at this time.

Mr. Muse stated that during the course of this review and in the agenda packet, the fire chief notes that the proximity of the overhead wires will make difficult fire suppression activities on the upper floor if there is a fire event. He stated that if there is a fire event then or if they are trying to get ladders up on the front of the building, then there is close clearance. He stated that this is the essence of the comment and the resolution of Planning Commission.

Mr. Ammons stated that they will take this in consideration and will also try to work with Virginia Power to get this resolved.

Vice Mayor Webb asked Mr. Ward what would be the rate of the apartments.

Mr. Ward stated that they are projecting the project completion around 14 months and that it would be \$850-\$950 for each apartment.

Vice Mayor Webb asked what the size of the apartment.

Mr. Ward stated that they are approximately 800-900 square feet and that there will be eight apartments.

Vice Mayor Webb stated that it will be a small apartment with that size measurement. He asked Mr. Ward would it be possible for them to get six apartments instead of eight.

Mr. Ward stated that six would be possible but that he does not think that it will work based on the structure of the building.

Vice Mayor Webb asked Mr. Ward can he do six apartments instead of eight so that this will give the people or families that will be living there a little more space.

Mr. Ward stated that he believes that the six apartments can be done but that he does not think that they can make the cash flow work out in order to make the project feasible.

Council Member Pritchett asked Mr. Ward whether he was basing the eight apartments on the original configuration of this building.

Mr. Ward stated yes.

Council Member Pritchett stated that he does remember the building being apartments with a store on the corner. He asked Mr. Ward whether he was converting the store into another apartment.

Mr. Ward stated yes.

Council Member Pritchett asked how many apartments were in the building.

Mr. Ward stated that he believes that there were seven in addition to the store.

Council Member Pritchett asked Mr. Ward whether he was utilizing the entrances on Bank Street or the exits on the back side. He asked whether they will enter through these doors or will the entrance be from the parking lot.

Mr. Ward stated that the two previous doors that they used for entrances to the apartment building will be utilized and that the door with the angle to Bank and Third Street will not be used as an entrance.

Mayor Mickens stated whether, since one space was a store and that this area is being looked at for Commercial Use, there was a possibility that the commercial space can be reestablished.

Mr. Ward stated that everything in the building has been gutted and that the store floor has been gutted out and that there is nothing left and that it is basically a shell.

Mayor Mickens asked Mr. Ward whether there is no desire for his development to use for anything else except for apartments.

Mr. Ward stated yes.

Mayor Mickens stated that she has the same concerns regarding the density. She stated that there are so many possibilities even though they have different configurations. She stated that she wanted to hear the conversation with regards to why eight apartments instead of six.

Mr. Ammons stated that in the South Street Lofts the apartments that are still available range generally between 850-950 square feet and that they are more expensive. He stated that they range from \$950-\$1100 in terms of price. He stated that these are in the median price range and that price is not related to size in all of the apartments downtown at the moment. He stated that sometimes you get a big one for that amount of money and sometimes you get a smaller one for that amount. He stated that the approach that they had taken was to utilize the existing historic structure without any changes to it. He stated that the banks will look at it as residential but will not look at it as commercial.

Council Member Carter asked where the primary entrance to the building is.

Mr. Ward stated that it would be the two entrances on Bank Street.

Council Member Carter asked whether the individuals would be parking the rear and then going around the front to enter the building.

Mr. Ward stated yes, or they may enter on the side.

Mr. Ammons stated that this is because they are using the original stairs that were used in the buildings to gain entrance.

Vice Mayor Webb asked Mr. Ward whether he was having the apartments set up like was set up from the original plans.

Mr. Ward stated yes.

Council Member Moore made a motion to approve the Planning Commission's recommendation to change the zoning designation of property 209 East Bank Street from M-1, Light Industrial District, to B-3, Central Business District, to permit the use of the subject property for commercial purposes. The motion was seconded by Council Member Rice. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-ORD-27 AN ORDINANCE APPROVING THE PLANNING COMMISSION'S RECOMMENDATION TO CHANGE THE ZONING DESIGNATION OF PROPERTIES 107 AND 109 WEST BANK STREET FROM M-1 , LIGHT INDUSTRIAL DISTRICT, TO B-3, CENTRAL BUSINESS DISTRICT, TO PERMIT THE USE OF THE SUBJECT PROPERTY FOR COMMERCIAL PURPOSES.

- c. As required by the Code of Virginia, as amended, a public hearing on a request from the Petersburg Library Foundation for the City to abandon and vacate an unnamed, 10-foot wide public alley, extending westward from North Market Street and located on property addressed as 22-24 North Market Street, further identified as Tax Parcel 022-01-0001.

BACKGROUND: The Petersburg Library Foundation recently purchased property addressed as 22-24 North Market Street, further identified as Tax Parcel 022-01-0001, as the future site of the new City library. A survey of the property indicates that there is an unnamed, 10-foot wide public alley/right-of-way, approximately 179 feet in length, extending from North Market Street, located on the property. The Library Foundation has requested that this alley be closed and vacated.

In accordance with the Code of Virginia, as amended, a public hearing must be held to receive citizen comment prior to the closure and vacation of public property. The public hearing was duly advertised in the local newspaper.

ACTION REQUESTED: Following the public hearing, Council may, if it so desires, by ordinance, vacate the subject public alley/right-of-way.

Council Member Moore excuses himself because he is on the Library Foundation Board.

Leonard A. Muse, Director of Planning and Community Development, presented the case report.

Wayne Crocker, Director of Library, stated that when the Library Foundation purchased the property and discovered that the alley was there, they wanted to utilize the entire property, so they made this request. He stated that they have no need for the alley at all.

Mayor Mickens opened the floor for public comment.

Seeing no hands, Mayor Mickens closed the public hearing.

Council Member Carter asked whether to the closing of the alley means that the alley will be available to build on it.

Mr. Muse stated yes. He stated that the design of the library has not been finalized, but that it is the desire of the foundation not to have the alley. He stated that the presence of the alley is public right-of-way and that this would provide an impediment. He stated that this is a legal process and that it means that on future plats or land records it would show that the land is closed and that it would be no alley.

Mayor Mickens asked whether there are easements; the City would retain the easements.

Mr. Muse stated that it appears to be none. He stated that there is and will be discussion of the presence of two manholes on the site. He stated that this will be discussed with the Library Foundation as they further their design.

Council Member Pritchett made a motion to vacate the subject public alley/ right-of-way of 22-24 North Market Street. The motion was seconded by Council Member Rice. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Pritchett, Rice, Ross, Webb, Mickens Excused: Moore

07-ORD-28 AN ORDINANCE TO VACATE THE SUBJECT PUBLIC ALLEY/ RIGHT-OF-WAY OF 22-24 NORTH MARKET STREET.

- d. As required by the Code of Virginia, as amended, a public hearing for the purpose of receiving public input on the possible disposition of publicly-owned property identified as a portion of Tax Parcel 092-01-0001, addressed as 3501 Halifax Road, such property consisting of an unimproved lot of approximately 22 acres that is M-2, Heavy Industrial District.

BACKGROUND: The City of Petersburg is considering the disposition of a portion of publicly-owned property addressed as 3501 Halifax Road, further identified as Tax Parcel 092-01-0001. The subject property consists of an unimproved lot of approximately 22 acres that is zoned M-2, Heavy Industrial District. It is located in the Petersburg Interstate Industrial Park.

State Code requires localities to hold a public hearing to receive citizen comment before the disposition of public-owned property.

ACTION REQUESTED: Following the public hearing, Council, if it so desires, may authorize the City Manager to execute a contract for the sale of the subject property.

Vandy Jones, Director of Economic Development, gave an overview of the case report.

Ian Rhody, General Manager for Infra-Metals, stated that business is growing and that Petersburg has a great location, where the interstate is accessible. He stated that their business is expanding in the southeast and that he also runs a similar plan in Baltimore, Maryland. He stated that because they are expanding they need more area to expand on and that the site that is stated would be a great site.

Mayor Mickens opened the floor for public comment.

Robert Grossman, 1625 Kings Road, stated that he is in favor of Mr. Rhody purchasing the property if he does as he says that he will be doing. He asked however, whereas someone could explain to him how Infra-Metals is benefiting Petersburg. He stated that he has a problem with the noise that the plant was making during the night. He stated that the noise disturbs the neighborhood. He stated that the sound levels that come from the plant are beyond the levels that are accepted by the code.

Mr. Jones stated that what Infra-Metals is proposing is to expand their building onto the land that is directly next to the building as well as to the back of the building. He stated that he is not under the impression that they are proposing any type of building on the newly-purchased land. He stated that he wanted to note, regarding one of the statements that Mr. Grossman made in regards to the original sale of the property and the City's participation in the rail spurt, that he does not remember the amount being \$500,000, but that it was a substantial amount. He stated that what needs to also be noted is that the city did get \$437,500 from the sale of the land. He stated that all the taxes from Infra-Metals have been paid. He stated that he can not answer the question of when Infra-Metals started paying taxes. He stated that they did get here in 1992.

He stated that they did do sound studies and they were all done at night. He stated that about two weeks he did a sound study during the day and that he did not tell Camelot or Infra-Metals until he went on the lot. He stated that there are 70 employees there now. He stated that they can not say that they have to employ citizen in Petersburg because they have their business here.

Mr. Rhody stated that in the past 36 years ago, none of the property was developed and that it was completely wooded. He stated that when they came here and wanted to build here in Petersburg, Mr. Jones and some other people came down and greeted them on the property. He stated that all of their facilities operate in a closed facility. He stated that they are in a service business and that they buy steel and services other businesses. He stated that the sound will be decreased but that he can not say what the sound level will be.

Gregory Kostanski, 3300 Seaton Road, stated that the first time he addressed City Council on this subject was March 25, 2005. He stated that he asked City Council for help and that he told them about the kind of noise and the quality. He stated that he believes that City Council took an oath to uphold the laws in the City and that that included preventing the peace and quiet of Petersburg residents from being distributed. He gave brief information on the levels of sounds.

Willie Noise, III, 1508 Circle Drive, asked what the procedures for employment are.

Mr. Rhody stated that depending on the qualifications of the job they hire directly or through temp agencies to help them get employment. He stated that all employees must go through pre-employment drug testing and background checks.

Richard A. Stewart, 129 Rolfe Street, stated that he is confused with the levels of sound that comes from Infra-Metals. He asked that when Mr. Jones went out to measure the noise level, what measure he used

Mr. Jones stated that it was the firm of Harrison, Miller, Miller Hanson, Inc., which does sound studies for VDOT. He stated that they took readings at eight different times a day during the day for a total of 20 minutes. He stated that the noise levels were not above the average range of noise to cause a problem.

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

Council Member Carter asked whether, if Council were to vote to approve the sale, there will be no building on the land. She asked whether City Council would be allowing Infra-Metals to buy the property with the discretion that they are able to do what they want to do with the property. She stated that she needed clarification.

Mr. Jones stated that the public hearing is on the disposition of the sale of the land to Infra-Metals. He stated that if the City sells the land to Infra-Metals, as presented before City Council they would be able to do as the propose as long as it is in the zoning regulations.

Council Member Carter asked Mr. Canada whether the figures given were related to the tax money that the City receives. She asked whether this was all the money that the City would receive from business.

Mr. Canada stated that there are three sources of revenue from a business. He stated that one is the real estate property taxes, which have been noted based upon a value of \$6.5 million/\$80, 000 a year. He stated second, that some personal property that may be taxed but that he is unaware of the exact number at this point. He stated third that there will be the machinery and tools tax. He stated that this is a tax on the capital equipment used in the operation of the business. He stated that these three are the primary sources of revenue from a manufacturing firm beyond the direct employment that would occur.

He added that approximately eight acres from the 22 acres of land are unusable for development purposes because of topographical concerns. He stated that their usage would be limited to 14 to 15 acres.

Mr. Jones stated that there is a deep swale. He stated that as you move toward the Norfolk Southern Line the land falls off toward the rail line. He stated that there are about 14 acres that is readily developable in the property. He stated that the rest is undevelopable, because you can develop anything if you are willing to spend the money. He stated that it is very cost prohibited to do anything with that portion of land.

Vice Mayor Webb asked Mr. Rhody whether he stated that a berm was going to go on the acres that they are buying.

Mr. Rhody stated that a berm surrounds their entire property other than what is on Bessemer Road. He stated that he does not have full site plan because he has not done topographic surveys. He stated that

the sole improvement of the new property would be to create a berm to shield view and night lines and to shield this from other businesses and properties.

Vice Mayor Webb asked whether in the lay-down yard there were going to be trucks.

Mr. Rhody stated, yes, because this is how the materials are transported on the yard, because there are no rails.

Vice Mayor Webb made a motion to authorize the City Manager to execute a contract for the sale of the subject property addressed as 3501 Halifax Road. The motion was seconded by Council Member Rice. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-ORD-29 AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE SALE OF THE SUBJECT PROPERTY ADDRESSED AS 3501 HALIFAX ROAD.

7. PUBLIC INFORMATION PERIOD:

Robert Grossman, 1625 Kings Road, stated that it was over two years ago when an ordinance made it illegal to park automobiles in the front or side yards of residences. He stated that this had never been enforced due to a question as to whether it was a zoning ordinance infraction or a traffic violation. He said that Mr. Canada stated that if a person went to court it would be thrown out and that it has been several times. He said that Mr. Canada had added that we need to have a City Attorney hired to change the wording of that law. He asked whether, that now that Robert Dawson has been hired, the City can expect any action on the change in the wording. He stated that he feels that potential purchasers of homes in the area due to Fort Lee's increase will be turned off. He stated that he had presented to City Council some placards of pictures of a lot of the homes that he has taking pictures of. He stated that this ordinance needs to be enforced.

Jonathan Elliott, 332 South Sycamore Street, stated that he is in front of City Council to speak on a program called "Arts for Everyone." He stated that this is an initiative that would provide access to the arts specifically through the programs at Sycamore Rouge to the citizens of Petersburg. He stated that this would be done through distribution of tickets at a destination distribution point by virtue of showing a utility bill or other form of proof that you are a residence of Petersburg. He stated that they will have no-cost field trips for specific interested field groups from Petersburg School Groups to Sycamore Rouge. He stated that they are proposing a batch of 1,800 tickets for Sycamore Rouges theater season. He stated that it would be co-sponsored half and half by Sycamore Rouge and the City of Petersburg. He stated that this is a great way to access the arts in the City.

Christopher Shorr, Artistic and Director of Sycamore Rouge, 132 East Fillmore Street, stated that this weekend Sycamore Rouge will be opening a newly-commission play. He stated this is the second of three plays dealing with local and regional history. He stated that their first play that premiered last season was set during the Civil War. He stated that this season the play will be Motaoka: The Pocahontas Story. He stated that it is being done in conjunction with Jamestown 2007. He stated that the play next year will deal with Petersburg in the Civil Rights Era. He stated that Sycamore Rouge has proven itself and the value it has for the community. He stated that last year they did 230 public events and exceeded their promised 225 events. He stated that Sycamore Rouge requests that City Council appropriate funds for the program that Mr., Elliot referred to. He stated that they have requested the funding on several occasions and that they have done it in writing, in person, and at the City Council meetings.

Michael Nelson, 810 Southpark Drive, stated that a contractor was in the process of building some houses and that in this process the contractors had to come through his mother's yard to build a pipe so that

the water can drain back. He stated that now this water is now just backed up in the yard. He stated that the water stays there for about two or three days.

Mr. Canada stated that he can confirm the problem that Mr. Nelson has stated. He stated that it will be raised again. He stated that Mr. Allen is a sub-divider and builder on the property behind Mr. Nelson. He stated to Mr. Nelson that the City will do what it can do to address the issue.

Richard Stewart, 129 Rolfe Street, stated that he has some concerns of property that is sold at tax sale in Petersburg. He stated that there was a lot on Pocahontas that is worth \$8,000 but was sold for \$17,000. He stated that there is a lot of property on Kentucky Avenue that is worth \$2,000 but was sold for \$17,000. He stated that some of the other citizens questioned him about where the money is going. He asked City Council where the profit of the monies that are made from the properties goes or what does the City do with the property.

Teresa Brown, 923 Oakmont Drive, stated that her concern is dealing with flooding. She stated that it just rained a little the other day and that when it rains a serious rain the whole street is flooded. She stated that she has another concern of the unregistered cars in the area. She stated that they have several homes that are possibly being rented and that a lot of the homes have cars there that have a lot of broken windows. She stated that the cars are bringing the property value down.

Willie Noise, 1508 Circle Drive, stated that he asked himself what if a copy of the minutes included the public information period. He stated that he likes to go directly to City Council with his problems. He stated that now that he is here, he likes to go back to City Council to the lower departments. He stated that this should be so that the lower departments will be able to look at these minutes. He stated that he thinks that this should be mandatory that the departments look at the minutes as well.

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

- a. Consideration of an appeal by Ephraim and Florence Johnson of the decision of the Architectural Review Board to deny a Certificate of Appropriateness for the replacement of a metal roof with asphalt shingles at 204 East Fillmore Street.

BACKGROUND: Ephraim and Florence Johnson, owners of the subject property addressed as 204 East Fillmore Street, further identified as Tax Parcel 022-39-0002, have filed an appeal of the decision of the Architectural Review Board to deny a Certificate of Appropriateness to replace a metal roof with asphalt shingles.

In accordance with Article 35, Section 13, of the City's Zoning Ordinance, a public hearing, which is required on appeals of decisions made by the Architectural Review Board prior to action by City Council, was held on April 3, 2007. Council voted to table this matter until its next meeting.

A case report regarding this matter was included in the April 3, 2007, City Council agenda packet.

ACTION REQUESTED: Council, if it so desires, may uphold, overturn, or modify the Architectural Review Board's decision to deny the request.

City Manager B. David Canada stated that the asphalt shingles roof cost \$4,500 and that this was estimated by a contractor. He stated that the same contractor estimated that a metal roof would cost about \$10,000. He stated that he has talked with Petersburg Urban Ministries and also Elder Homes. He stated that Petersburg Urban Ministries could install a metal roof for \$6,500 and that Elder Homes are willing to contribute \$2,000 to this effort. He stated that given that the Johnson's are willing to pay \$4,500 and the contribution of \$2,000 from Elder Homes would result in \$6,500 which is the cost that Petersburg Urban Ministries stated that

they will fix the roof. He stated that there is one difference where the contractor that the Johnson's spoke to has a warranty. But the Petersburg Urban Ministries does not carry a warranty. He stated that his believe is that the value of the warranty is important and that it can only come from the private contractor in this case. He stated that he would suggest that City Council grant what was recommended by two representatives of the Architectural Review Board (ARB) an exception to the requirement of an installation of a metal roof. He stated that this is that the Johnson's be allowed under Economic Hardships Provision to install a shingle roof at the prices that have been quoted to them by the private contract

Mayor Mickens opened the floor for public comment.

Richard Stewart, 129 Rolfe Street, stated that City Council made a wise decision but what color will it be. He stated that you really can't tell the difference between an historical roof and a regular one. He asked whether there should be a color to distinguish them apart.

Mr. Canada stated that he has not given any thought to the color of the roof. He stated that the ARB has historically addressed the color of paint in terms of what color is used to paint the exterior of the house. He stated that they have also addressed the colors of painting a tin roof. He stated that he suggests that issue should be left up to the Johnson's to decide and that they should consult with the ARB or the City's Preservation Planner.

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

Mayor Mickens state that it should be noted that the process was followed through and that the ARB requirements are being met. She stated that it is City Council's decision, but that they try hard to stay within the parameters. She stated that City Council is also asking that there may be some decision that can be made at the ARB level that City Council would be able to work out these types of circumstances where they would not have to come to this level.

Vice Mayor Webb stated to Victoria Hauser, Preservation Planner, that it appears that there may be other situations like these because of the historic districts and people trying to rehabilitate their homes. He asked Ms. Hauser if she would be able to get with the ARB to help develop guidelines so that the City may get through these hardship cases.

Council Member Pritchett stated that he empathizes with the Johnsons and their economic situation, but that he believes that the City is opening a Pandora's Box for any and everybody to circumvent the ARB. He stated that this is being done by not sticking with the requirements of the tin roof being replaced by tin roof. He stated that he has seen some of the work that the Petersburg Urban Ministries has done.

Council Member Moore stated that this is really a case of financial hardship. He stated that this has been through the appropriate process and that the City Manager has recommended that City Council do this course of action. He stated that Council does want to keep the City intact for the citizens in town.

Mayor Mickens stated that one of the major items for discussion was how the City looks out for the people. She stated that she wants to express her appreciation to the ARB for maintaining the integrity of the process but yet still providing the opportunity to work with the citizens of the community.

Council Member Moore made a motion to overturn the Architectural Review Board's decision to deny the request based on the Johnson's Economic Hardship. The motion was seconded by Vice Mayor Webb. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens Voting No:

07-ORD-30 AN ORDINANCE TO OVERTURN THE ARCHITECTURAL REVIEW BOARD'S DECISION TO DENY THE REQUEST, SO THAT THE JOHNSON'S MAY REFURBISH THEIR ROOF AT THEIR COST.

- b. Consideration of the appointments to the Petersburg Redevelopment & Housing Authority Board of Directors.

BACKGROUND: The Petersburg Redevelopment and Housing Authority (PRHA) consist of seven (7) members who are appointed by City Council to serve four-year, staggered terms.

PRHA was created to study blighted areas within the City and to recommend programs for the improvement of such areas; to provide quality housing for low income families at rents within their ability to pay; and to serve as the duly designated agent of the City to contract with federal agencies for financial assistance in order to undertake urban redevelopment and low-rent housing programs approved by City Council.

Due to the resignation of Robert Jones, there is a vacancy on the PRHA Board of Commissioners. An appointment may be made to fill Mr. Jones' unexpired term, which ends September 30, 2007.

The Clerk of City Council has submitted a notice to the Progress-Index requesting applicants for Boards and Commissions. The ads are scheduled to appear April 10th, 13th, and 15th, 2007. To date, she as received one application for the PRHA Board of Commissioners, which is attached for your information.

ACTION REQUESTED: Council, if it so desires, may schedule interviews of applicant(s) for appointment to the Petersburg Redevelopment & Housing Authority Board of Commissioners to fill an unexpired term ending September 30, 2007.

Mayor Mickens opened the floor for public comment.

Seeing no hands, Mayor Mickens closed the public hearing.

Vice Mayor Webb made a motion to appoint Daniel Todd to Petersburg Redevelopment & Housing Authority to fill the unexpired term of Robert Jones, such term expiring September 30, 2007. The motion was seconded by Council Member Moore. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Moore, Pritchett, Ross, Webb, Mickens Abstain: Carter Voting No: Rice

07-R-31 A RESOLUTION APPOINTING DANIEL TODD TO PETERSBURG REDEVELOPMENT & HOUSING AUTHORITY TO FILL THE UNEXPIRED TERM OF ROBERT JONES, SUCH TERM EXPIRING SEPTEMBER 30, 2007.

Council Member Rice stated that she would like to thank the Omega Psi Phi Fraternity from Virginia State University for the clean-up that they did on East Washington Street last Saturday. She stated that she would also like to thank some of the members of Bethany Missionary Baptist Church because they worked on South Crater Road. She stated that "Rebuilding Together" will be out on April 21st and 28th working on twelve houses in Pocahontas and Blandford area. She stated that on tomorrow night at 6:00p.m. at Blandford Elementary School, Steve Pierce, the Ward 1 representative for the School Board, will have a meeting to discuss the disposition of Blandford Elementary. She stated that the final item is the Work Session that she had discussed and that she would like to see held on a Saturday.

Council Member Carter stated that this past week the Salvation Army had a graduation exercise for 40 members of the community who participated in various classes such as interviews and resume writing. She stated that there were many success stories. She stated that this month is also Child Abuse Prevention Month and that there were many activities that were being hosted in the City.

Council Member Pritchett stated that he would like to remind everyone that on April 21st and 22nd, the 16th Annual Revolutionary War Reenactment of the 1781 Battle of Petersburg will be held.

Council Member Moore stated that at the last Council meeting there had been a discussion about the changing of the Ward 4 voting place. He stated that the consideration was to move it from the YMCA to the Train Station. He stated that he would like to get it on the agenda of the next regular scheduled meeting in May so that an ordinance may be done.

City Attorney Robert Dawson stated that at the last meeting his comment was that they have not made that final decision that they will use the Train Station for the voting precinct.

Council Member Moore stated that at the last meeting the decision had been tabled.

Council Member Moore made a motion to asked that City Manager and City Attorney draw plans to move the 4th Ward voting percent from the YMCA to the Train Station. The motion was seconded by Council Member Ross. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

9. CITY MANAGER'S AGENDA:

- a. Appropriation: Funding for Computer Equipment for Office of the Commonwealth's Attorney - \$19,540– 2nd Reading.

BACKGROUND: The State Compensation Board, at its meeting on March 3, 2007, approved a request from Cassandra S. Burns, Commonwealth's Attorney for the City of Petersburg, funding \$17,670 for the acquisition of 13 computers, 6 monitors, 4 printers, 1 scanner, and 13 jump drives. The balance of \$1,870 is available in State forfeited assets providing 100%of the bid price of \$19,540.

ACTION REQUESTED: Request the attached appropriation ordinance be enacted in the amount of \$19,540.

Mayor Mickens opened the floor for public comment.

Seeing no hands, Mayor Mickens closed the public hearing.

Council Member Rice made a motion to adopt the appropriations ordinance in the amount of \$19,540 for funding for Computer Equipment for the Office of the Commonwealth's Attorney. The motion was seconded by Council Member Ross. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-ORD-31 AN ORDINANCE AMENDING THE GENERAL OPERATING BUDGET, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2006, AND ENDING JUNE 30, 2007, IN THE GENERAL FUND, THIS ADMENDMENT APPROPRIATED \$19,540 FOR EQUIPMENT – COMMONWEALTH ATTORNEY.

- b. Appropriation: Grant from The Cameron Foundation for Oral History Civil Rights Project - \$15,000 – 2nd Reading

BACKGROUND: The Petersburg Public Library System was notified by The Cameron Foundation that it had been awarded a grant in the amount of \$15,000. This grant is to support the Petersburg Virginia Oral History Civil Rights Project. This Oral History Project is intended to document the events that happened in Petersburg after World War II and the impact these events had on black and white citizens. These events will be documented and recorded through interviews of key individuals over a twelve-month period. Videotapes, audiotapes, and transcripts of the interviews will be available in the Petersburg Public Library.

ACTION REQUESTED: Request the attached appropriation ordinance be enacted in the amount of \$15,000.

Wayne Crocker, Director for the Public Library, gave an overview of the case report.

Mayor Mickens opened the floor for public comment.

Seeing no hands, Mayor Mickens closed the public hearing.

Council Member Carter made a motion to adopt the ordinance in the amount of \$15,000 for an Oral History Civil Rights Project. The motion was seconded by Council Member Moore. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-ORD-32 AN ORDINANCE TO AMENDING THE GENERAL OPERATING BUDGET, SAID ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR COMMENCING JULY 1, 2006, AND ENDING JUNE 30, 2007, IN THE GENERAL FUND, THIS AMENDMENT APPROPRIATES \$15, 000 FOR AN ORAL HISTORY CIVIL RIGHTS PROJECT.

- c. Consideration of Entering Into a Memorandum of Understanding with Battersea, Inc.

BACKGROUND: Battersea, Inc. is a federally-recognized 501-c-3 tax-exempt non-profit organization established in 2006. The Board of Directors of Battersea, Inc. is presently composed of 21 founding members from Central Virginia and other parts of the Commonwealth, many with professional or other interests in the City of Petersburg or in Battersea itself. Many have extensive experience in other State and national preservation efforts or bringspecialized technical, fund-raising, historical, or other talents to support the creative preservation and development of the historic and cultural assets of the house and property.

Given Battersea, Inc.'s role is the renovation and preservation of Battersea, a rare 18th – century house built in 1768 as an urban villa, and its 37 acres and the organization's willingness to work collaboratively with the City to this end, it is appropriate to consider documenting this relationship between the City and Battersea, Inc. through a Memorandum of Understanding (MOU). The MOU establishes the duties and responsibilities of the respective parties. The draft Memorandum of Understanding is modeled on a similar arrangement between the City of Richmond and the Maymont, Foundation with respect to Maymont Park. An approved MOU will enhance Battersea Inc.'s standing in requesting funds for the Battersea project from the federal and State governments as well as philanthropic organizations.

The City Manager reviewed this MOU with Council at its meeting on April 3, 2007. Following the review, Council referred the MOU to the City Attorney for his review and recommendation.

Battersea, Inc. has since submitted another revision of the proposed MOU, which is attached for your information. The only change from the previously submitted MOU, which was included in the April 3, 2007, Council agenda, is item 9, which deals with insurance coverage.

ACTION REQUESTED: Council, if it so desires, may authorize the City Manager to execute a memorandum of understating between the City of Petersburg and Battersea, Inc.

Mayor Mickens opened the floor for public comment.

Seeing no hands, Mayor Mickens closed the public hearing.

Council Member Carter made a motion to authorize the City Manager to execute a memorandum of understating between the City of Petersburg and Battersea, Inc, upon the review of the City Attorney. The motion was seconded by Council Member Ross. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

07-R-32 A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PETERSBURG AND BATTERSEA, INC. , UPON THE REVIEW OF THE CITY ATTORNEY.

- d. Consideration of a Resolution Qualifying Miller & Associates to Utilize the Virginia Housing Development Authority (VHDA) Mixed-Use Development Financing Program for Phase II Construction of High Street Lofts.

BACKGROUND: Miller & Associates has completed Phase I of the High Street Lofts project and is prepared to begin Phase II. Phase I consisted of ten (10) townhouses. Six have been sold, one is currently used as a model, and three are available for sale. The sales prices of the six sold range from a low \$235,000 to a high of \$275,000. Phase II will consist of twenty-four (24) condominiums. Two have been pre-sold and the remaining 22 are being offered at prices ranging from \$135,000 to \$245,000.

Miller & Associates is proposing to use Virginia Housing Development Authority (VDHA) Mixed-Use Development Financing Program to finance Phase II construction. The VHDA program requires 20% (five) of the residential units be reserved for persons making no more than \$288,500. The remaining 80% (nineteen) of the units will have no income restrictions.

In order to utilize the mixed-use development program, the property must meet one of two criteria: (1) the property must be in a revitalization area: or (2) a resolution must be passed by the local governing body addressing mixed income projects outside of revitalization areas. The High Street Lofts project is not located within a revitalization area and therefore would require a Council resolution to qualify for the VHDA Mixed-Use Development Financing Program.

ACTION REQUESTED: Council, if it so desires, may adopt the attached resolution qualifying Miller & Associated to utilize the Virginia Housing Development Authority (VHDA) Mixed-Use Development Financing Program to complete Phase II of High Street Lofts.

Mr. Canada stated that he brings this to City Council attentions as information only. He stated that he had told Mr. Miller that it is appropriate to discuss this with the High Street Association before action is taken. He stated that Mr. Miller had said that he intends to do this in the near future. He stated that he anticipates that he would bring this back in front of City Council as a action item after contact has been made and discussion has been held with the neighborhood.

e. Budget Presentation (if time allows)

1) Municipal Golf Course

Assistant City Manager Eric Campbell, Finance Director T. Robertson Blount, Jr., and Assistant Director of Public Works Ron Reekes gave an overview of the Municipal Golf Course Budget.

2) Police Department

Acting Chief of Police Lee Crowell, Will Watson, William Rhode, Captain Delores Randolph, and Captain Gregory Seidel gave an overview of the Police Department's Budget.

10. CLERK OF CITY COUNCIL'S AGENDA:

- a. On referral from the Planning Commission, request to schedule a public hearing on a petition from David Primeaux for a Special Use Permit to expand a bed and breakfast inn currently in operation at 509-511 West Washington Street, further identified as Tax Parcel 023-11-0016; suggested date for the public hearing is May 15, 2007.
- b. On referral from the Planning Commission, request to schedule a public hearing on a petition from Ghanda M. Ross, lessee of subject property, for a Special Use Permit to establish and operate an auto deal / car wash business and new or used auto sales businesses at 700 East Bank Street, further identified as Tax Parcel 012-10-0001; suggested date for the public hearing is May 15, 2007.
- c. On referral from the Planning Commission, request to schedule a public hearing on a petition from Henry D. Moore, property owner, for a change in the zoning designation of property addressed as 701 Flank Road, further identified as Tax Parcel 089-06-0001, from "A", Agriculture District, to PUD, Planned Unit Development, to permit the development of 102 attached and semi-attached residential units and club houses as the subject property; suggested date for the public hearing is May 15, 2007.

Council Member Pritchett made a motion to hold public hearings on May 15, 2007, from David Primeaux for a Special Use Permit to expand a bed and breakfast inn currently in operation at 509-511 West Washington Street, further identified as Tax Parcel 023-11-0016; Ghanda M. Ross, lessee of subject property, for a Special Use Permit to establish and operate an auto deal / car wash business and new or used auto sales businesses at 700 East Bank Street; and from Henry D. Moore, property owner, for a change in the zoning designation of property addressed as 701 Flank Road, further identified as Tax Parcel 089-06-0001, from "A", Agriculture District, to PUD, Planned Unit Development, to permit the development of 102 attached and semi-attached residential units and club houses as the subject property. The motion was seconded by Vice Mayor Webb. The motion was approved unanimously on roll call vote. On roll call vote, voting yes: Carter, Moore, Pritchett, Rice, Ross, Webb, Mickens

Vice Mayor Webb stated that he would like to introduce "Arts for Everyone" to be placed on May 1st Agenda.

12. ADJOURNMENT:

Council Member Moore moved for adjournment. The motion was seconded by Council Member Ross. There was no discussion. The motion was approved on voice vote. City Council adjourned at 11:54 p.m.

Clerk of City Council

APPROVED:

Mayor