

REGULAR BUSINESS

R-1

100th Anniversary Committee

R-2

RESOLUTION NO. 2015-

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000 AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, on January 13, 2015, the City Council (the "Council") of the City of Hopewell, Virginia (the "City"), adopted an ordinance authorizing the issuance of general obligation bonds in a principal amount not to exceed \$2,500,000 to finance the acquisition and initial installation of a new public safety communications system (the "Project") in an existing public safety building;

WHEREAS, the City's administration and a representative of Davenport & Company LLC, acting in the role as the City's financial advisor (the "Financial Advisor"), have recommended to the Council that the City issue and sell a single general obligation public improvement bond through a private placement with a commercial banking or other financial institution to finance the Project;

WHEREAS, at the request of the City, the Financial Advisor has solicited bids for the purchase of the Bond (as hereinafter defined), and six bids have been received; and

WHEREAS, the Council desires to delegate to the City Manager the authority to award the sale of the Bond and to determine the final pricing terms of the Bond within certain parameters set forth below;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA:

1. Issuance of Bond. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 and the City Charter, the Council hereby provides for the issuance and sale of a general obligation bond of the City in the maximum principal amount of \$2,500,000 (the "Bond") to provide funds to finance the Project and to pay the costs of issuing the Bond. Further, the Council hereby authorizes the City Manager to determine, in collaboration with the Financial Advisor, which bid is in the best interests of the City to accept and to award the Bond to such commercial banking or other financial institution (the "Bank").

2. Bond Details. The Bond shall be designated "General Obligation Public Improvement Bond, Series 2015," shall be in registered form, shall be dated such date as determined by the City Manager and shall be numbered R-1. The Bond shall be sold to the Bank with final terms that the City Manager, in collaboration with the Financial Advisor, determines to be in the best interests of the City; provided, however, that the Bond (a) shall be issued in an aggregate principal amount not to exceed \$2,500,000, (b) shall bear interest at an annual rate not to exceed 2.75%, subject to adjustment, if any, as determined by the City Manager, (c) shall be

sold to the Bank at a price of 100% of the original principal amount thereof, and (d) shall mature no later than March 31, 2030.

Interest on the Bond shall be payable semi-annually on dates determined by the City Manager. Principal on the Bond shall be payable in installments in amounts and on dates determined by the City Manager. Following the determination of the final pricing terms, the City Manager shall execute a certificate setting forth such final pricing terms and shall file such certificate with the records of the Council. The actions of the City Manager in selling the Bond shall be conclusive, and no further action with respect to the sale and issuance of the Bond shall be necessary on the part of the Council.

If the date on which any payment is due with respect to the Bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday, legal holiday or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia.

Principal and interest shall be payable by the Registrar (as hereinafter defined) by check or draft mailed to the registered owner at the address as it appears on the registration books kept by the Registrar on the date selected by the City Manager as the record date for the Bond (the "Record Date"); provided, however, that at the request of the registered owner of the Bond, payment will be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

3. Redemption Provisions. Subject to the limitations contained herein, the City Manager is hereby authorized to determine the redemption provisions of the Bond. Such redemption provisions may include the payment of a call premium not to exceed 3.0% of the par amount of the Bond (or portion thereof) to be redeemed and/or may include a "make-whole" payment based on market conditions, all as the City Manager may determine to be in the best interests of the City.

4. Execution and Authentication. The Bond shall be signed by the manual signature of the Mayor or Vice Mayor and the City's seal shall be affixed thereto or a facsimile thereof printed thereon and attested by the manual signature of the City Clerk or Deputy City Clerk.

5. Bond Form. The Bond shall be in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bond, whose approval shall be evidenced conclusively by the execution and delivery of the Bond.

6. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment of the Bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable

property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bond.

7. Registration, Transfer and Owners of Bond. The City Treasurer is hereby appointed to act as the registrar and paying agent for the Bond (the "Registrar"). Upon request of the City Treasurer, the Council may appoint a bank or trust company to serve as successor paying agent and registrar for the Bond. The Registrar shall maintain registration books for the registration and registration of transfers of the Bond. Upon presentation and surrender of the Bond at the office of the City Treasurer, or the corporate trust office of the Registrar if the City Treasurer is no longer serving as Registrar, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute and deliver in exchange a new Bond having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate and registered in names as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

8. Preparation and Delivery of Bond. Subject to the provisions of paragraphs 1 and 2, the officers of the City are authorized and directed to take all proper steps to have the Bond prepared and executed in accordance with its terms and to deliver the Bond to the Bank upon payment therefor.

9. Deposit of Bond Proceeds. The City Treasurer is authorized and directed to (a) provide for the deposit of the proceeds of the Bond in a special account to be maintained with an escrow agent or depository, pursuant to an escrow agreement or other contract between the City and such escrow agent or depository, all as deemed necessary in the discretion of the City Treasurer and the City's bond counsel, and (b) requisition and apply such proceeds to pay the costs of the Project and the costs incurred in issuing the Bond.

10. Arbitrage Covenants.

(a) The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same "issue" as the Bond within the meaning of Treasury Regulations Section 1.150-1(c).

(b) The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or otherwise cause interest on the Bond to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings

derived from the investment of the gross proceeds of the Bond, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bond from being includable in the gross income of the registered owner thereof under existing law. The City shall pay any such required rebate from its legally available funds.

11. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested by bond counsel for the City are authorized and directed to execute an appropriate certificate setting forth (a) the expected use and investment of the proceeds of the Bond in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with bond counsel for the City, and such elections shall be made after consultation with bond counsel.

12. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bond or the facilities financed with the proceeds of the Bond to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bond from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

13. SNAP Investment Authorization. The Council has received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the Council has determined to authorize the City Manager to utilize SNAP in connection with the investment of the proceeds of the Bond, if the City Manager determines that the utilization of SNAP is in the best interests of the City. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

14. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bond are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bond.

15. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are repealed.

16. Effective Date. This Resolution shall take effect immediately.

REGISTERED

REGISTERED

No. R-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF HOPEWELL

General Obligation Public Improvement Bond
Series 2015

The City of Hopewell, Virginia (the "City"), for value received, promises to pay, to _____ or its registered assigns or legal representative (the "Bank"), the principal sum of [_____ AND 00/100 DOLLARS (\$_____)], together with interest from the date of this bond on the unpaid principal, at the annual rate of [_____]%, calculated on the basis of a 360-day year of twelve 30-day months, [subject to redemption prior to maturity as hereinafter provided]. Interest shall be payable semi-annually on each _____ and _____, commencing _____, 20____, and principal shall be payable annually on _____ in the amounts and years as set forth on Schedule I attached hereto. Principal[, premium, if any,] and interest are payable in lawful money of the United States of America by the City Treasurer, who has been appointed paying agent and registrar for this bond, or by such bank or trust company as may be appointed by the City as successor paying agent and registrar (the "Registrar").

If the date on which any payment is due with respect to this bond is not a Business Day (as hereinafter defined), the payment shall be made on the next succeeding Business Day. "Business Day" shall mean a day on which banking business is transacted, but not including a Saturday, Sunday, legal holiday or any other day on which banking institutions are authorized by law to close in the Commonwealth of Virginia.

This bond is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991 and the City Charter. This bond has been authorized and issued pursuant to an ordinance adopted by the City Council on January 13, 2015, and a resolution adopted on [March 23, 2015], to provide funds to (a) finance the acquisition and installation of a public safety communications system and (b) pay the costs of issuing this bond.

[This bond is subject to redemption prior to maturity, in whole or in part at any time, at the option of the City, upon payment of a redemption price equal to [_____] % of the principal amount to be redeemed, plus accrued and unpaid interest, if any, to the redemption date.]

The full faith and credit of the City are irrevocably pledged for the payment of principal of [and premium, if any,] and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the City Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without

limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of [and premium, if any,] and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of [and premium, if any,] and interest on this bond and the exercise of all rights and powers of the owner, except that interest payments shall be made to the person shown as the registered owner on the registration books on the [15th] day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City Council of the City of Hopewell, Virginia, has caused this bond to be issued in the name of the City of Hopewell, Virginia, to be signed by its [Vice] Mayor, to be attested by its [Deputy] City Clerk, its seal to be affixed thereto and this bond to be dated _____, 2015.

(SEAL)

Mayor, City of Hopewell, Virginia

ATTEST:

City Clerk, City of Hopewell, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

: :
: :
: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____,
Attorney, to transfer said bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed
by an Eligible Guarantor Institution such
as a Commercial Bank, Trust Company,
Securities Broker/Dealer, Credit Union
or Savings Association who is a member
of a medallion program approved by The
Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must
correspond with the name of the
registered owner as it appears on the
front of this bond in every particular,
without alteration or enlargement or any
change whatsoever.

SCHEDULE I

[Final Payment Schedule to be attached at closing]

R-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Health Insurance Renewal 15/16

ISSUE: Current Health Insurance carrier (CIGNA) was not competitive with the renewal rates for the upcoming 15/16 FY.

RECOMMENDATION: Staff is recommending that Council authorize the City Manager to sign the Adoption Agreement with The Local Choice Health Insurance carrier to become effective July 1, 2015.

TIMING: City Council action is required at the March 24th meeting to ensure that we are properly prepared for Open Enrollment.

BACKGROUND: This time every year, the City has to look at the renewal rates from the health insurance carrier. For the upcoming FY15/16, CIGNA projected a substantial rate increase. Although CIGNA is a great partner and provider, the City could not absorb nor pass on this rate increase that is projected. Therefore, staff recommends that we pursue the quote that was obtained from The Local Choice (TLC). TLC is a program that is managed by the Commonwealth of Virginia's Department of Human Resource Management (DHRM). TLC will offer:

- Competitive rates;
- Below-industry average rate adjustments/increases;
- Benefits that are compliant with the ACA requirements;
- Value-added features unequaled by the private sector; and
- Protection against catastrophic claims through shared risk pools, financial stability, and access to the same statewide and regional provider networks available to state employees.

TLC currently has over 300 local employer groups and covers more than 50,000 employees, retirees and dependents. TLC's plan offerings closely align with the City's current offerings and lastly, TLC came in

SUMMARY:

Y N

- Mayor, Brenda S. Pelham, Ward #6
- Vice Mayor Christina J. Luman-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2

Y N

- Councilor Anthony Zevgolis, Ward #3
- Councilor Jasmine E. Gore, Ward #4
- Councilor Wayne Walton, Ward #5
- Councilor Jackie Shornak, Ward #7

with a substantially reduced rate for the upcoming Fiscal Year. This means the employees and the City will see a decrease in providing health care coverage for FY15/16.

FISCAL IMPACT: Decrease in Health Insurance premiums for the employee and the City.

ENCLOSED DOCUMENTS: PowerPoint presentation about the Health Insurance Renewal

STAFF: Gail Vance

SUMMARY:

Y N

- Mayor, Brenda S. Pelham, Ward #6
- Vice Mayor Christina J. Lumm-Bailey, Ward #1
- Councilor Arlene Holloway, Ward #2

Y N

- Councilor Anthony Zeygolis, Ward #3
- Councilor Jasmine E. Gore, Ward #4
- Councilor Wayne Walton, Ward #5
- Councilor Jackie Shornak, Ward #7

R-4

Why a Classification and Compensation Study?

Presented by Gail Vance

LEARN WELL, LIVE WELL, WORK WELL, PLAY WELL, IN HOPE WELL

The Purpose of a C&C Market Study

- Determine the market competitiveness of the current pay ranges and compensation policies
- Evaluate the classification structure and job descriptions
- Develop recommended changes to the compensation programs and policies designed to enhance the City's ability to recruit and retain exemplary staff

LEARN WELL, LIVE WELL, WORK WELL, PLAY WELL, ENJOY WELL

History

The last Class & Compensation Study was done in 2003.

A "Drive By" was conducted in 2008

- Long over due (rule of thumb is every 3-5 years)
- Positions have been eliminated and duties have been absorbed by remaining employees
- Losing qualified employees and potential recruits to more competitive salaries (Huge Recruitment/Retention Issue)
- Changes in organizational relationships and responsibilities
- Changes in requirements as mandated (Certs/minimum staffing)
- Form of position maintenance (to ensure positions are still properly classified (FLSA) and that class specifications accurately describe the work being performed)

LEARN WELL LIVE WELL WORK WELL PLAY WELL ENJOY WELL

Employee Development and Retention is an ESSENTIAL GOAL of the Strategic Plan

Employee Development and Retention

Goal: Develop and implement a strategy to retain good employees through employee development, career paths, effective compensation and benefits, and a positive work culture

Develop and implement a defined, uniform compensation plan that assures that our salaries are competitive with surrounding localities

Develop and implement a career development plan

Develop and implement a succession plan

Develop and implement a plan to market the City as an employer of choice, both internally and externally

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3 Key Components of a C&C Study

No. 1

Assess and Review job functions (job classification, update JDs and ensure compliance with NEW (2015) more rigid FLSA Regulations)

No. 2

Review pay structure/compensation (maintain competitive and equitable pay (both internally and externally) – help's the City RECRUIT and RETAIN quality employees)

No. 3

Review organizational structure (i.e., staffing levels, reporting relationships)

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If We Do Nothing....

The City will:

- continue to lose qualified employees to other localities due to lower salaries
- continue to be less competitive in our ability to attract qualified applicants (lower salaries than neighboring localities)
- run the risk of non-compliance with FLSA (Exempt vs. Non-Exempt)
- run the risk of inaccurate job descriptions (does not accurately reflect current duties)

LEARN WELL, LIVE WELL, WORK WELL, PLAY WELL IN HOPEWELL

Costs – How to Implement Findings....

Implementation of the study could be phased in over the next two fiscal years

- Study would ultimately save the City in Recruitment/Training costs – turnover is expensive
- A neighboring jurisdiction implemented a partial class and comps study (targeting a specific dept.) and then later added other positions/departments to help spread the costs over fiscal years

Priority is to fix classifications and update job descriptions – An FLSA violation would be extremely costly for the City

LEARN WELL, LIVE WELL, WORK WELL, PLAY WELL, ENJOY WELL

R-5



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Appropriation for additional costs for Health Insurance Elections

ISSUE: Appropriation Request for funds to cover health insurance cost for Council Members.

RECOMMENDATION: Staff recommends that Council appropriate the necessary funds for health insurance coverage of Council Members.

TIMING: City Council action is required at the March 24th meeting to ensure that funds are available to cover the Council Members that have elected health insurance coverage.

BACKGROUND: In accordance with State Code, Council is eligible for City health insurance coverage through the City. The appropriation ensures that funds are in the Council budget to cover the costs related to such elections.

FISCAL IMPACT: \$7446.60 (Feb – June)

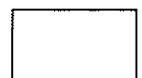
ENCLOSED DOCUMENTS: None

STAFF: Gail Vance

SUMMARY:

- | | | |
|--------------------------|--------------------------|---|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor, Brenda S. Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Christina J. Luman-Bailey, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |

- | | | |
|--------------------------|--------------------------|-------------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony Zevgolts, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jackie Shornak, Ward #7 |



**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2014 – 2015**

WHEREAS, at the meeting of the Council of the City of Hopewell held on Tuesday, March 24, 2015, an amendment was introduced to appropriate funds for the FY 2014-15 Budget to provide for the health insurance coverage for council members; and,

WHEREAS, a budget amendment to appropriate funds in the amount of \$7,500 for health insurance cost for council members from the Unassigned Fund Balance for the FY 2014-2015 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective fund balance reserve account;

BE IT, HEREBY, RESOLVED by the Council of the City of Hopewell:

Sec 1. The following designated funds shall be appropriated:

General Fund-011:

Resources:

Fund Balance \$ 7,500

Appropriation:

Health Insurance \$ 7,500

R-6



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
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Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Review of a request for a Zoning Ordinance Amendment to allow a Taxi Cab Service as a definition within the Zoning Ordinance and to expand the use in certain business districts in the City

ISSUE: To provide City Council an overview of a Zoning Ordinance amendment request in order to hold a public hearing on the matter at a later date.

RECOMMENDATION: The City Administration recommends that City Council review the Zoning Ordinance Amendment request and set a public hearing to consider citizen comments.

TIMING: City Council action is requested on March 24, 2015.

BACKGROUND: The City of Hopewell has received a request from Marshall Cab Company to amend the Zoning Ordinance to add a definition for a Taxi Cab Service in the Zoning Ordinance and to allow the use in certain business districts. Currently, a Taxi Cab Service is not an allowable use in any zoning district in the City.

FISCAL IMPACT: None.

ENCLOSED DOCUMENTS: Staff Report and supporting documentation.

STAFF: Mark A. Haley, City Manager
Charles E. Dane, Assistant City Manager
Tevya W. Griffin, Director of Neighborhood Assistance & Planning

SUMMARY:

- | | | | | |
|--------------------------|--------------------------|---|--------------------------|--------------------------|
| Y | N | | Y | N |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4 | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> |
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**MINUTES OF THE JANUARY 8, 2015 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, January 8, 2015, at 7:00 p.m. in City Council Chambers, located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Elliot T. Eliades, Vice-Chairman
Todd Butterworth
John Jones
Henry Wilde

Staff Members present:

Tevya Griffin, Director of Development
Horace Wade, City Planner

The meeting was called to order by Commissioner Eliades at 7:00 p.m.

Commissioner Eliades provided an opening prayer.

Commissioner Eliades welcomed members and visitors.

Mrs. Griffin conducted the roll call. The Chairman, Reverend Dunbar, was absent due to illness. A quorum was established.

ADMINISTRATIVE MATTERS

1. Requests for withdrawal/deferral or amendments to the agenda.

No withdrawal/ deferral or amendments to the agenda.

2. Meeting Minutes-December 4, 2014

A motion to approve meeting minutes as presented was made by Mr. Butterworth. The motion was seconded by Mr. Jones. The motion was approved with a vote of 4 to 0.

3. Citizen Comments

There were no citizen comments.

PUBLIC HEARINGS

1. The Hopewell Planning Commission will conduct a public hearing to consider citizen comments regarding a request submitted by Stephanie Hayes, to rezone property identified as 1100 and 1102 Maplewood Avenue, from TH-1 (Tourist/Historic District) to R-1, Residential, Low Density District and to amend the Official Zoning Map of the City of Hopewell.

Mrs. Griffin provided an overview of the staff report and provided Staff's recommendation.

The public hearing was opened at 7:09 p.m.

Ms. Hayes stated that for two years she has been dealing with the issue regarding the removal of her windows. She has a financial hardship and is not able to maintain her home in accordance with the standards of the Architectural Review Board (ARB). Her home is not historic. She would like to be removed from the district along with her neighbors along her street that were removed when the historic district was first formed.

Commissioner Butterworth asked Ms. Hayes if the vinyl windows she installed were not compliant.

Ms. Hayes responded that she was taken to court when no one else in her district was taken because she installed vinyl windows. She does not think this was fair.

There was discussion about why Ms. Hayes's property was not removed from the historic district when the opportunity was afforded itself when it was first formed. Mrs. Griffin explained that persons were given the option to be removed from the historic district. The minutes of the City Council meeting that approved the boundaries of the district list the sub-parcel numbers of the properties that were to be in the Residential Low Density District R-1. This property is not listed.

Cheryl Collins of 600 Brown Avenue, located in the historic district spoke regarding this issue. She asked the Planning Commission to approve Ms. Hayes' request to rezone her properties from the historic district. She went on to mention her request before the Planning Commission to table to the recommendation to approve the new historic district guideline booklet. There was discussion about the Planning Commissions review of the historic guideline book. She does not believe the approval of the booklet by the City Council in December 2014 has not done anything to approve the district.

Ms. Collins believes that Ms. Hayes was "put thru the ringer". She stated that Ms. Hayes' home is not historic.

Ms. Collins discussed the Maplewood Apartments installation of vinyl windows without repercussions from anyone. These windows do not have muntins and did not go through the certificate of appropriateness process. She believes you should respect history but believes the district is beyond repair. The City needs to put money into the district. Ms. Collins gave examples of what she believes to be inconsistencies throughout the district.

Commissioner Jones thanked Ms. Collins for her comments but reminded those in attendance that the Planning Commission is only considering the rezoning case tonight.

Mr. Gilliam of 1108 Maplewood Avenue, adjacent to the historic district, spoke in regards to the rezoning request. He asked the Planning Commission to approve the request and he stated that he was there when the original district was in formulation. He recalls that a petition was sent around to be in favor of district. His father signed this petition but later saw a petition in the local paper that did not include the same language as the one circulated. This caused his father alarm.

Mr. Gilliam stated that his dad represented the property owners of 1101, 1108, 1107, 1104, and 1103 Maplewood Avenue at the City Council regarding the historic district. His father argued that the historic district would be restrictive to property owners that were older and on a fixed income.

Mr. Gilliam also discussed the former guidelines versus that of the new guidelines adopted by the City Council in December. He spoke specifically about wording in the former guidelines that listed several types of materials that could be utilized as alternatives to more popular building materials versus that of the new guidelines that he believes does not allow the same flexibility. Mr. Gilliam asked the property in question be removed from the historic district because it was never supposed to be in the district. Mr. Gilliam informed the Planning Commission that 1105 and 1113 Maplewood Avenue was represented by his aunt. Mr. Gilliam asked the Planning Commission to solve Ms. Hayes' problem and rezone her properties.

The public hearing was closed at 7:35 p.m.

The Planning Commission members discussed the rezoning and expressed their desire to hear the opinion of the Architectural Review Board regarding the removal of the two properties from the district. Mrs. Griffin stated that Staff had not inquired of the ARB's position in this matter at this time.

Commissioner Wilde made a motion to postpone a decision regarding the rezoning of 1100 and 1102 Maplewood Avenue in order to hold a work session within the next two weeks with the Architectural Review Board.

The Planning Commission posed four questions.

- The opinion of the ARB -Why should the properties remain in the district/why should they be rezoned?
- What does not contribute to the district's historic character mean?
- Why properties were allowed to be out of the district along Maplewood Avenue and this property was not included?
- What is the benefit of keeping the properties in the district? How will this benefit the City?

The motion was seconded by Commissioner Butterworth. The motion passed with a vote of 4 to 0.

Vice Chairman informed Ms. Hayes that the Planning Commission would meet with the Architectural Review Board and asked if she understood this next step. She said that she did.

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2. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by David A. Roberts, Jr. The applicant is requesting a Zoning Ordinance Amendment to amend Article X, Limited Business District (B-2), Section A., Use Regulations to allow accessory structures to include metal carports that are not visible from primary streets and any other conditions the City Council may deem necessary.

Mrs. Griffin gave an overview of the case and provided Staff's recommendation. Staff is recommending denial of the request by the applicant to amend Article X, Limited Business District (B-2), Section A., Use Regulations to allow accessory structures to include metal carports that are not visible from primary streets and any other conditions the City Council may deem necessary. Staff does recommend approval of accessory structures in the B-2 District by a Conditional Use Permit approved by City Council.

The applicant, David A. Roberts, Jr., spoke to the Planning Commission. He stated that it was a mistake to erect a carport without a building permit. However, he did not think he needed a permit to erect a carport as a business owner. He asked other business owners how they got it and they said they just picked out a carport and put it up. He stated that he should have been notified when the ordinance was amended in 2010 removing accessory structures as an allowable use in the B-2 district. Mr. Roberts stated that the carport will be used for shelter of equipment of his personal goods and his customers. He lives in the Westmoreland subdivision, a Planned Unit Development. He cannot put the carport on his lot as his home because it is not big enough. He needs an area to lock up cars. He needs space for shelter. The area behind his building is a haven for vagrant activity. He wants to have a structure where people cannot throw something to break his equipment or that of his customers.

Commissioner Butterworth asked Commissioner Wilde, the Chairman of the Board of Zoning Appeals (BZA) and a Planning Commission member, about the outcome of the Board of Zoning Appeals case. Commissioner Butterworth asked about the BZA's conditional approval of the special exception and variance and the City Council's decision to approve a modification to the development standards and the right of way vacation. Commissioner Wilde explained that that was the route that the BZA required in order to approve the application. Mr. Robert's has decided to pursue a Zoning Ordinance Amendment.

Mr. Roberts stated that if he had to move the carport it would be a financial hardship. He would take a serious financial loss to get rid of it. He needs the carport for personal and business use. He has spoken to his neighbors at Mr. B's Restaurant, Mr. Zevgolis at the bowling alley across the street, and Susan Myers who owns a property on the corner. All were unaware that a carport was erected and had no problem with the location.

Commissioner Jones asked if getting the conditional use permit would resolve Mr. Robert's issue. Mrs. Griffin answered that the conditional use permit allows the Planning Commission to make a recommendation to the City Council regarding this issue. The City Council than has the authority to place conditions on the carport if approved.

Mrs. Griffin explained that currently an accessory structure is not allowed in the B-2 Zoning District. The applicant applied to the BZA for a special exception to be able to keep it in its current location. The applicant would also need approval of an alley vacation because the property does not meet the required rear yard setback for the district. The applicant needed approval of a modification to Article XVIII, Development Standards because metal structures are not allowed to be erected in any business district, effective 2010, without special architectural treatment. Commissioner Jones asked the relationship between the BZA and the conditional use permit. Mrs. Griffin stated that instead of applying for a modification to the development standards and an alley vacation before the City Council as the BZA required for their approval, Mr. Robert's has decided to request a change to the Zoning Ordinance thereby allowing him to place the carport on the property as long as it cannot be seen from the street and with any other restrictions as deemed necessary by the City Council. It was concluded by the Commissioners and verified by Staff that this amendment would be effective for every property zoned B-2 in the City not just Mr. Robert's property. Staff further stated that through the BZA the change would have been just for Mr. Robert's property. This is also true if Mr. Robert's requested the modification to the development standards and alley vacation before City Council. A Zoning Ordinance Amendment changes regulations for an entire district.

Commissioner Jones asked if the applicant would still have a problem with the rear yard setback. Mrs. Griffin said he would. There was discussion about the setback of the building.

Commissioner Wilde stated that regulations are provided by the City Council. They are interested in the quality of life for everyone. He spoke about this issue opening up Pandora's Box. He went on to say that carports were once seen as portable. This was a problem because they could not be regulated and they were being erected all over the City. The law was changed and they were deemed to be permanent structures. He expressed that changing this for everyone would cause problems.

Mr. Charlie Dane, Assistant City Manager, spoke during the public hearing. He first thanked staff for doing their job. He recognized that their job can be difficult but they are responsible for enforcing the Code. They have to stick their rule of law. Mr. Dane stated that not every case is black or white. There are variables in every case. The way this particular rule is written there is no space for flexibility. He is supportive of looking at similar issues on a case by case basis. There may be instances where the use is appropriate, as he feels it is for this case. He stated the business is cleanly kept and orderly. The structure cannot be seen from the main road but can be seen from the side road. It does not meet setback regulations, however, part of his garage extends beyond where the carport ends. He supports looking at the approval of accessory structures on a case by case basis. He believes there are instances where carports would Zoning and Code Enforcement is about protecting the quality of life for all residents. There are instances where accessory structures will not affect the quality of life. Administration is in support of the conditional use permit process. He stated that there is also political support for this because it makes sense to review on a case by case basis.

He argued for the Conditional Use Permit process. He recognized there will be cases where an accessory structure would be not be a desirable business, but in this instance where they are a business owner should be allowed to erect an accessory structure.

Commissioner Eliades asked what Chesterfield would allow in the business districts.

Mr. Wade, now the City Planner, but previously an employee of Chesterfield, responded that Chesterfield would not allow accessory structures in any business district by right but would require a special exception or special use permit issued by the Board of Zoning Appeals.

Commissioner Butterworth asked about the intent of the B-2 district. He read from the Zoning Ordinance, the intent of the district.

Steve Barnes owner of the Hopewell Body Shop spoke during the public hearing. He stated that he supports what the applicant wants. He believes people have a right to protect their car or boat. He recommends putting restrictions that make sure carports are aesthetically appropriate and that require the carport to be removed if the owner leaves the property.

Mr. Barnes stated that he represents the industry as property gets scarce the City needs to consider allowing accessory uses in business districts.

Charlie Dane, spoke on behalf of Economic Development. He stated that the City wants to ensure that established businesses are successful. This is what he strives to do without damaging quality of life.

Commissioner Wilde discussed previous BZA cases involving carports.

Commissioner Butterworth asked about consistency of a Conditional Use Permit. He is concerned about fairness. Commissioner Eliades stated there has to be flexibility.

Seeing no one else having the desire to speak, the Vice Chairman closed the public hearing at 7:26 p.m.

There was brief discussion about the current non-conformity of accessory structures in the business districts.

Charlie Dane discussed the cost to an applicant due to the various steps required to place an accessory structure in a business district. The zoning amendment would only require one step versus several costly steps. He believes these steps are unfair and unreasonable an applicant must take in order to erect a carport in the business district. The applicant must pay several fees and go through several steps versus one step with the conditional use permit process. The steps through the BZA seem unfair and unreasonable.

Commissioner Jones asked Staff for clarification of what the applicant is requesting.

Commissioner Jones made a motion to allow accessory structures in the B-2 district by a Conditional Use Permit approved by the City Council. The motion was seconded by Commissioner Butterworth. The motion was approved 4 to 0.

Vice Chairman Eliades asked when the City Council would likely hear the case. Mrs. Griffin stated that City Council sometimes likes to have a work session to discuss issues before it goes to a public hearing. Vice Chairman Eliades recommended a work session with City Council regarding this case because he felt this may be controversial. Mr. Dane stated that he felt there is multiple support for this on City Council. The Vice Chairman asked there be a work session either a joint session or a session where the Planning Commission comes to speak on the issue. Mr. Dane did not think this was necessary.

3. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by John W. Marshall III of Marshall Cab LLC. The applicant is requesting a Zoning Ordinance Amendment to amend: Article I, Definitions, Article X, Limited Business District (B-2), Section A, Use Regulations, Article XI, Highway Commercial District (B-3), Section A, Use Regulations; and Article XI-A, Corridor Development District (B-4), Section A, Use Regulations to add a taxicab business as an allowable use in each zoning district.

Mr. Wade provided the Planning Commission with an overview of the case. The applicant owns Marshall Taxi Cab and operates in the City. He would like to move from his current location in downtown Hopewell, zoned B-1.

Staff is recommending that a definition for a taxi cab business be added to Article I, Definitions of the Zoning Ordinance.

Staff recommends denial of the use in the B-2 district. Staff recommends approval of a taxi cab service in the B-3 district and approval by a Conditional Use Permit in the B-4 district.

The public hearing was opened at 8:45 p.m.

John Marshall, owner of the Marshall Cab LLC spoke. He is requesting the Planning Commission recommend approval of his request.

He is not asking for a walk-up business but clients would call in to the office. At his current location there is crime, vandalism and sexual crimes. He needs to move the office and wants to have somewhere else to relocate. He has been in business in the City for nine (9) years and he does not want to leave. His permits are with the City of Hopewell. He owns eight taxis. In total there are seventy five (75) owners. The taxis are allowed to travel outside the City. The taxis are not parked at the office but at the driver's homes.

Tiffany Marshall Jones, the daughter of the owner and office manager spoke in regards to the request. She stated that drug deals take place in front of the office. She has called the police due to broken windows in their cars. There have also been bullet holes found in the car. She and others do not feel safe taking the trash out.

Mr. Eliades asked the Economic Development Director his opinion regarding the conversion of houses to business uses in the B-4 district.

In light of the fact that this would not be a walk-up business and that no more than eight to nine cars will be parked at the business location, Staff changed their recommendation to allow this use in the B-2 district.

A motion was made by Mr. Butterworth to amend Article I to include taxicab business currently not a definition. The motion was seconded by Mr. Jones. The motion passed with a vote of 4 to 0.

A motion was made by Commissioner Butterworth to recommend Council to amend Article B-3 to include taxicab businesses. The motion was seconded by Mr. Wilde. The motion passed with a vote of 4 to 0.

A motion was made by Commissioner Wilde to amend Article X (B-2) to include taxi cab service as it doesn't present an issue in this district. The motion was seconded by Mr. Jones. The passed with a vote of 4 to 0.

A motion was made by Commissioner Butterworth to recommend City Council amend Article XI-A Corridor Development District, (B-4) to include a taxi cab service as an allowable use. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

4. The Hopewell Planning Commission will conduct a public hearing to consider citizens comments regarding a request submitted by the City of Hopewell. The city is requesting a Zoning Ordinance Amendment to amend Article I, Definitions, B. Definitions to define the term "residential care home" in accordance with new State Regulations.

The public hearing was opened at 9:11 p.m. Seeing no one wanting to speak. The public hearing was closed at 9:11 p.m.

This is required by the Virginia Department of Behavioral Health

Mr. Wade discussed the state requirement.

A motion was made by Commissioner Jones to amend Article I, Definitions to add a definition for a residential care home. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

UNFINISHED BUSINESS

1. Comprehensive Plan RFP

Discussing RFP with Economic Development Director

2. Time of Planning Commission meetings

A motion was made by Commissioner Butterworth to change the meeting time from 7 p.m. to 6 p.m. The motion was seconded by Commissioner Jones. The motion passed with a vote of 4 to 0.

NEW BUSINESS

No new business to discuss.

REPORTS OF COUNCIL, BOARDS & COMMISSIONS

1. City Council-Action Report
2. Board of Zoning Appeals-Action Report

No meeting this month.

3. Architectural Review Board-Action Report
Working with VCU Master of Urban Planning 1st year students.
January 20, 2015-will meet once a month.
4. Downtown Design Review Committee-Action Report
None

REPORT OF PLANNING COMMISSION MEMBERS

None

REPORT OF DIRECTOR

Enterprise Zone amendment and EZ renewal Thursday, January 22, 2015 5:30 p.m. work session.

ADJOURN

A motion to adjourn at 9:30 was made by Commissioner Butterworth. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 4 to 0.

Respectfully submitted,

Tevya W. Griffin,
Director of Development

Elliot T. Eliades
Vice-Chairman



Zoning Amendment Request

Submitted by: John W. Marshall III/
Marshall Cab LLC

Request to amend Article I, Article X, Article XI, and Article XI-A of the City of Hopewell Zoning Ordinance to allow the use identified as a taxicab business.

Staff Report prepared for the Hopewell City Council

This report is prepared by the City of Hopewell Department of Development Staff to provide information to the Hopewell City Council to assist them in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission	January 8, 2015	Recommended Approval
City Council	March 24, 2015	Regular Business

II. EXECUTIVE SUMMARY:

Mr. John W. Marshall III of Marshall Cab LLC is requesting to amend Article X, Limited Commercial District (B-2), A. Use Regulations; Article XI, Highway Commercial District (B-3), A. Use Regulations; and Article XII, Corridor Development District (B-4), A. Use Regulations of the City of Hopewell Zoning Ordinance to allow the use regulations of taxicab business.

III. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this zoning amendment request are found in Article XXI. Amendments, and include the following:

Article XXI-A, Initiation:

"Whenever public necessity, convenience, general welfare or good zoning practice require, City Council may amend, supplement, or change this ordinance, including the schedule of district regulations and the official zoning map. Any such amendment may be initiated by resolution of City Council, by motion of the Planning Commission, or by petition of any property owner addressed to City Council."

Article XXI-B, *Action by Planning Commission:*

"In recommending the adoption of any amendment to this ordinance, the Planning Commission shall fully state its reasons for any such recommendations, describing any change in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the Comprehensive Plan of the City and would be in furtherance of the purpose of this ordinance."

IV. STAFF ANALYSIS:

Currently, the term, "taxicab business," is not defined in the City of Hopewell Zoning Ordinance. Because taxicab business is not defined in zoning ordinance, the use is not specifically applied to any zoning district in the city.

The Code of Virginia indicates that a taxicab business is defined as a service that offers transportation by means of any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier or nonemergency medical transportation carrier as defined by the Code of Virginia.

Currently, the use of a taxicab business can be used in the Limited Industrial District (M-1) under the use regulation of offices, business and professional.

The applicant met with staff and would like to move his taxicab business to another location in a B-2, B-3, or B-4 zoning district. The applicant asks to have [Offices, Business and Professional] to be applied to the B-2, B-3, and B-4 Districts for this purpose.

The intent of the Limited Commercial District (B-2) is to "protect the existing commercial establishments presently located there and to enhance these areas in order to attract similar types of establishments. Because of the unusual shallowness and/or narrowness of the lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed." The establishment of a taxicab business in this zoning district would not serve the intent of the Limited Commercial District (B-2) as the taxicab business would require a significant amount of parking for company vehicles, which would be difficult to attain with limited space.

The intent of the Highway Commercial District (B-3) is to "provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor, and noise associated with manufacturing." A taxicab business meets the intended profile of a commercial activity in the Highway Commercial District (B-3) located along

major thoroughfares. The zoning allows for a wide variety of commercial activities in appropriate locations.

The intent of the Corridor Development District (B-4) is to “provide a special district for the Woodlawn/Oaklawn Corridor area which will allow and encourage a harmonious mixing of a variety of commercial, office and professional uses and financial institutions.” The use of a taxicab business in this zoning district does not meet the intent of the zoning district, however, there are currently other uses which may be more intense than a taxicab business.

Applying the overall category of [offices, business and professional] to the Limited Commercial District (B-2), Highway Commercial District (B-3), and Corridor Development District (B-4) may open an unintended use to these zoning districts. For this purpose staff suggests defining “taxicab business” in the zoning ordinance and applying the use to appropriate zoning classifications.

V. STAFF RECOMMENDATION:

Staff recommends approval of the request to amend:

- 1) Article I, Definitions, B. Definitions, to add taxicab business.
- 2) Article X, Limited Commercial District (B-2), Section A. Use Regulations to add a taxicab business as a permitted use.
- 3) Article XI, Highway Commercial District (B-3), A. Use Regulations to add a taxicab business as a permitted use.
- 4) Article XI-A Corridor Development District (B-4), A. Use Regulations to add a taxicab business as a permitted use.

VI. PROPOSED RESOLUTION:

In accordance with Article XXI-B, of the Hopewell Zoning Ordinance, the Hopewell Planning Commission recommended approval of the request submitted by John W. Marshall III to define “taxicab business”; The Hopewell Planning Commission also recommended approval to add “taxicab business” as a permitted use in Limited Commercial District (B-2); The Hopewell Planning Commission recommended approval to add “taxicab business” as a permitted use in Highway Commercial District (B-3); and The Hopewell Planning Commission recommended approval to add “taxicab business as a permitted use in a Corridor Development District (B-4).

Attachment(s):

1. Copy of the Proposed Amendment Article I, Definitions; Article X, Limited Commercial District (B-2), Article XI, Highway Commercial District (B-3); and Article XI-A, Corridor Development District (B-4).

ORDINANCE NO. 2015 -XX

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Zoning Ordinance of the City of Hopewell is amended to read as follows:

ARTICLE I. DEFINITIONS

B. DEFINITIONS:

258. TAXICAB BUSINESS: A service that offers transportation by means of any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, no operation on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier or nonemergency medical transportation carrier as defined by the Code of Virginia.

ARTICLE X. LIMITED COMMERCIAL DISTRICT (B-2)

A. USE REGULATIONS

55. Taxicab business.

ARTICLE XI. HIGHWAY COMMERCIAL DISTRICT (B-3)

A. USE REGULATIONS

66. Taxicab business.

ARTICLE XI-A. CORRIDOR DEVELOPMENT DISTRICT (B-4)

A. USE REGULATIONS

44. Taxicab business with a Conditional Use Permit issued by City Council.

R-7



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Review of a request for a Zoning Ordinance Amendment to allow an Adult Day Care Home as a definition an allowable use in certain zoning districts in the City.

ISSUE: To provide City Council an overview of a Zoning Ordinance amendment request in order to hold a public hearing on the matter at a later date.

RECOMMENDATION: The City Administration recommends that City Council review the Zoning Ordinance Amendment request and set a public hearing to consider citizen comments.

TIMING: City Council action is requested on March 24, 2015.

BACKGROUND: The City of Hopewell is requesting a Zoning Ordinance Amendment to define an Adult Day Care Home and to provide for this use in certain zoning districts within the City. Currently, an Adult Day Care Home is not allowed in any zoning district in the City. This use provides care during day time hours for adults who require supervision or desire structured extracurricular activities.

FISCAL IMPACT: None.

ENCLOSED DOCUMENTS: Staff Report and supporting documentation.

STAFF: Mark A. Haley, City Manager
Charles E. Dane, Assistant City Manager
Tevya W. Griffin, Director of Neighborhood Assistance & Planning

SUMMARY:

- | | | | | | |
|--------------------------|--------------------------|---|--------------------------|--------------------------|-------------------------------------|
| Y | N | | Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Christina J. Luman-Bailey, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor K. Wayne Walton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Mayor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Anthony J. Zevgolis, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jackie M. Shomak, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4 | | | |

**MINUTES OF THE NOVEMBER 6, 2014 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, November 6, 2014, at 7:00 p.m. in City Council Chambers, located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Reverend Rudolph Dunbar, Chairman
Elliot Eliades, Vice-Chairman
Todd Butterworth
John Jones
Henry Wilde

Staff Members present:

Tevya Griffin, Director of Development
Horace Wade, City Planner

The meeting was called to order by Chairman Dunbar at 7:03 p.m.

Chairman Dunbar provided an opening prayer.

Chairman Dunbar welcomed members and visitors.

Mrs. Griffin conducted the roll call. All members were present. A quorum was established.

ADMINISTRATIVE MATTERS

1. Requests for withdrawal/deferral or amendments to the agenda.

City Staff informed the Planning Commission that the applicant for public hearing #1 has requested to postpone his application.

The applicant for a Conditional Use Permit to construct a self-storage facility in the B-3 District has decided not to pursue the request after speaking with the property owner. This application is cancelled and will not be considered under unfinished business.

2. Meeting Minutes-October 2, 2014

A motion to approve meeting minutes as amended was made by Commissioner Eliades. The motion was seconded by Commissioner Jones. The motion was approved with a vote of 5 to 0.

3. Citizen Comments

There were no citizen comments.

PUBLIC HEARINGS

1. The Planning Commission will conduct a public hearing to consider a request by the City of Hopewell to amend and reenact Article I, Definitions, of the Hopewell Zoning Ordinance, by adding a definition for an adult day care center.

The public hearing was opened at 7:13 p.m.

Mrs. Griffin gave an overview of the amendment. The Planning Commission has reviewed this amendment over the course of two meetings. This request originated from a citizen request to operate an adult day care center in the City. After realizing the use was not in the Zoning Ordinance, Staff realized this was an oversight on the behalf of the City and decided to bring the amendment forth for the Planning Commission and the City Council to consider.

The public hearing was closed at 7:17 p.m.

Commissioner Eliades asked the reason why a minimum of four people constituted an adult day care center.

Mrs. Griffin explained that the language was taken from the Code of Virginia that dictates the number of people that constitutes the minimum number of adults in an adult day care center. This then allows a business with less than four people to operate without meeting state requirements such as certification/licensure.

A motion to approve the definition of an adult day care by amending and reenacting Article 1, Definitions in the Hopewell Zoning Ordinance was made by Commissioner Butterworth. The motion was seconded by Commissioner Eliades. The motion passed with a vote of 5 to 0.

2. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article IV, Residential, Medium Density District (R-2), Section A, Use Regulations, of the Hopewell Zoning Ordinance, to allow an adult day care center as a use permitted in conjunction with a Church.

The public hearing was opened at 7:25 p.m. The public hearing was closed at 7:26 p.m.

Commissioner Jones asked if there is a church in the R-1 district already.

Mrs. Griffin stated that she was uncertain if there is a church in the R-1 or R1-A, however, a church in these districts are nonconforming and not able to increase their nonconformity. An adult day care center could cause traffic issues and increase the nonconformity of the use.

Commissioner Jones is concerned about not allowing a church currently located in the R-1 and R1-A district the opportunity to operate an adult day care center. Planning Commission members and City Staff reviewed the Official Zoning Map and observed that there appeared to be no churches in the R-1 and R1-A district.

Commissioner Eliades made a motion to approve an adult day care center as an accessory use to a church in the R-2, Residential, Medium Density District by adding it to Section A, Use Regulations. The motion was seconded by Commissioner Butterworth. The motion was approved with a vote 5 to 0.

3. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article V, Residential, High Density District (R-3), Section A, Use Regulations of the Hopewell Zoning Ordinance, to allow an adult day care center with a Conditional Use Permit issued by the City Council.

The public hearing was opened at 7:27 p.m.

Commissioner Butterworth made a motion to approve an adult day care center as an allowable use in conjunction with a church in R-3. Residential, High Density District by adding it to Section A, Use Regulations. The motion was seconded by Commissioner Eliades. The motion was approved with a vote of 5 to 0.

The public hearing was closed at 7:30 p.m.

4. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article VII, Residential Office District (RO-1), Section A, Use Regulations of the Hopewell Zoning Ordinance, to allow an adult day care center with a Conditional Use Permit issued by the City Council.

The public hearing was opened at 7:32 p.m.

A motion to amend and reenact Article VII, RO-1, Residential Office District to add an adult day care center with a Conditional Use Permit issued by the City Council was made by Commissioner Butterworth. The motion was seconded by Commissioner Eliades. The motion passed with a vote of 5 to 0.

The public hearing was closed at 7:35 p.m.

5. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article VII-A, Residential High Density-Offices (RO-4), Section A, Use Regulations, of the Hopewell Zoning Ordinance, to allow an adult day care center with a Conditional Use Permit issued by the City Council.

The public hearing was opened at 7:36 p.m. The public hearing was closed at 7:37 p.m.

A motion to amend and reenact Article VII-A, RO-4, Residential High Density-Offices to add an adult day care center with a Conditional Use Permit issued by the City Council was made by Commissioner Eliades. The motion was seconded by Commissioner Jones. The motion passed with a vote of 5 to 0.

6. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article X, Limited Commercial District (B-2), Section A, Use Regulations, of the Hopewell Zoning Ordinance, to allow an adult day care center with a Conditional Use Permit issued by the City Council.

The public hearing was opened at 7:37 p.m. The public hearing was closed at 7:38 p.m.

A motion to amend and reenact Article X, Limited Commercial District, B-2 Section A, adding an adult day care center with a Conditional Use Permit was made by Commissioner Wilde. The motion was seconded by Commissioner Jones. The motion passed with a vote of 5 to 0.

7. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article XI, Highway Commercial District (B-3), Section A, Use Regulations, of the Hopewell Zoning Ordinance, to allow an adult day care center with a Conditional Use Permit issued by the City Council.

The public hearing was opened at 7:39 p.m. The public hearing was closed at 7:40 p.m.

A motion to amend and reenact Article XI, Highway Commercial District, B-3, Section A, to add an adult day care center with a Conditional Use Permit to the Use Regulations, was made by Commissioner Butterworth. The motion was seconded by Commissioner Eliades. The motion passed with a vote of 5 to 0.

Mrs. Griffin began a discussion about the differences between allowing the adult day care center in the B-3 district by right instead of the B-4 district by right. After careful consideration, she feels allowing this use by right in the B-3 district is the best option because established shopping centers with adequate parking versus the B-4 district with smaller lots and residential single family dwellings.

It was agreed that the Planning Commission and Staff would examine the differences between the B-3 and B-4, the implications of combining the districts, or switching the names of the districts.

8. The Planning Commission will conduct a public hearing to consider a request submitted by the City of Hopewell to amend and reenact Article XI-A, Corridor Development District (B-4), Section A, Use Regulations, of the Hopewell Zoning Ordinance, to allow an adult day care center by right.

The public hearing was opened at 7:49 p.m.

A motion to amend and reenact Article XI-A, Corridor Development District, B-4, adding an adult day care center by right to Section A, Use Regulations, was made by Commissioner Butterworth. The motion was seconded by Commissioner Eliades. The motion was passed with a vote of 5 to 0.

UNFINISHED BUSINESS

No Unfinished Business to discuss.

NEW BUSINESS

No New Business to discuss.

REPORTS OF COUNCIL, BOARDS & COMMISSIONS

1. City Council-Action Report

Mrs. Griffin gave the Planning Commission members an overview of items that would be heard at the next City Council meeting. They included the following:

- Buren Street Memorandum of Understanding
- Buren Street public hearing
- Ordinance for Vacant Property Registry
- Subdivision Ordinance-from General Assembly
- Zoning Ordinance amendments from the General Assembly
- 717 Francis Street rezoning case from TH-1 to R-1
- Request to apply for the City of Hopewell to become a Certified Local Government
- Exit Survey for the Architectural Review Board
- Marshalls Cab Service wants to move taxicab business B-2, B-3, B-4-add to specific Districts.
- Comprehensive Plan-November 17, 2014 RFP due to Assistant City Manager.

2. Board of Zoning Appeals-Action Report

West End Auto Special Use Permit and Variance

3. Architectural Review Board-Action Report

VCU Student Studio project will begin in January 2015 with an advisory member meeting. Commissioner Eliades is a member of this committee.

4. Downtown Design Review Committee-Action Report

No Report

REPORT OF PLANNING COMMISSION MEMBERS

None

REPORT OF DIRECTOR

Mrs. Griffin provided an overview of the demolition of 600 East Broadway, Hillcrest and certain buildings in the Prince George Terrace Community.

Commissioner Eliades asked Staff if they knew why the Hopewell Redevelopment and Housing Authority (HRHA) cancelled several of their meetings. Mrs. Griffin stated that she did not know the reason. Commissioner Jones, a HRHA board member, stated that oftentimes the meetings are standing meetings that have advertising requirements. If there are no items on the agenda, the meeting is cancelled.

A motion to adjourn the meeting was made by Commissioner Butterworth. The motion was seconded by Commissioner Wilde. The motion passed with a vote of 5 to 0.

Respectfully submitted,

Tevya W. Griffin,
Director of Development

Rev. Rudolph Dunbar,
Chairman



**Zoning Amendment Request
Submitted by: City of Hopewell**

Request to amend Article I, Definitions Section B, Definitions, Article IV, Residential Medium Density, Section A, Use Regulations, Article V, Residential High Density, Section A, Use Regulations, Article VII, Residential Office District, Section A, Use Regulations, Article VII-A, Residential High Density, Section A, Use Regulations, Article X, Limited Commercial District, Section A, Use Regulations, Article XI, Highway Commercial District, Section A, Use Regulations, Article XI-A, Corridor Development District, Section A, Use Regulations,

Staff Report prepared for the Hopewell City Council

This report is prepared by the City of Hopewell Department of Neighborhood Assistance & Planning Staff to provide information to the Hopewell City Council to assist them in making an informed decision on this matter.

I. PUBLIC HEARINGS:

Planning Commission	November 6, 2014	Recommended Approval
City Council	March 24, 2015	Pending

II. EXECUTIVE SUMMARY:

The City of Hopewell is requesting amendments to the Hopewell Zoning Ordinance that define an adult day care center and that add an adult day center as either a use by right, by a conditional use permit, or in conjunction with a church.

III. STAFF ANALYSIS:

It was brought to the attention of the Department of Neighborhood Assistance & Planning that an adult day care center was not an allowable use in the City of Hopewell in any zoning district. In an effort to correct this oversight, Staff reviewed the zoning ordinances of several neighboring jurisdictions to determine how adult day care centers were zoned in their locality and analyzed the City's current zoning districts to determine where adult day centers should be located. The results of this research was provided to the Planning Commission and discussed during two meetings.

IV. STAFF RECOMMENATION:

Residential Districts

Staff recommends an adult day care center be allowed in conjunction with a church in the R-2, Residential, Medium Density District and the R-3, Residential, High Density District. This will allow a church or a third party business, with permission from the church, to operate an adult day center. This would be similar to the operation of a church day care center. The adult day care center would utilize current parking and lighting for the church and would not be in operation during normal church hours, reducing problems with parking and traffic. Staff did not recommend an adult day care center in the R-1 and R1-A zoning districts because currently churches are not allowed in either district.

Staff recommends an adult day care center be allowed by a Conditional Use Permit in the RO-1 and RO-4 Zoning Districts, Residential, Office District and High-Density-Offices, respectively. This recommendation was made because these districts currently are located in close proximity to the downtown and are connected the public transit system, and personal care services such as doctor offices, the library, government offices, medical facilities, etc. The conditional use permit allows the Planning Commission and City Council the opportunity to place certain conditions on the property that they may deem necessary to ensure computability with adjacent properties, such as hours of operation, and number of clients.

Business and Industrial Districts

Staff also recommends an adult day care center be allowed by a Conditional Use Permit in the B-2, Limited Business District, and the B-3 District, Highway Commercial District. Again, this is to provide conditions, if necessary, to maintain harmony with adjacent properties and to ensure the use does not adversely impact the district.

Additionally staff recommends an adult day care center be allowed by right in the B-4, Corridor Development District. It is sound zoning practice to allow a use be allowed in at least one zoning district in a locality.

An adult day care center would not be allowed in the B-1 District, Downtown Business District, because it is not compatible with the intent of the district. It is also not recommended as a use in the M-1 and M-2 District, Limited Industrial and Intensive Industrial District because the use is not consistent with the statement of intent of either district and is clearly incompatible with the uses and the subsequent operation of these uses.

V. PLANNING COMMISSION RESOLUTION:

The Planning Commission recommended approval *to the Hopewell City Council with a vote of*

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article I, Definitions
Section B, Definitions, of the Zoning Ordinance of the City of
Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article I, Section B of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE I. DEFINITIONS

B. DEFINITIONS:

11. ADULT DAY CARE CENTER : A facility which provides supplementary care and protection during a part of the day only to four or more aged, infirmed or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Virginia State Board of Health or Department of Behavioral Health and Developmental Services

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article IV, Residential
Medium Density, Section A, Use Regulations, of the Zoning
Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article IV, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE IV, Residential, Medium Density District -- R-2

A. USE REGULATIONS

18. Adult Day Care Center as an accessory use to churches.

ORDINANCE NO. 2015 –XX

An Ordinance amending and reenacting Article V, Residential High Density, Section A, Use Regulations, of the Zoning Ordinance of the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article V, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE V, Residential, High Density District – R-3

A. USE REGULATIONS

22. *Adult Day Care Center as an accessory use to churches.*

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article VII, Residential
Office District, Section A, Use Regulations, of the Zoning
Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article VII, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE VII, Residential Office District – RO-1

A. USE REGULATIONS

13. Adult Day Care Center with a Conditional Use Permit issued by City Council.

ORDINANCE NO. 2015 –XX

An Ordinance amending and reenacting Article VII-A, Residential High Density, Section A, Use Regulations, of the Zoning Ordinance of the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article VII-A, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE VII-A, Residential High Density – Offices – RO-4

A. USE REGULATIONS

21. Adult Day Care Center with a Conditional Use Permit issued by City Council.

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article X, Limited
Commercial District, Section A, Use Regulations, of the Zoning
Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article X,
Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as
follows

ARTICLE X, LIMITED COMMERCIAL DISTRICT – B-2

A. USE REGULATIONS

2. Adult Day Care Center with a Conditional Use Permit issued by City Council

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article XI, Highway
Commercial District, Section A, Use Regulations, of the Zoning
Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article XI, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE XI, HIGHWAY COMMERCIAL DISTRICT – B-3

A. USE REGULATIONS

2. Adult Day Care Center with a Conditional Use Permit issued by City Council.

ORDINANCE NO. 2015 –XX

**An Ordinance amending and reenacting Article XI-A, Corridor
Development District, Section A, Use Regulations, of the Zoning
Ordinance of the City of Hopewell**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article XI-A, Section A of the Zoning Ordinance of the City of Hopewell is amended and re-enacted as follows:

ARTICLE XI-A, CORRIDOR DEVELOPMENT DISTRICT - B-4

A. USE REGULATIONS

1. Adult Day Care Center

R-8

City Manager's Budget Fiscal Year 2014-2015

REPORTS OF
THE CITY
ATTORNEY

REPORTS OF CITY CLERK

VACANCIES ON BOARDS AND COMMISSIONS AS OF 3.10.2015

Board of Architectural Review-2 vacancies-no TBRs on file;

Dock Commission-1 vacancy (Harbor Master)-no TBRs on file;

Hopewell Redevelopment & Housing Authority – 1vacancy-5 TBRs on file;

Virginia’s Gateway Region – 1 vacancy (2.28.2015) – 1 TBR on file;

Recreation Commission-1 vacancies (1 student rising junior)-1 TBR on file;

Senior Citizen Advisory Commission-3 vacancies-no TBRs on file;

Social Services Advisory Board-3 vacancies-4 TBRs on file;

REPORTS OF THE CITY COUNCIL

Committees

Individual Requests

Any other councilor

CITIZEN
COUNCILOR
REQUESTS

CCR-1

Cynthia Ames

From: Jasmine Gore <goreje@mymail.vcu.edu>
Sent: Thursday, March 19, 2015 1:10 PM
To: Cynthia Ames
Subject: Re: Emails

Go forward with printing. The presentation is made via multiple websites. There is no hardcopy for it, because they can access the information online. This is more of a follow-up to the vote on Feb. 10....and asking for Council to still follow-thru on the City ran Youth Office.

On Mar 19, 2015 12:56 PM, "Cynthia Ames" <comes@hopewellva.gov> wrote:

Jasmine,

Can you send me an email for the Youth Council Presentation? I am almost to print out the agenda packet.

Cindy

Cynthia Y. Ames
City Clerk
300 N Main Street
Hopewell, VA 23860
[804.541.2249](tel:804.541.2249)

"Success is not final; failure is not fatal: it is the courage to continue that counts."
Winston Churchill

CCR-2



NLC Service Line Warranty Program Highlights

- Over 200 cities participating nationwide
- No cost to or liability for the city to participate
- Healthy, ongoing annual revenue stream for city
- Educates homeowners about their lateral line responsibilities
- The only utility line warranty program endorsed by the National League of Cities
- Utility Service Partners handles all marketing and management of the program
- 24/7/365 bilingual customer service
- All repairs performed to city code by local, licensed contractors
- Reduces calls from residents to City Hall for lateral water and sewer line issues
- Homeowner billed by NLC Service Line Warranty Program
- USP is a North Central Texas Council of Governments (NCTCG) Shared Services Program Partner
- City provides residents an affordable solution that covers cost of repairs to water and sewer lines for which the homeowner is responsible
- Saved more than 60,000 homeowners across the country over \$45 million in utility line repair costs
- Public funds are not used in the marketing, distribution or administration of the NLC Service Line Warranty Program
- The NLC Service Line Warranty Program must be supported by the city into which it is being introduced before any warranty offer letters are mailed to homeowners in the community.

PARTICIPATING CITIES (SAMPLE OF OVER 200)

LARGE

Atlanta, GA
 Madison, WI
 Phoenix, AZ
 San Diego, CA

SMALL

Dayton, OH
 Edgewood, CO
 Franklin Park, IL
 Overland Park, KS

NLC SERVICE LINE WARRANTY PROGRAM BENEFITS

CITY

- Provides non-tax revenue stream without any investment
- Reduces calls to City/Public Works when a homeowner's line fails
- Contractors undergo rigorous vetting process to ensure repairs meet city code
- Reduces costs associated with sending public works to residents' homes to assess lateral line issues
- Keeps money in the local economy by using contractors in the metro area
- Contractors must be current with insurance and required licenses

RESIDENTS

- Affordable utility line repair solution for families on a budget
- Educates homeowners about their service line responsibilities
- Prevents aggravation of having to find a reliable, reputable plumber
- Peace of mind – with one toll-free call a plumber is dispatched
- Keeps money in the homeowner's pocket; without warranty, repairs cost \$1,300 to \$4,000 or more
- No service fees or deductibles, paperwork or forms to complete

ACCOLADES & ACCOMPLISHMENTS



BBB Torch Award for Marketplace Ethics

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau®

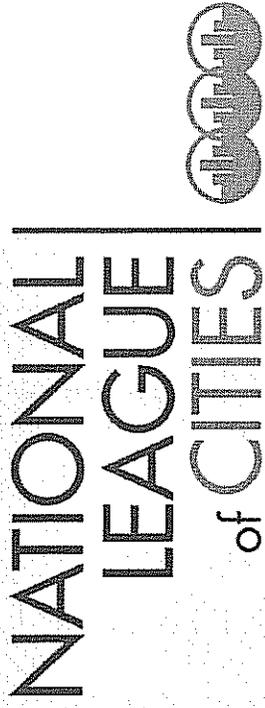
- Accredited Better Business Bureau member with A+ rating for nearly a decade
- 2013 Western Pennsylvania Better Business Bureau Torch Award winner for Marketplace Ethics

- **More than 97%** of all submitted claims are approved
- **A customer satisfaction** rating that has **exceeded 95%** for more than a decade
- **9 of 10 customers surveyed** have recommended the program to friends, family and neighbors
- The **only** utility line warranty program endorsed by the National League of Cities

Exhibit A

NLC Service Line Warranty Program
City of Hopewell, VA
Term Sheet
January 20, 2015
(Term Sheet valid for 90 days)

- I. Term of agreement
 - a. Initial term
 - i. Three years guaranteed (total of 6 campaigns)
- II. Annual royalty – \$0.50 per month per paid warranty contract
 - a. City logo on letterhead, advertising, billing, and marketing materials
 - b. Signature by City official
- III. Products offered
 - a. External sewer line warranty
 - b. External water line warranty
- IV. Scope of Coverage
 - a. External sewer line warranty
 - i. Scope is from the city main tap until line daylights inside home...of which includes the service line under the concrete floor. [Note: **If homeowner responsibility is different than this language, please advise.**]
 - b. External water line warranty
 - i. Scope is from the meter and/or curb box until it daylights inside home...of which includes the service line under the concrete floor. [Note: **If homeowner responsibility is different than this language, please advise.**]
- V. Marketing Campaigns – two seasonal campaigns per year (Spring and Fall)
 - a. 2015 Spring - Sewer
 - b. 2015 Fall - Water
 - c. 2016 Spring - Sewer
 - d. 2016 Fall - Water
 - e. 2017 Spring - Sewer
 - f. 2017 Fall - Water
- VI. Campaign Pricing
 - a. Sewer
 - i. Year 1 - \$7.75 per month; \$88.00 annually
 - ii. Year 2 - \$7.75 per month; \$88.00 annually (subject to annual review)
 - iii. Year 3 - \$7.75 per month; \$88.00 annually (subject to annual review)
 - b. Water
 - i. Year 1 - \$5.75 per month; \$64.00 annually
 - ii. Year 2 - \$5.75 per month; \$64.00 annually (subject to annual review)
 - iii. Year 3 - \$5.75 per month; \$64.00 annually (subject to annual review)



Service Line Warranty Program

City of Hopewell, VA

Ashley Shiwarski
ashiwarski@cityofhopewell.net
724-749-1097

Administered by

**Utility
Service**

Building Peace of Mind, One Community at a Time



Why you should partner with Utility Service Partners

- Partnership with the National League of Cities
- Offers Solution
- Experience
- Reputation





National League of Cities (NLC)



“Our goal at the National League of Cities (NLC) is to be a resource and advocate for your city and its residents. NLC recognized the growing problem of aging infrastructure and the dire need to find a solution for not only cities, but for its residents.

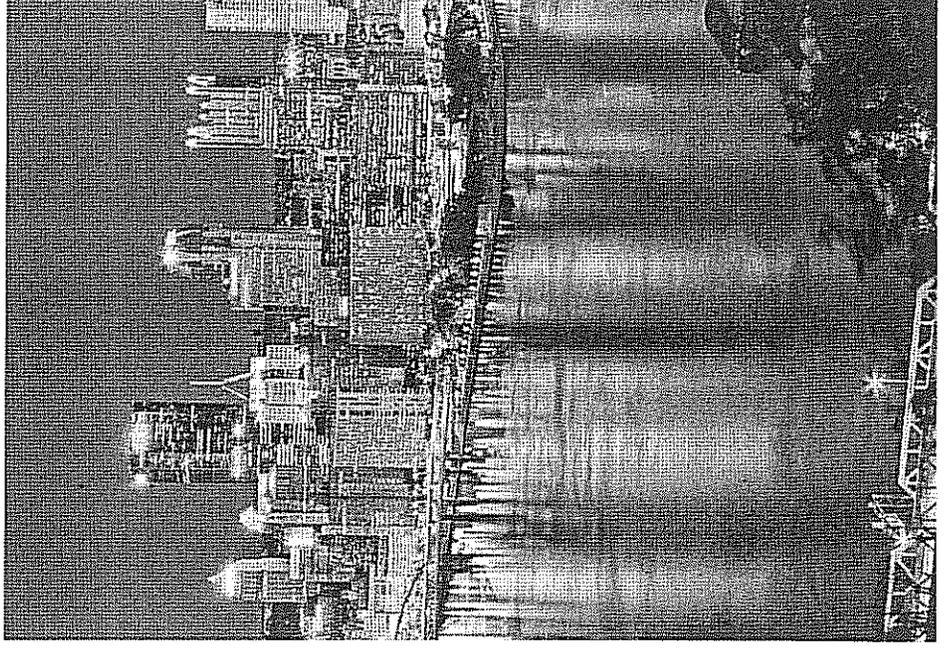
As a result, NLC and Utility Service Partners created the NLC Service Line Warranty Program to help city residents save money, ease the frustration over utility line failures and introduce a new service offering to your community. The National League of Cities is proud to partner with Utility Service Partners because we’ve found it to be the most reputable and reliable program – one that will educate your residents on their water and sewer line responsibilities.”

– **Clarence E. Anthony,**
Executive Director, NLC



National League of Cities (NLC)

- NLC is the nation's oldest and largest organization advocating for cities.
- After thorough vetting, NLC selected USP to administer the NLC Service Line Warranty Program.
- NLC endorsement adds another layer of oversight, which further protects the city brand.



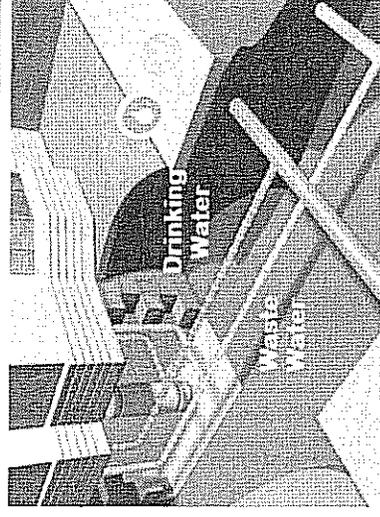


Infrastructure Challenges ... *a National Problem*

- ❑ American Society of Civil Engineers gave our national public infrastructure a **D+** rating in 2013.
- ❑ **EPA** estimates over the next 20 years **\$77 billion** will be spent on repair/replacement of public water distribution systems, **\$10 billion** on wastewater collection system upgrades, **\$22 billion** for new sewer construction and **\$45 billion** for controlling combined sewer overflows.
- ❑ Municipalities will spend **\$7 billion** to control municipal storm water.
- ❑ More than **850** water main breaks occur **every day** across the country

Challenges for Homeowners

- Lateral lines are subjected to the same elements as public lines ... ground shifting, fluctuating temperatures, tree root penetration, corrosion and more.
- Out-of-sight, out-of-mind; water and sewer lines are located outside the home and usually underground.
- Failed lines waste thousands of gallons of water and present an environmental hazard.
- Many homeowners believe the city is responsible for maintenance of the water and sewer lines on their property OR that repairs are covered by their homeowner's policy.





Municipality Solution for Homeowners

Homeowner repair protection for leaking, clogged or broken water and sewer lines from the point of utility connection to the home exterior

Coverage includes:

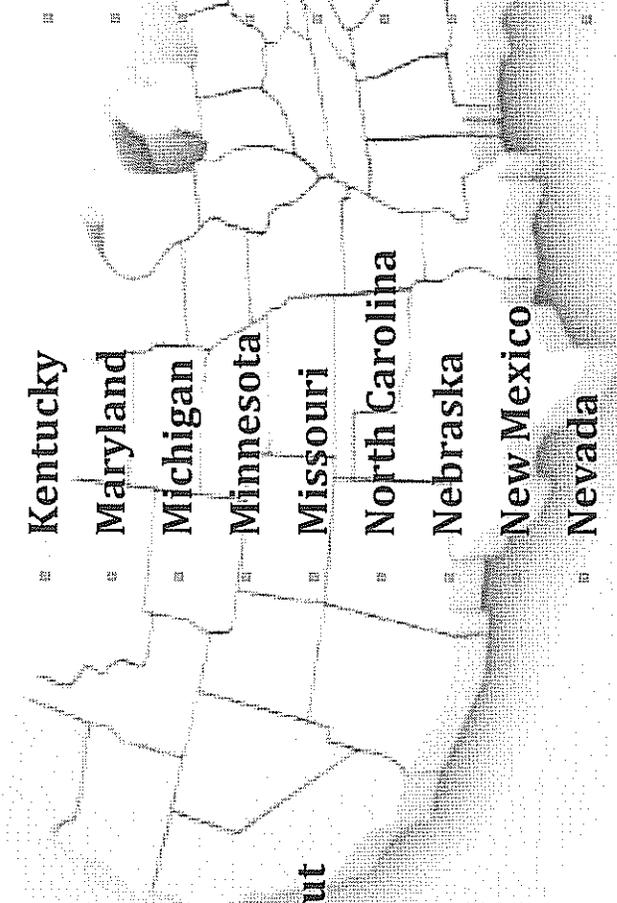
- Educating homeowners about their service line responsibilities.
- Up to \$4,000 coverage per repair incident.
- Additional allowance for public street and sidewalk cutting.
- No annual or lifetime limits.
- No deductibles, service fees, forms, or paperwork.
- 24/7/365 availability.
- Repairs made only by licensed, local contractors.
- Affordable rates and multiple payment methods.



Experience

- **Utility Service Partners is the administrator for the National League of Cities Service Line Warranty Program**
 - ❖ Over 220 cities are participating in the program
 - ❖ Invested more than \$50 million in private infrastructure repairs
 - ❖ Returned nearly \$4 million to cities through revenue sharing component
- **Management team that has provided these types of services for over 15 years**
- **USP is a solution provider**
 - ❖ Educate homeowners about their responsibility
 - ❖ Provide an affordable repair solution
- **Keep our promise to your homeowners**
 - ❖ 97% claim approval rating
 - ❖ 95% customer satisfaction rating

Over 220 Partners in 32 States

- 
- Alabama
 - Arkansas
 - Arizona
 - California
 - Colorado
 - Connecticut
 - Florida
 - Georgia
 - Iowa
 - Illinois
 - Indiana
 - Kansas
 - Kentucky
 - Maryland
 - Michigan
 - Minnesota
 - Missouri
 - North Carolina
 - Nebraska
 - New Mexico
 - Nevada
 - Ohio
 - Oklahoma
 - Oregon
 - Pennsylvania
 - South Carolina
 - South Dakota
 - Texas
 - Virginia
 - West Virginia
 - Wisconsin
 - Wyoming



Reputation

- Brand stewardship
 - ◆ 2013 BBB Torch Award for Marketplace Ethics
 - ◆ A+ Accredited BBB rating
- Commitment to local government
 - ◆ Only service line warranty provider that will never market to consumers without the consent and support of the City
- Respect for homeowner's privacy
 - ◆ Limited mailings to residents



BBB Torch Award for Marketplace Ethics

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau®



Closing

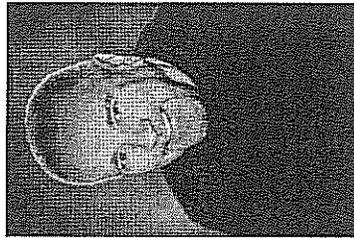
- USP's Partnership with NLC + **Experience + Reputation = Trust** for you and your residents
- USP will keep its promise to our customers
- USP has proven that a company committed to providing exceptional service and a valuable product at a fair-market price can successfully partner with local government





City Official Comments

"The program has already paid out over \$1 million in repairs and replacements for our homeowner's lateral service lines. My constituents are happy that we have provided this option for city homeowners. We use the revenue associated with the program to assist lower income homeowners with repairs to their service lines. I am sure your City will be pleased with the NLC Service Line Program."



- Felicia Moore, City Councilwoman - Atlanta GA

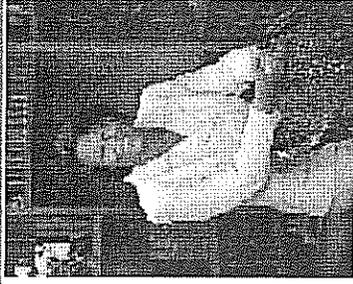
"This program has been available to Clarksburg's residents for nearly two years, and it's a real winner. Resident satisfaction is high and it's a lot easier to tell citizens about this great service rather than explain why they are on the hook for costly repairs."

- James C. Hunt, past NLC President and former Council Member -
Clarksburg, WV

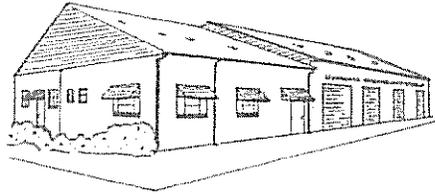
"The Service Line Protection Program helps Phoenix residents and the city government. Revenue from the program goes to core city services like police, fire, parks, libraries and senior centers. The warranties give residents an affordable option for repairs to their sewer and water lines."



- Jon Brodsky, Public Information Officer - Phoenix, AZ



CCR-3



HOPEWELL EMERGENCY CREW, INC.

P.O. Box 659
Hopewell, Virginia 23860
(804) 458-3866
www.hopewellems.com

March 17, 2015

Honorable Brenda Pelham
300 N. Main St
Hopewell VA 23860

RE: Service Fees for Emergency Ambulance Transport

Dear Mayor Pelham and Members of Council,

I am writing you this letter on behalf of the Hopewell Emergency Crew Inc. Board of Directors to ask you to evaluate the current reimbursement fees set in City Code Section 4-12. It has come to our attention that we are currently billing less than the minimum reimbursement provided by Medicare. As a result of the under billing, both our agency and the Hopewell Fire Department are not receiving fair compensation from the Federal Government and private insurance companies.

The current rates were set by Council in January of 2003. Since that time the cost of providing emergency medical transport has grown while our reimbursement has stayed the same. Since 2003, costs for everything from fuel and supplies to new ambulances have dramatically risen. The rates have stayed the same for the past 14 years.

The Federal Government's own study suggests that Medicare is underfunding EMS transport by 2% to 6% a year. In some situations we are limited by code to under billing Medicare by 50% percent. This means we are in some cases we are underpaid by up to 56% for a transport call. Our citizens pay the taxes that fund Medicare so we should be doing what we can to recover those funds to improve our quality of life and equipment and training for our first responders.

Our agency has made it a policy to not attempt collection from individuals or families that are unable to pay a bill for emergency medial transport. This means that any adjustment of rates would not have any effect on those who do not have insurance or have Medicare coverage except that they may see improved service due to the increased revenues generated by the improved reimbursement rate.

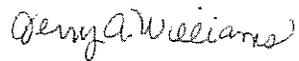
We would like to propose the following: That the Hopewell City Council by resolution change the fees of BLS (emergency) from \$350.00 dollars to \$450.00 dollars, ALS-1 from \$400.00 dollars to \$550.00dollars, ALS-2 from \$500.00 dollars to \$750.00 dollars and GTM (ground transport miles) from \$7.50 dollars to \$10.00 dollars per loaded mile in addition to transport charges.

These rate fees are necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare.

March 17, 2015
Mayor Pelham and Members of City Council
Service Fees for Emergency Ambulance Transport
Page Two

We look forward to working with you to improve the emergency medical services for the citizens of Hopewell.

Sincerely,

A handwritten signature in cursive script that reads "Jerry A. Williams".

Jerry A. Williams
President
Hopewell Emergency Crew Inc.

/jw

CCR-4

Cynthia Ames

From: Wayne Walton <wwalton534@aol.com>
Sent: Thursday, March 19, 2015 1:07 PM
To: Cynthia Ames
Subject: Ccr

Cindy can you add a ccr to discuss getting short term help for Council Clerk?

Thanks

Sent from my iPhone

PRESENTATIONS
FROM
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