



CITY OF HOPEWELL

Hopewell, Virginia, 23860

AGENDA

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110 – City Council Meetings

111 – General City Council Information

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CITY COUNCIL

Michael C. Bujakowski, Mayor, Ward #3
Jasmine E. Gore, Vice Mayor, Ward #4
Christina J. Luman-Bailey, Councilor, Ward #1
Roosevelt Edwards, Jr., Councilor, Ward #2
K. Wayne Walton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6
Jackie M. Shornak, Councilor, Ward #7

Closed Meeting
6:30 p.m.
Regular Meeting
7:30 p.m.

Mark A. Haley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

Date: June 10, 2014	MUNICIPAL BUILDING	TIME:	Closed Meeting 6:30 p.m. Regular Meeting 7:30 p.m.
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6:30 p.m. Call to Order, roll call, and welcome to visitors.

Approve/Amend Agenda

Closed Session motion with topics and code section references to be provided at council meeting

Action: roll call

7:30 p.m. Call to Order, roll call, and welcome to visitors

Prayer by Chaplain Laura Clayborne followed by the Pledge of Allegiance to the Flag of the United States of America.

Approve/Amend Agenda

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the Regular Agenda at the request of any Council Member.

- C-1. Minutes: 4.8.2014 Regular Meeting; 5.20.2014 Special Meeting; 5.27.2014 Special Meeting
- C-2. Pending List:
- C-3. Information for Council Review: none
- C-4. Personnel Change Report & Financial Report:
- C-5. Public Hearings Announcements: none
- C-6. Routine Approval of Work Sessions: June 24, 2014 - AFID Grant
- C-7. Ordinances on second and final reading: 2014-08 City of Hopewell Stormwater Management; 2014-10 Amending and reenacting Article IX-M, Downtown Design Review Committee, of the Zoning Ordinance of the City of Hopewell, increasing the number of voting members on the Downtown Design Review Committee (DDRC) from five (5) to seven (7) members

C-8. Routine Grant Approval: none

C-9. Proclamations/Resolutions/Presentations: Scholarship presentation by the Autumn Woods Neighborhood Watch

PUBLIC HEARINGS

PH-1. **Public Hearings** – Conditional Use Permit – Consignment Shop to sell second hand appliances and furniture in B-2 District

Motion: RECEIVE CITIZEN COMMENTS AND TO RESOLVE TO APPROVE CONDITIONAL USE PERMIT FOR CONSIGNMENT SHOP FOR USED APPLIANCE AND FURNITURE IN B-2 DISTRICT

Action: roll call

COMMUNICATIONS FROM CITIZENS

*Communications from Citizens – A Communications from Citizens period, limited in total time to 30 minutes, shall be part of the Order of Business at each regular Council meeting. **Each speaker** will be limited to **three (3) minutes**. No citizen will be permitted to speak on any item scheduled for consideration on the regular agenda of the meeting at which the speaker is to make remarks. (See Minute Book 26, Page 33, dated March 26, 2002.) Any other person desiring to make a comment who is recognized by the chair.*

UNFINISHED BUSINESS

None

REGULAR BUSINESS

Reports of Boards & Commissions

Reports of City Manager

R-1. **Regular Business** –Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Motion: RESOLVE TO APPROVE HOPEWELL POLICE DEPARTMENT APPLYING FOR JAG PROGRAM FUNDS OF \$20,522

Action: roll call

R-2. **Regular Business** – Tax Credit for Langston Park, LLC

Motion: RESOLVE TO APPROVE TAX CREDIT RELIEF FOR LANGSTON PARK, LLC FOR TWO YEARS

Action: roll call

R-3. **Regular Business** – Introduction of new FEMA maps – Neighborhood Assistance & Planning Department

No action needed

- R-4. **Regular Business** – appropriate \$10,000 for Grass Cutting – Neighborhood Assistance & Planning Department

Motion: RESOLVE TO APPROPRIATE \$10,000 TO NEIGHBORHOOD ASSISTANCE AND PLANNING DEPARTMENT FOR GRASS CUTTING SERVICES

Action: roll call

- R-5. **Regular Business** – a resolution of the Council of the City of Hopewell, Virginia, adjusting the salary of the City Clerk, effective July 1, 2014

Motion: ADOPT RESOLUTION ADJUSTING THE SALARY OF THE CITY CLERK EFFECTIVE JULY 1, 2014

Action: roll call

- R-6. **Regular Business** - Amend City Code Chapter 2 (Administration), Article IV (Real Estate Assessment Office), Section 2-78 (Duties)

Motion: ADOPT ORDINANCE ON FIRST READING AMENDING CITY CODE CHAPTER 2, ARTICLE IV, SECTION 2-78, DUTIES, TO PERMIT THE ASSESSOR TO PREPARE THE LAND BOOK IN ELECTRONIC FORMAT, OR ANY OTHER FORMAT AS DETERMINED BY THE ASSESSOR

Action: roll call

- R-7. **Regular Business** – Mark A. Haley, City Manager - Presentation of “City of Hopewell Overview Strategic Plan”

Motion: RESOLVE TO APPROVE “CITY OF HOPEWELL OVERVIEW STRATEGIC PLAN”

Action: roll call

- R-8. **Regular Business** – Riverside Regional Jail Authority

Motion: ADOPT RESOLUTION APPOINTING, _____ AS A MEMBER AND _____ AS AN ALTERNATE MEMBER TO THE RIVERSIDE REGIONAL JAIL AUTHORITY FOR TERMS EXTENDING JULY 1, 2014 THROUGH JUNE 30, 2018

Action: roll call

Reports of the City Attorney

Reports of the City Clerk

Architectural Review Board - 1 vacancies- No TBRs on file; **Dock Commission** – 1 vacancy – no TBRs on file; **Keep Hopewell Beautiful** – 4 vacancies – No TBR on file; **Senior**

Citizens Advisory Commission – 2 vacancies – No TBRs on file; School Board – 2 upcoming vacancies – 6 TBRs on file;

Appointments to Boards and Commissions

School Board Appointments

Motion: **RESOLVE TO APPOINT, _____ AND _____ TO THE SCHOOL BOARD FOR TERMS EXTENDING JULY 1, 2014 THROUGH JUNE 30, 2017**

Action: roll call

Reports of City Council:

Committees,

Individual Requests,

Any Other Councilor

CITIZEN/COUNCILOR REQUESTS

CCR-1. **Citizen/Councilor Requests** – Councilor Walton – number of hen chickens residents can have

CCR-2. **Citizen/Councilor Requests** - Councilor Walton - Homeowner Incentive Plan

CCR-3. **Citizen/Councilor Requests** – Councilor Walton – Spot Blight and Nuisance Ordinance

CCR-4. **Citizen/Councilor Requests** – Councilor Walton - Pilot Program for Legacy Business Owners

CCR-5. **Citizen/Councilor Requests** – Councilor Pelham - Community Parks – request a Work Session with the Recreation and Parks Department

CCR-6. **Citizen/Councilor Requests** – Mayor Bujakowski – Evaluate potential to provide a Youth Football League Game Field at Atwater Park

CCR-7. **Citizen/Councilor Requests** – Councilor Luman-Bailey - ARB New Guidelines - Public Hearing and presentation to be scheduled for July 8, 2014 and then schedule vote on August 12, 2014

PRESENTATIONS FROM BOARDS & COMMISSIONS *Each of the City's boards, commissions, authorities, and committees of Council, may periodically give presentations to City Council not to exceed 10 minutes.*

PB&C-1. Sesquicentennial Celebration Presentation – update and request for funding for the celebration and for the Legacy Project

COUNCIL COMMUNICATIONS

ADJOURNMENT

CLOSED SESSION

CONSENT AGENDA

MINUTES

**April 8, 2014
Regular Meeting**

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 8, 2014

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, April 8, 2014, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Michael C. Bujakowski, Mayor
 Jasmine E. Gore, Vice Mayor
 Christina J. Luman-Bailey, Councilor
 Roosevelt Edwards, Councilor
 K. Wayne Walton, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

ROLL CALL

Mayor Bujakowski opened the meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	ABSENT Arrived at 6:31 p.m.
Councilor Edwards	-	ABSENT Arrived at 6:52 p.m.
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

AMEND AGENDA

Motion was made by Vice Mayor Gore, seconded by Councilor Luman-Bailey to removed the Citizen/Councilor Request from the agenda. Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes

CLOSED MEETING

Motion was made by Vice Mayor Gore, seconded by Councilor Luman-Bailey and unanimously passed to resolve to go into Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (ARB and Code Enforcement litigation and EEOC complaint); to discuss salaries of public officers (City Council); discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities

April 8, 2014
Regular Meeting

in the community (property management company); discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (former Social Services Building); and appointments (City Council Boards and Commissions) in accordance with Virginia Code Section 2.2-3711 (A) (1) (3) (5) & (7).

OPEN MEETING

At 7:38 p.m. Council convened into Open Meeting. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Meeting?" Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes

ROLL CALL

Mayor Bujakowski opened the meeting at 7:39 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

PRAYER

Prayer was offered by Chaplain Michael Wyche followed by the Pledge of Allegiance to the Flag off the United States of America.

CONSENT AGENDA

Motion was made by Councilor Walton, to amend the agenda to remove the minutes from 3.11.2014 from the Consent Agenda, there being no second the motion died.

Substitute motion by Councilor Pelham, seconded by Councilor Edwards to resolve to approve section C-2 through C-9 of the Consent Agenda and have the video from the meeting reviewed by the City Attorney and the City Clerk for accuracy. ~~Minutes: 3.18.2014 Work Session; 3.25.2014 Special Meeting and Work Session;~~ Pending List; Information for Council Review: none; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: April 29, 2014; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations, Resolutions, Presentations: Sexual Violence Awareness Month - Proclamation and video presentation; Prevent Child Abuse and Neglect Awareness Month. Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Councilor Shornak	-	yes

**April 8, 2014
Regular Meeting**

Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	NO

Sexual Violence Awareness Month

WHEREAS, Sexual Violence Awareness Month is intended to draw attention to the fact sexual violence is widespread and has public health implications for every community member of Hopewell; and

WHEREAS, rape, sexual assault, and sexual harassment impact our community as seen by national statistics indicating an act of sexual violence occurs every two minutes, and one in six women, one in 33 men, will experience sexual assault at some point in their lifetime, many before the age of 18; and

WHEREAS, we must work together to educate our community about what can be done to prevent sexual violence and how to support survivors; and

WHEREAS, staff and volunteers of the James House Intervention/Prevention Services encourage every citizen of Hopewell to speak out when witnessing acts of violence however small; and

WHEREAS, the leadership of the City of Hopewell strongly supports the efforts of national, state, and local partners, and of every citizen to actively engage in public and private efforts, including conversations about what sexual violence is, how to prevent it, how to help survivors connect with services and how every segment of our society can work together to better address sexual violence.

NOW, THEREFORE, BE IT RESOLVED, the City Council of Hopewell, Virginia, join the board, staff and volunteers of The James House in the belief all community members must be part of the solution to end sexual violence, and hereby proclaim

**April 2014
Sexual Violence Awareness Month**

in the City of Hopewell, and we call this observance to the attention of all citizens.

Proclamation presented this 8th day of April, 2014.

Prevent Child Abuse and Neglect Awareness Month

WHEREAS, every child in our great Commonwealth is a precious gift, full of promise and potential; and

WHEREAS, child abuse and neglect is a serious problem in Virginia and across the nation; and

WHEREAS, the prevention of child abuse is crucial to the preservation of the health and well-being of Virginia's families and can be accomplished by providing support and information to families as well as through increased community awareness; and

**April 8, 2014
Regular Meeting**

WHEREAS, all children learn from role models at home, at their place of worship, at school and in their communities and all children benefit from the love and leadership displayed by caring and responsible adults; and

WHEREAS, children are our most precious resource and we are committed to keeping the children of this great Commonwealth safe and happy.

NOW, THEREFORE BE IT PROCLAIMED, the City Council of Hopewell, Virginia, hereby recognizes the month of

**April 2014
as
Prevent Child Abuse and Neglect Awareness Month**

in the City of Hopewell and we call this observance to the attention of all citizens.



The James House presented a video, "The Fifth Story," from their "The 26th Story" series, which can be viewed at www.thejameshouse.org.

PUBLIC HEARING – 2013-14 D BUDGET RESOLUTION AMENDMENT

This was the night advertised as a public hearing to receive citizen comments regarding the proposed 2013-2014 proposed School Board Budget Resolution Amendment in the amount of \$749,777.

The Public Hearing was opened at 7:52 p.m.

There being no speakers, the Public Hearing was closed at 7.54 p.m.

Motion was made by Councilor Shornak, seconded by Councilor Edwards to amend and appropriate additional funds to the FY 2013-14 Budget, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, in the amount of \$749,777. Upon the roll call, the vote resulted:

Councilor Pelham	-	Abstain
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes

Councilor Pelham filed a Transactional Disclosure Statement employee of Hopewell Public Schools.

Councilor Shornak filed a Transactional Disclosure Statement - daughter – city employee.

Mayor Bujakowski filed a Transactional Disclosure Statement - wife employed by schools.

**April 8, 2014
Regular Meeting**

**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2013 – 2014**

WHEREAS, the Council of the City of Hopewell, at its meeting of Tuesday, April 15, 2014, held a public hearing to amend and appropriate additional funds to the FY 2013-14 Budget, for the fiscal year beginning July 1, 2013, and ending June 30, 2014, in the amount of \$749,777; and,

WHEREAS, the School Board will receive the amount of \$747,777.

WHEREAS, sufficient funds exist;

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

Sec 1. The following designated funds shall be appropriated:

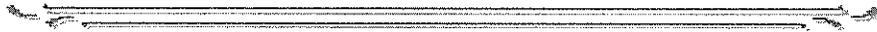
School Fund-014

Resources:

Federal Funds..... \$ 749,777

Expenditures:

School Operations..... \$ 749,777



COMMUNICATIONS FROM CITIZENS

Bernetta Quinn, Director of Hopewell – Prince George Healthy Families requested the City Council allocate \$15,000 to the Hopewell – Prince George Healthy Families for the Fiscal Year 2014-15. A handout was provided to City Council, “Hopewell – Prince George Healthy Families 2012-2013 Revenue Chart.” A copy of the handout is on file in the City Clerk’s Office.

Tommy Wells the liaison for the Senior Citizens Advisory Committee promoted the Senior Citizens Hall of Fame program. Applications are being accepted for the Senior Citizens Hall of Fame, and are located at the Hopewell Community Recreation Center. The banquet this year will be funded by the Moose Lodge.

Bettina W. Coghill the Director of the Riverside Criminal Justice Agency requested \$110,420 for the Fiscal Year 2014-2015. The daily cost to house an offender has risen to \$41 a day. The City of Hopewell has the highest rate of offenders incarcerated. Three handouts were provided to City Council, “City of Hopewell, Prince George County and Surry County Drug Court “A Chance For A Change,” Riverside Criminal Justice Agency: Local Probation & Pretrial Services Executive Summary FY 12/13” and the “2013 Annual Report Riverside Criminal Justice Agency”

REGULAR BUSINESS – SPRING CLEAN UP WEEK APRIL 2014

Mayor Bujakowski announced April 19-26, 2014 as Spring Clean – Up Week. The Convenience Center will have extended hours during this time.

**April 8, 2014
Regular Meeting**

REPORTS OF THE CITY CLERK

Motion was made by Councilor Pelham, seconded by Councilor Luman-Bailey and unanimously passed to resolve to appoint Lynda Frink to the **Economic Development Authority**.

PRESENTATIONS FROM BOARDS & COMMISSIONS – KEEP HOPEWELL BEAUTIFUL (KHB)

Tommy Meadows updated City Council on the recent accomplishments of KHB. Working with FOLAR, Boys Scouts of America, Ft. Lee soldiers and other volunteers KHB has cleared over grown brush, tires from the river, debris throughout the City and provided delivery of over 5,000 flyers from the Central Virginia Waste Management Authority informing citizens of the new recycling services.

COUNCIL COMMUNICATIONS

Councilor Walton extended an invitation to everyone for the Grand Opening of the Marina on May 10, 2014. Further information will be forthcoming in a Media Release.

Councilor Luman-Bailey stated a Farmer's Market is in the plans for next year. Our region is doing well considering the economic downturn, and it is each citizen's duty to help promote tourism.

Vice Mayor Gore encouraged citizens to get involved and to join the Downtown Partnership. On April 26, 2014 Hopewell-Prince George Healthy Families is holding the 2nd Annual 2 Mile Walk/Run for Babies Fundraiser, at Atwater Park, registration starts at 7:30 a.m. Ward #4 will be having a meeting from 6-7:30 p.m. at the Community Center on April 30, 2014. The James House has a video series on Child Abuse and Neglect, which Vice Mayor Gore recommends citizens to view, if they have not seen it.

Councilor Pelham would like the City Manager to schedule a Work Session on curb and gutter in the future, and to have an annual schedule of the Boards and Committees to do presentations. Ward #6 is having a meeting from 6:30 – 8:00 p.m. at the Elk's Lodge on April 17, 2014. The City Manager and the Directors for the City have been invited to give updates on their departments.

Councilor Shornak said Woodlawn Baptist Church is having a "Spring Festival" on April 12, 2014 and the Fire Department and the Police Department would be at the festival. Garden Week is on April 27, 2014.

Mayor Bujakowski thanked John Holloway for providing security during the meeting, and reminded everyone the "Temptations" will be at the Beacon on Saturday, April 12, 2014 at 6 p.m.

ADJOURNMENT

At 8:32 p.m. a **motion** was made by Councilor Walton, seconded by Councilor Edwards and unanimously passed to adjourn the meeting.

Michael C. Bujakowski, Mayor

Cynthia Y. Ames, City Clerk

**May 20, 2014
Special Meeting**

MINUTES OF THE SPECIAL MEETING HELD MAY 20, 2014

A Special Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 20, 2014, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Michael C. Bujakowski, Mayor
 Jasmine E. Gore, Vice Mayor
 Roosevelt Edwards, Jr., Councilor
 K. Wayne Walton, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

Mark A. Haley, Acting City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

ABSENT: Christina J. Luman-Bailey, Councilor

ROLL CALL

Mayor Bujakowski opened the meeting at 6:31 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	ABSENT arrived at 6:28 p.m.
Councilor Luman-Bailey	-	ABSENT
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	ABSENT arrived at 7:36 p.m.
Councilor Shornak	-	present

CLOSED MEETING

Motion was made by Councilor Walton, seconded by Councilor Shornak and unanimously passed to resolve to go into Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (ARB and Code Enforcement litigation and EEOC complaint); and appointments (City Council Boards and Commissions) in accordance with Virginia Code Section 2.2-3711 (A) (1) & (7).

OPEN MEETING

At 7:30 p.m. Council convened into Open Meeting. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Meeting?" Upon the roll call, the vote resulted:

**May 20, 2014
Special Meeting**

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

ROLL CALL

Mayor Bujakowski opened the meeting at 7:31 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	ABSENT
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

Prior to opening City Council's scheduled public hearing, Jerry Whitaker, Finance Director, presented to City Council, via a PowerPoint presentation, the City Manager's proposed FY 2014-2015 City Budget (on file in the City Clerk's office). He highlighted the remaining budget calendar, budget process, FY 2014-2015 program priorities, budget highlights, new position requests, scenarios for COLA increases, school funding, tax rate increase required to fund schools and unfunded requests, and his goal to balance recurring expenses with recurring revenues and one-time expenses with one-time revenues.

PUBLIC HEARING – FISCAL YEAR 2014-2015 CITY BUDGET

The purpose of this Public Hearing was to receive public comments regarding the proposed Fiscal Year 2014-2015 City Budget.

Mayor Bujakowski opened the public hearing at 7:31 p.m.

Dr. Fahey superintendent of Hopewell Public Schools asked City Council to consider an increase for the teachers since five teachers were leaving.

There being no other speakers, the Mayor closed the public hearing at 7:33 p.m.

Motion was made by Councilor Walton, seconded by Councilor Shornak to resolve to include a 2% COLA for full time City employees in the Fiscal Year 2014-2015 City Budget. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

Mayor Bujakowski filed a Transactional Disclosure Statement, wife teacher in School System.

**May 20, 2014
Special Meeting**

Councilor Shornak filed a Transactional Disclosure Statement, daughter works for city.

Councilor Pelham filed a Transactional Disclosure Statement; employee of Hopewell Public Schools.

Motion was made by Councilor Edwards, seconded by Councilor Shornak to resolve to include \$20,000 for the Crater District Area Agency on Aging for home improvements for eligible Hopewell citizens in the Fiscal Year 2014-2015 City Budget. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

Motion was made by Councilor Shornak, seconded by Councilor Edwards to resolve to include \$30,000 for the Historic Hopewell Foundation for roof repairs at Weston Plantation in the Fiscal Year 2014-2015 City Budget. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	NO
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

Motion was made by Councilor Pelham, seconded by Councilor Walton to adopt the Comprehensive Land Use Plan, and allocate up to \$100,000 in the Fiscal Year 2014-2015 City Budget. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	NO

Motion was made by Councilor Walton, seconded by Mayor Bujakowski to resolve to include \$20,000 for a Legacy Existing Citywide Business Matching fund to come out of the Capital Improvement Projects in the Fiscal Year 2014-2015 City Budget.

Friendly amendment by Vice Mayor Gore, seconded by Councilor Shornak to resolve to earmark \$20,000 from the CIP for a citywide grant program developed for business retention. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Walton	-	yes

**May 20, 2014
Special Meeting**

Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes

Vice Mayor Gore was asked by City Council to try to get the Lincoln Movie to be shown at the Beacon Theatre.

REPORTS OF BOARDS & COMMISSIONS

The Hopewell Local Sesquicentennial Civil War Committee updated City Council on the projects for the Sesquicentennial. Herbert Bragg the Intergovernmental Public Affairs Directors introduced Dr. Steven Anders of the committee who is the former Historian for Fort Lee. The Sesquicentennial Civil War Celebration will spotlight City Point. The Local Sesquicentennial Civil War Committee would like to develop a Civil War Legacy Project. The project would be a Civil War application. The application would include virtual tours when historical facilities are closed. Video clips, oral histories, and an interactive map of the Wharf during the Civil War would explain the importance of City Point as the busiest port City in the World. The application would also include a historical map of Hopewell and maps of the surrounding areas. The application development cost would be a onetime fee of approximately \$35,000 and a host website at a cost of \$10,000 annually. The estimated time to have the application up and running would be weeks. For the Sesquicentennial, there are plans for varied exhibits, scripts, reenactments, and guest speakers.

ADJOURN

At 8:15 PM, **motion** to adjourn the meeting was made by Councilor Walton, seconded by Councilor Pelham, and unanimously passed.

Michael C. Bujakowski, Mayor

Cynthia Y. Ames, City Clerk

**May 27, 2014
Special Meeting**

MINUTES OF THE SPECIAL MEETING HELD MAY 27, 2014

A Special Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 27, 2014, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Michael C. Bujakowski, Mayor
 Jasmine E. Gore, Vice Mayor
 Christina J. Luman-Bailey, Councilor
 Roosevelt Edwards, Councilor
 K. Wayne Walton, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

SPECIAL MEETING

Mayor Bujakowski opened the Special Meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED SESSION

Motion was made by Councilor Luman-Bailey, seconded by Councilor Walton and unanimously passed to resolve to go into Closed Session for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel (Code Enforcement Litigation), in accordance with Virginia Code Section 2.2-3711 (A) (7). Upon the roll call, the vote resulted:

Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes

OPEN MEETING

At 7:30 p.m. Council convened into Open Meeting. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open

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meeting requirements; and public business matters identified in the motion to convene into Closed Meeting?" Upon the roll call, the vote resulted as follows:

Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes

ROLL CALL

Mayor Bujakowski opened the meeting at 7:31 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

PUBLIC HEARING – NOMINEES OR APPLICANTS TO THE SCHOOL BOARD

This was the night advertised as a Public Hearing to receive citizen comments regarding nominees or applicants to the School Board to fill two terms extending July 1, 2014 through June 30, 2017. Section 22.1-29 of the State Code states that "*No nominee or applicant whose name has not been considered at the public hearing shall be appointed as a school board member.*" Terms of office for School Board members are three years with terms commencing on July 1, 2014 .

The Public Hearing opened at 7:32 p.m.

Mayor Bujakowski announced the nominees for the two School Board positions. They are Rogers Lee Henry, Linda Hyslop, Ruth Johnson, David Silvestro, Dr. Deborah Marks and Laurel Smith. Selections for the two positions will be announced at the June 10, 2014 meeting.

There being no speakers the Public Hearing closed at 7:34 p.m.

Motion was made by Councilor Luman-Bailey, seconded by Councilor Edwards to resolve to accept the list of nominees for the School Board. Upon the roll call, the vote resulted as follows:

Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes

Councilor Pelham filed a Transactional Disclosure Statement member of Hopewell Public Schools.

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Mayor Bujakowski filed a Transactional Disclosure Statement wife is school teacher.

AMENDA AGENDA

Motion was made by Councilor Pelham, seconded by Councilor Luman-Bailey and unanimously passed to resolve to amend the agenda to allow Communication from Citizens on the increase in health care.

Dewey Collins from Ward 3 stated the increase in health care costs is taking money out of the City Employees pockets.

Randy Hicks a supervisor for the Public Works Department in Hopewell said it would be difficult to continue to ask his street crew to do more work for less money, since the responsibilities were so much greater than just a year ago. Another concern is losing employees in Public Works and the Parks and Recreation Departments, which are already shorthanded, is also a loss for the City.

REGULAR BUSINESS – FISCAL YEAR 2014-2015 CITY BUDGET - RESOLUTION

Motion was made by Councilor Walton, seconded by Councilor Edwards to adopt the Fiscal Year 2014-2015 Budget resolution. Upon the roll call, the vote resulted:

Councilor Walton	-	yes
Councilor Pelham	-	abstained
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes

BUDGET RESOLUTION

FISCAL YEAR 2014-15

WHEREAS, at the meeting of the City Council of the City of Hopewell held on May 27, 2014 a budget of the estimated revenues and expenditures for the fiscal year beginning July 1, 201, and ending June 30, 2015, showing the expenditures of the preceding year, the amount appropriated for the current year, and the proposed expenditures for the ensuing twelve months was introduced in its complete form; of which \$90,841,200 is estimated to be received from sources other than property tax levies, leaving a balance to be raised by levies on property segregated to the city for local taxes of \$28,194,700 and,

WHEREAS, a tax rate sufficient to raise the last mentioned sum has been levied by ordinance of the City Council of the City of Hopewell; and,

WHEREAS, in this budget approved by City Council there are estimates of revenues used for appropriated expenditures to pay for said city services, and when said estimated revenues are projected by the City Manager to be less than the amount of appropriated expenditures, the City Manager shall initiate action to adjust appropriated expenditures to agree with revised estimated revenues. The City Manager is directed to advise City Council, at the next scheduled meeting, of the adjustments made and City Council may amend said adjustments or offer alternatives as the appropriating body; and,

WHEREAS, an annual statement of revenues, borrowing, disbursements, assets, liabilities, and surplus of the city, and an itemized and complete balance sheet for the city as of June 30, 2013 been introduced to the City Council of the City of Hopewell as required by law;

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

Sec. 1 The following designated funds and accounts shall be appropriated from the designated revenues to operate city services and to provide a capital improvement program for the city:

General Fund-011:

Estimated Revenues:

From Local Sources	
General Property Taxes.....	\$28,194,700
Other Local Taxes.....	5,867,000
Licenses, Permits, Fees.....	86,500
Fines & Forfeitures.....	1,701,800
Use of Money/Property.....	47,000
In-Lieu of Taxes.....	1,261,100
Other Local Revenues.....	600,300
From Other Agencies	
State Sources.....	6,316,500
Federal Sources.....	318,600
Transfers & Fund Balance	
Transfer from Self-Insurance-076.....	0
Cost Recovery from Solid Waste-030.....	502,000
Cost Recovery from Sewer Services-031.....	382,500
Use of Fund Balance.....	779,000
Total Revenues.....	\$46,057,000

Appropriations:

<u>Legislative:</u>	
City Council.....	\$111,000
City Clerk.....	68,000
City Attorney.....	189,000
<u>Constitutional/Courts:</u>	
Clerk of Circuit Court.....	302,000
Commonwealth Attorney.....	447,000
Commissioner of Revenue.....	330,000
City Treasurer.....	336,000
Electoral Board/Registrar.....	140,000
City Sheriff.....	1,154,000
Circuit Court.....	73,000
General District Court.....	60,000
Court Services.....	7,000
VJCCCA Grant.....	152,000
Crater Detention Center.....	252,000
Riverside Regional Jail.....	2,453,000
<u>Administration:</u>	
City Manager.....	330,000

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InterGovernment Affairs.....	93,000
Human Resources	279,000
Finance.....	1,277,000
Development.....	725,000
Police	5,676,000
Vitim-Witness Grant.....	114,000
Fire.....	3,044,000
Public Works.....	3,916,000
Health.....	212,000
Outside Agencies	1,484,000
Non-Departmental.....	4,920,000
Operating Transfers/Contingency	<u>17,913,000</u>
Total General Fund	\$46,057,000

Social Services Fund-012:

Estimated Revenues:

From State Sources	\$1,163,100
From Federal Sources.....	2,061,200
Transfer from General Fund-011	591,700
Use of Surplus	<u>0</u>
Total Revenues	\$3,816,000

Appropriations:

Administration	0
Public Assistance.....	318,000
Purchased Services	200,000
Eligibility.....	1,838,000
Services.....	1,448,000
Cooling Assistance	0
Pass-Thru Program	0
Foster Home	4,000
Day Care Staff	1,000
Quality Day Care	7,000
Contingency-Raises-Health ins.	<u>-0-</u>
Total Social Services Fund	\$3,816,000

Community Services Act Fund-015:

Estimated Revenues:

Client Fees	\$0
From State Sources.....	2,205,900
Transfer from General Fund-011	<u>784,100</u>
Total Revenues	\$2,990,000

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Appropriations:

Administration	118,400
Direct Services.....	<u>2,871,600</u>
Total Community Services Act Fund	\$2,990,000

Recreation Fund-035:

Estimated Revenues:

Fees & Charges.....	\$277,700
Transfer from General Fund-011	1,302,700
Use of Surplus	<u>80,600</u>
Total Revenues	\$1,661,000

Appropriations:

Recreation Center Div	558,500
Community Div	109,200
Athletics Div.....	155,100
Seniors Div	142,200
Pool Div.....	209,500
Parks Div	418,500
Grants	<u>68,000</u>
Total Recreation Fund	\$1,661,000

Harbor Fund-038:

Estimated Revenues:

Rental	\$ 14,400
Use of Surplus	<u>0</u>
Total Revenues	\$ 14,400

Appropriations:

Insurance	\$ 5,000
Contingency	<u>9,400</u>
Total Harbor Fund	\$ 14,400

Anti-Litter Fund-053:

Estimated Revenues:

From State Sources.....	\$5,000
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Appropriations:

Operating Expenses	\$5,000
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Self Insurance Fund-076:

Estimated Revenues:

Interest Income	\$2,000
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Misc Income	0
Use of Surplus	<u>288,000</u>
Total Revenues	\$290,000

Appropriations:

Property/Liability Insurance Premiums	280,000
Insurance Claims/Deductibles	10,000
Transfer to General Fund-011	0
Transfer to Capital Projects Fund-071	<u>0</u>
Total Self Insurance Fund.....	\$290,000

Cemetery Fund-003:

Estimated Revenues:

Interest Income	\$ 1,500
Grave Site Sales.....	10,000
Use of Surplus	<u>23,500</u>
Total Revenues	\$ 35,000

Appropriations:

Repairs	2,500
Grass Cutting	27,000
Miscellaneous	5,500
Capital Expansion Project.....	<u>0</u>
Total Cemetery Fund.....	\$ 35,000

School Operating Fund-014:

Estimated Revenues:

Beginning Fund Balance.....	\$0
From State Sources	24,657,400
From Federal Sources	5,238,600
Other Revenues.....	2,900,000
Transfer from Other Funds-011/030.....	13,100,000
Transfer from School Bldg/Bus Replacement Fund-063.....	-0-
Transfer from Capital Projects Fund-071	<u>1,648,000</u>
Total Revenues	\$47,544,000

Appropriations:

Non-Categorical.....	44,425,000
Debt Service	2,699,000
Transfer to Text Book Fund-056	0
Transfer to Bldg/Bus Replacement Fund-063	<u>420,000</u>
Total School Operating Fund.....	\$47,544,000

School Textbook Fund-056:

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Estimated Revenues:

From State Sources	\$292,700
Interest Income	2,000
Transfer from Operating Fund-014.....	0
Use of Surplus	<u>355,300</u>
Total Revenues	\$650,000

Appropriations:

Text Book Purchases	650,000
Fund Balance	<u>0</u>
Total School Textbook Fund	\$650,000

School Cafeteria Fund-057:

Estimated Revenues:

From State Sources	\$47,800
From Federal Sources	1,524,500
School Food Fees.....	521,800
Interest Income	900
Use of Surplus	<u>1,000,000</u>
Total Revenues	\$3,095,000

Appropriations:

Operating Expenses	3,095,000
End Balance.....	<u>0</u>
Total School Cafeteria Fund.....	\$3,095,000

School Bldg/Bus Replacement Fund-063:

Estimated Revenues:

From State Sources	\$0
Transfer from School Operating Fund-014.....	420,000
Use of Bond Proceeds.....	0
Use of Surplus	<u>190,000</u>
Total Revenues	\$ 610,000

Appropriations:

Transfer to Operating Fund-014 for Debt Service.....	420,000
Capital Outlay.....	190,000
Fund Balance	<u>0</u>
Total School Bldg/Bus Replacement Fund.....	\$ 610,000

Solid Waste Fund-030:

Estimated Revenues:

Fees & Charges.....	\$2,124,000
Convenience Center Fees	0
Use of Surplus	<u>0</u>

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Total Revenues	\$2,124,000
 <u>Appropriations:</u>	
Curb-Side Pickup.....	1,856,000
Convenience Center.....	206,000
Transfer to Other Funds-011/014	<u>62,000</u>
Total Solid Waste Fund	\$2,124,000
 <u>Sewer System Revenue Fund-040:</u>	
<u>Estimated Revenues:</u>	
Charges for Services	\$5,716,000
HRWTF Admin Fee	0
Interest Income	0
Transfer-Sewer System Revenue Fund-031	<u>0</u>
Total Revenues	\$5,716,000
<u>Appropriations:</u>	
Transfer to Sewer System Operating Fund-041.....	4,088,000
Transfer to Sewer System Imprv/Redemp Fund-042	-0-
Transfer to Sewer System Bond Fund-043	<u>1,628,000</u>
Total Sewer System Revenue Fund	\$5,716,000
 <u>Sewer System Operating Fund-041:</u>	
<u>Estimated Revenues:</u>	
Transfer f/ Sewer System Revenue Fund-040	\$4,088,000
Use of Surplus	<u>2,209,000</u>
	\$6,297,000
 <u>Appropriations:</u>	
Storm Water Div.....	81,000
Maintenance & Inspections	961,000
City Pump Stations	3,255,000
Capital.....	<u>2,000,000</u>
Total Sewer System Operating Fund	\$6,297,000
 <u>Sewer System Imprv/Redemp Fund-042:</u>	
<u>Estimated Revenues:</u>	
Transfer f/ Sewer Services Fund-031	\$0
Transfer f/ Sewer System Revenue Fund-040	<u>0</u>
Total Revenues	\$-0-
<u>Appropriations:</u>	
Transfer to Reserve Account Fund-042.....	0
Capital Construction	<u>0</u>
Total Sewer System Imprv/Redemp Fund.....	-0-
 <u>Sewer System Bond Fund-043:</u>	

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Estimated Revenues:

Transfer f/ Sewer System Revenue Fund-040	\$1,628,000
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Appropriations:

Bond Principle	\$ 475,000
Bond Interest	<u>1,153,000</u>
Total Sewer System Bond Fund	\$1,628,000

HRWTF Fund-032:

Estimated Revenues:

Industrial User Charges	\$13,095,000
City User Charges.....	1,632,000
Debt Service Charges	<u>1,352,000</u>
Total Revenues	\$16,079,000

Appropriations:

Operating Expenses	\$16,079,000
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Capital Projects Fund-071:

Estimated Revenues:

Meals Tax	\$1,800,000
Lodging Tax	750,000
HRWTF Admin Fee	125,000
Social Services Bldg. Amortization.....	180,500
Interest Income	10,000
Transfer from General Fund-011	1,334,500
Transfer from General Fund I-295\$.....	800,000
Transfer from Self Insurance Fund-076.....	0
Use of Surplus	<u>0</u>
Total Revenues	\$5,000,000

Appropriations:

Debt Service	3,772,000
Debt Service Fees	5,000
Capital Projects:	
Servers, PC and Other Equipment	50,000
Sheriff Vehicle.....	30,000
Public Works Equipment.....	162,000
Street Lighting	20,000
Pavement Mgt. Program	350,000
Code New Plotter.....	25,000
Code Chapter 18 Violations.....	25,000
Code Demolition Bldgs.	50,000

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Sheriff Vehicle.....	30,000
Police Vehicles/Equipment.....	199,000
Fire Vehicle	32,000
Recreation Heating Coil	13,000
Recreation Community Center Roof	75,000
Recreation Exercise Equipment Replacement	10,000
Recreation Shelter Roofs to Metal.....	20,000
Recreation Van Purchase Match (2).....	24,000
Recreation Lifeguard Stand Replacement	16,000
Recreation Marquee Sign	15,000
Recreation Furniture Replacement	2,000
Treasurer Office Printer.....	5,000
Downtown Partnership	<u>70,000</u>
Sub-total Capital Projects	<u>\$1,223,000</u>
Total Debt/Capital Projects Fund	\$5,000,000

Sec. 2 Constitutional Officers and respective Constitutional Office employees shall receive the position salary approved by the Virginia Compensation Board or granted by the Virginia General Assembly. No Constitutional Officer shall be compensated for any vacation, sick, holiday, jury service, military leave, funeral leave or other paid time-off granted regular city employees.

Sec. 3 Appropriations in addition to those contained in the general appropriation resolution may be made by the City Council only if there is available in the fund an unencumbered and un-appropriated sum sufficient to meet such appropriation.

Sec. 4 Except as set forth in Sections 7, 14, 16, 17, 18, and 19 the City Manager may, as provided herein, authorize the transfer of any unencumbered balance or portion thereof from one classification of expenditure to another within the same department or appropriation function/category. The City Manager may transfer up to \$25,000 from the unencumbered balance of the appropriation of one appropriation function/category to another appropriation function/category. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$25,000.

Sec. 5 The City Manager may increase appropriations for the following items of non-budgetary revenue that may occur during the fiscal year:

- a. Insurance recoveries received for damage to city vehicles or other property for which city funds have been expended to make repairs.
- b. Refunds or reimbursements made to the city for which the city has expended funds directly related to that refund or reimbursement.
- c. Any revenue source not to exceed \$25,000.

Sec. 6 All outstanding encumbrances, both operating and capital, at June 30, 2014 shall be re-appropriated to the 2014-15 fiscal year to the same department and account for which they are encumbered in the previous year.

Sec. 7 At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than Capital Projects, reserves, grants, and donations restricted to specific purposes.

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- Sec. 8 Appropriations designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriations until the completion of the projects or until the City Council, by appropriate ordinance or resolution, changes or eliminates the appropriation. The City Manager may approve necessary accounting transfers between funds to enable the capital projects to be accounted for in the correct manner. Upon completion of a capital project, staff is authorized to close out the projects and transfer to the funding source any remaining balances. This section applies to all existing appropriations for Capital Projects at June 30, 2014 and appropriations in the 2014-15 budget year. The City Manager may approve construction change orders to contracts up to an increase of \$25,000 and approve all change orders for reductions to contracts.
- Sec. 9 The City Manager may authorize the transfer of Sewer Services Capital Projects funds that are 20% or up to \$100,000 of the original project cost, whichever is less, from any Sewer Services Capital Project to any other Sewer Services Capital Project or to the original funding source. Should the actual contract price for a project be significantly (over \$100,000) less than the appropriation, the City Manager may approve transfer of excess funds to the funding source prior to completion of the project.
- Sec. 10 The City Manager is hereby authorized and directed to apply for and accept all city eligible grants which require no local match money to receive without further City Council action.
- City Manager is further authorized to apply for and accept eligible grants of \$50,000 or less and with up to fifty (50) percent or less of the total dollar grant amount match requirement. City Manager is authorized to use current budget appropriated funds towards any local match required.
- Any grant application/award greater than \$50,000 must first be approved by City Council prior to the city administration making application.
- The City Manager is hereby authorized to sign and execute all necessary documents for the acceptance of any city grant approved by the City Council.
- Sec. 11 That the approval by the City Council of any grant of funds to the city constitutes the appropriation of both the revenue to be received from the grant and the city's expenditure required by the terms of the grant, if any. The appropriation of grant funds will not lapse at the end of the fiscal year, but shall remain appropriated until completion of the project or until the City Council, by appropriate resolution, changes or eliminates the appropriation. The City Manager may reduce any grant appropriation to the level approved by the granting agency during the fiscal year. The City Manager may approve necessary accounting transfers between accounts to enable the grant to be accounted for in the correct manner. Upon completion of a grant project, staff is authorized to close out the grant and transfer back to the funding source any unspent remaining balances. This applies to appropriations for grants outstanding at June 30, 2014 and appropriations in the 2014-15 budget year.
- Sec. 12 The City Manager may appropriate both revenue and expenditure for donations made by citizens or citizen groups in support of city programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be re-appropriated into the subsequent fiscal year for the same purpose.
- Sec. 13 The City Manager may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
- Sec. 14 The Director of Finance is authorized to make transfers to the various operating funds for which there are transfers budgeted. The Director shall transfer funds only as needed up to amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfer are to be made.
- Sec. 15 The City Treasurer may advance monies to and from the various funds of the city to allow maximum cash flow efficiency. The advances must not violate city bond covenants or other legal restrictions that would prohibit an advance.
- Sec. 16 The City Manager is authorized to make expenditures from Trust & Agency Funds for the specified reasons for which the funds were established. In no case shall the expenditure exceed the available balance in the fund.
- Sec. 17 The City Manager may appropriate revenues and increase expenditures for funds received by the city from asset forfeitures for operating expenditures directly related to drug enforcement. This applies to funds currently on-hand at June 30, 2014, and all funds received in the 2014-15 budget year.

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The outstanding balance of these funds at June 30, 2014 shall not lapse but be carried forward into the next fiscal year.

Sec. 18 After completion of all necessary audit transactions for the General Fund, the City Manager may at his discretion, increase appropriations or authorize transfers of existing appropriation at June 30 as follows:

Subsequent to all audit adjustments and the ending general fund balance is maintained at maximum of 10% of general fund expenditures, transfer all available current year operation funds to the undesignated fund balance of the Capital Projects Fund for future capital projects.

At year-end, any budgeted Fire Department appropriations in excess of actual expenditures for the year shall be transferred to a reserve account for future fire equipment purchases. This applies to funds on-hand at June 30, 2014, and all funds received in the 2014-15 budget year.

Sec. 19 The City Manager is authorized to reallocate funding sources for Capital Projects, arbitrage rebates/penalties, and debt services payments and to appropriate bond interest earning to minimize arbitrage rebates/penalties. This authority would include the appropriation of transfers among funds to accomplish such reallocation. Budgets for specific Capital Projects will not be increased beyond the level authorized by sections 4 and 5.

This applies to funds currently on-hand in FY 13-14 and all funds received in the FY 2014-15 budget year.

Sec. 20 The City Manager is authorized to transfer among appropriation categories any amount of funds associated with implementation of the implementation of the VJCCCA Grant to record transactions.

Sec. 21 The City Manager is authorized to transfer among appropriation categories any amount of monies associated with implementation of the Comprehensive Services Act for at-risk youth and families, but the local city match appropriation shall be reduced to the amount required to match the original state approved budget. Any supplemental budget request for funding shall be presented to city council for appropriation.

Sec. 22 The City Manager is authorized to disburse state Four-For-Life Program funding to the Hopewell Emergency Crew for authorized expenditures or to disburse funds between the Hopewell Emergency Crew and the Hopewell Bureau of Fire, all in the best interest of providing emergency services to Hopewell. Amount of funds authorized to be disbursed shall not exceed the state funding award.

Sec. 23 The City Manager is authorized to transfer among appropriation categories any amount of monies associated with implementation of the Department of Social Services budget for services, but the local city match appropriation shall be reduced to the amount required to match the original state approved budget. Any supplemental budget request for funding shall be presented to city council for appropriation.

Sec. 24 Effective upon adoption of this resolution, the City Manager is authorized to approve transfers within operating funds as long as total net spending is not exceeded, and all transfer activity is to be reported to City Council on a monthly basis.

Sec. 25 The City Manager is hereby authorized to reassign or reallocate any full-time authorized position within the authorized fund complement of positions to a lower or higher grade after the City Classification and Compensation Committee have approved the job evaluation and recommended to the City Manager their respective action. This authority is not to be construed as giving the City Manager authority to create or increase the authorized full-time city work force, City Council reserves to itself the authority to increase or decrease the authorized full-time empmployee positions.

Sec. 26 Effective July 1, 2014 upon adoption of this resolution, the following will be the City share of health care cost: City Council hereby authorizes and reaffirms the city retiree health insurance contribution policy adopted in FY 04-05.

In accordance with that policy, city retiree health insurance contributions are fixed, subject to change, for all retirees retired prior to January 1, 2004; and any employee hired prior to July 1, 2004 2003 and retiring after January 1, 2004 shall receive an amount equal to an active single employee towards retiree health insurance contribution from the city; and any employee hired after July 1, 2004 shall receive a percentage amount of an

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active single employee, determined by length of service, towards retiree health insurance contribution from the city.

Effective July 1, 2008, any employee hired after July 1, 2008 shall receive a fixed dollar contribution of two hundred dollars (\$200.00) towards retiree health insurance contribution from the city.

Authorize and approve establishing the city share of full-time employee health insurance benefits costs sharing amounts, per month, for each tier in health insurance coverage as identified:

Active Employees:

	7JB <u>City Amount</u>	OA High <u>City Amount</u>	OA Low <u>City Amount</u>	HSA PLAN <u>City Amount</u>
<u>City Amount</u>				
Emp Single per month	\$ 597.33575.38	\$ 407.36616.59		\$407.36
Emp + Dep(s) per month	917.56852.24	602.78944.60		602.78
Emp + Spouse per month	1,115.881,119.56		788.431,157.03	788.43
Emp + Family per month	1,365.131,357.65		963.431,407.87	963.43

Retirees hired before 7/1/03 retiring before 1/1/04:

	OA High <u>City Amount</u>	OA Low <u>City Amount</u>	HSA PLAN <u>City Amount</u>
Ret Single per month	\$ 533.80	\$ 537.96	\$320.28
Ret + Dep(s) per month	612.33	614.07	367.40
Ret + Spouse per month	947.97	950.33	568.78
Ret + Family per month	1,112.45	1,115.48	667.47

Retirees hired before 7/1/03 retiring before 1/1/04 (with work related disability):

	OA High <u>City Amount</u>	OA Low <u>City Amount</u>	HSA PLAN <u>City Amount</u>
Ret Single per month	\$ 497.68	\$ 490.35	n/a
Ret + Dep(s) per month	548.27	540.76	n/a
Ret + Spouse per month	1,021.41	972.98	n/a
Ret + Family per month	1,356.58	1,353.43	n/a

Retirees hired before 7/1/03 retiring after 1/1/04:

	OA High <u>City Amount</u>	OA Low <u>City Amount</u>	HSA PLAN <u>City Amount</u>
Ret Single per month	\$ 553.39	\$ 553.39	\$331.84
Ret + Dep(s) per month	553.39	553.39	331.84
Ret + Spouse per month	553.39	553.39	331.84
Ret + Family per month	553.39	553.39	331.84

Retirees hired before 7/1/03 retiring after 1/1/04 (with work related disability):

	OA High <u>City Amount</u>	OA Low <u>City Amount</u>	HSA PLAN <u>City Amount</u>
Ret Single per month	\$ 513.91	\$ 506.59	n/a
Ret + Dep(s) per month	468.65	461.13	n/a
Ret + Spouse per month	585.04	536.61	n/a
Ret + Family per month	733.85	730.70	n/a

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Authorize the city contribution to health insurance premiums for city retiree, retired prior to 1/01/2004. The contribution amount for the 5PT/7JBany plan shall be the amount as identified:

	<u>City Amount</u>
Retiree Single per month	\$ 533.80
Retiree + Dep(s) per month	612.33
Retiree + Spouse per month	947.97
Retiree + Family per month	1,112.45

Authorize city contribution to health insurance premiums for city retiree, retired after 12/31/2003 or 01/01/2004, but hired prior to 7/01/2003 with a minimum of fifteen (15) years of service or a work related disability retirement with less than fifteen (15) years of service. The contribution amount for the 5PTOA High/OA Low /7JB HSA plans shall be the amount as identified:

	<u>5PT/OA High City Amount</u>	<u>5PN/OA Low City Amount</u>	<u>HSA City Amount</u>
Retiree Single per month	\$ 553.39592.07	\$ 577.76	\$ 407.36
Retiree + Dep(s) per month	553.39592.07	577.76	407.36
Retiree + Spouse per month	553.39592.07	577.76	407.36
Retiree + Family per month	553.39592.07	577.76	407.36

Retirees hired after 7/1/03 and before 7/1/08:

Authorize city contribution to health insurance premiums for city retiree hired after 7/01/2004 based on the minimum years of service:

11 - 15 years	40%	of current city contribution for single employee;
16 - 20 years	60%	of current city contribution for single employee;
21+ years	80%	of current city contribution for single employee.

Retirees hired after 7/1/08:

Authorize city contribution to retiree health insurance premiums for city employee hired after July 1, 2008 based on minimum years of service at the fixed dollar amount as follows:

5 years	\$ 50 per month;
6 – 10 years	\$ 100 per month;
11 – 20 years	\$ 150 per month;
20 years +	\$ 200 per month.

Authorize the city to contract with Ovations Health Group (AARP), or other provider, to provide supplemental health insurance coverage for retiree age 65 or older.

Authorize only a "Carve-Out" city health insurance contribution if retiree is age 65 or older for city contribution for supplemental medical insurance which amount shall not exceed the city contribution amount for an "Active" single city employee premium contribution. Should the retiree choose not to participate in the Medicare Part A and/or B, then the city shall only be obligated to pay a health insurance benefit equal to the "Carve-Out" supplemental health insurance plan.

Retiree age 65 or older retired prior to 12/31/2003 shall be eligible for a health insurance contribution of the "Carve-Out" contribution amount and the city contribution amount to cover dependent(s) up to the city retiree limit for retiree before 1-1-2004, but not to exceed this combined benefit amount.

Further, city retiree reaching 65th birthday shall be entitled only the medical supplemental insurance premium and Medicare Part D drug premium determined by the city's insurance provider of record, for any health insurance coverage paid by the city, effective July 1, 2014. City shall not be obligated to

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provide health insurance under its regular health insurance group for any retiree who fails or refuses to enroll in Medicare health insurance, as part of their Social Security benefits.

Under no circumstances shall the city health premium share paid for medical supplemental insurance and Medicare Part D drug premium exceed: the city health premium share for a single active employee for any retiree hired prior to July 1, 2004 2003 and retired after January 1, 2004; the city health premium percentage share for a single active employee for any retiree hired after July 1, 20042003, but prior to July 1, 2008; and the city health premium share shall be a fixed two hundred dollars (\$200.00) per month for any retiree hired after July 1, 2008.

Any city retiree eligible for VRS health insurance credit shall have the city health insurance contribution reduced by a dollar amount equal to the VRS eligible health insurance credit amount. The Virginia Retirement System health insurance credit shall be calculated by an amount equal to \$1.50, or current rate approved by VRS, times the years of service with a maximum reduction amount of \$45.00 dollars, or the maximum amount authorized by VRS.

Finance Director is authorized and directed to terminate the health insurance coverage for any retiree who fails to pay the city their respective share of the health insurance premium and who is sixty (60) days delinquent on premium payments. Any retiree who has their insurance coverage terminated for failure to pay their respective share of premium shall not be eligible for re-enrollment until: the delinquent premiums are paid to the city and only at the next open enrollment period.

Sec. 27 City Council authorizes and directs a policy change with respect to employer health insurance plans contributions as of July 1, 2014, the city shall only pay such amount equal to the city contribution share of the premium cost as authorized in Sec.26, above, and any additional insurance coverage costs selected by employee shall be paid by employee by payroll deduction in the month prior to premium due date.

For any employee electing to enroll in the HSA plan of record, the city shall contribute the sum of \$1,2501,300 for single coverage and \$2,500 600 for family coverage, to be paid monthly into employee HSA account; to include employee and child or employee and spouse, paid the second pay period of each month on the basis of 24 pays per year. If employee is hired before 15th of month credit for that month is given, after 15th of month no credit and contribution payment shall begin the following month, to the employee HSA established at the city bank of record for HSA accounts.

Sec. 28 City Council authorizes and directs the employee contribution share (5%) of VRS pension contribution rate to be paid by all employees as of July 1, 2014 Employee share of VRS pension contribution shall be deducted on a bi-weekly basis on the assumption of 24 pays per year. Contribution will be effective for the month in which it is deducted. If employee is hired prior to the 15th of the month, credit shall be given for the month and the monthly employee contribution shall be deducted, after 15th of month VRS deduction and credit shall begin 1st day the following month.

Elected Constitutional Officers shall pay the VRS 5% employee contribution on the same basis as city employee.

Sec. 29 City Council authorizes a 3% cost-of living pay increase, across the board, to all full-time employees, including the constitutional office employees. Permanent Ppart-time employees shall be awarded a 1.52% cost-of-living pay increase. Seasonal part-time employees are not eligible. Elected Constitutional Officers and their employees will receive one 2% cost-of-living increase which may be a combination of state and local funding.

Sec. 30 Amendments made by City Council to original budget set forth in Section 1 are as identified in the following items:

Councilor Shornak filed a Transactional Disclosure Statement daughter - City Employee.

Councilor Pelham filed a Transactional Disclosure Statement employee of the Hopewell Public Schools.

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Mayor Bujakowski filed a Transactional Disclosure Statement wife teacher Hopewell School System.

**REPORTS OF BOARDS & COMMISSIONS - CRATER DISTRICT AREA AGENCY
ON AGING – ANNUAL REPORT**

Tommy Wells gave the Annual Report for the Crater District Area Agency on Aging. A copy of the report, “Crater District Area Agency on Aging Hopewell-Virginia Service Highlights 2012-2013” is on file in the City Clerk’s office. The mission statement was shared along with, plans for the future, and other services for the senior community which included, adult day care, senior site/congregate, emergency services, job training, foster grandparents program, home delivered meals, home repair, house cleaning, legal assistance, and transportation.

ADJOURNMENT

At 8:10 p.m. **motion** was made by Councilor Pelham, seconded by Councilor Edwards and unanimously passed to adjourn the meeting.

Michael C. Bujakowski, Mayor

Cynthia Y. Ames, City Clerk

PENDING LIST

INFORMATION FOR
COUNCIL REVIEW

NONE

PERSONNEL
CHANGE
REPORT AND
FINANCIAL
REPORT

DATE: May 29, 2014
TO: The Honorable City Council
FROM: Gail Vance, Director of Human Resources
SUBJECT: Personnel Change Report – May 2014

ADDITIONS (Regular FT and PT positions only)

NAME	DEPARTMENT	POSITION	DATE
MASSENBURG, CHERITA M	SOCIAL SERVICES	HUMAN SER AST II	5/14/2014
WILLIAMS, BRITNEY N	POLICE	POL DISP	5/16/2014
BELLO, ELVIS R	SHERIFF	COURT SERV	5/21/2014
VIZCARRONDO, TWILLAH	POLICE	POL DISP	5/28/2014
CASTELVECCHI, REBEKAH	SOCIAL SERVICES	FAM SERV SPEC	5/28/2014

PROMOTIONS

NAME	DEPARTMENT	POSITION	DATE
GLIDEWELL, MICHAEL T	FIRE	FIRE CAPT	5/14/2014

SEPARATIONS

NAME	DEPARTMENT	POSITION	DATE
AUSTIN II, HENRY G	FIRE	FIRE CAPT	5/2/2014
MAIN, SHARON B	FINANCE	NETWORK ENG	5/5/2014
IRBY, JOSHUA K	REGIONAL	WWT OPERATOR II	5/13/2014
WALLS, MICHAEL A	SHERIFF	COURT SERV	5/15/2014
BOTTOMS, JEREMY	FIRE	FIRE FIGHTER	5/17/2014
QUETEL, ALANNAH	RECREATION	PT LIFEGUARD	5/23/2014
GARRETT, WESLEY	REGIONAL	WWT SHIFT SUPV	5/31/2014
ANDERSON, PAM	HR	SR HR SPEC	5/31/2014
TUNSTALL, JOHN	FIRE	FIRE CHIEF	5/31/2014

/js

CC: Mark Haley, City Manager
Jerry Whitaker, Finance Director
Koscina Reynolds, Accounting
Kim Hunter, Payroll
Terry Newton, IS Manager
Jennifer Sears, HR Analyst
Dave Harless, Risk/Safety Coordinator
Carol Scarbrough, Parks & Recreation

CITY OF HOPEWELL
CITY COUNCIL MONTHLY EXPENDITURE REPORT
AS OF 05/31/14

% OF YEAR REMAINING = 8

ACCOUNT # DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	EXPENDED YTD	EXPENDED PTD	ENCUMBERED	AVAILABLE BALANCE/ PERCENT

GENERAL FUND:						
REVENUES	45,826,000.00-	47,132,380.04-	77,144,105.56-	1,880,613.64-	10.40	30,011,715.12 63.68-%
EXPENDITURES	45,826,000.00	47,392,180.04	67,085,066.31	1,136,429.14	1,001,546.70	20,694,432.97- 43.67-%
SOCIAL SERVICES FUND:						
REVENUES	3,775,000.00-	3,775,000.00-	6,759,743.06-	355,816.90-	0.00	2,984,743.06 79.07-%
EXPENDITURES	3,775,000.00	3,775,000.00	6,981,270.29	212,411.83	8,199.40	3,214,469.69- 85.15-%
C P M T/CSA FUND:						
REVENUES	2,990,000.00-	4,988,277.00-	5,226,780.36-	3,038.00-	0.00	238,503.36 4.78-%
EXPENDITURES	2,990,000.00	4,988,277.00	6,822,165.73	274,114.81	200,079.93	2,033,968.66- 40.78-%
RECREATION FUND:						
REVENUES	1,633,000.00-	1,641,993.41-	2,697,924.83-	11,208.98-	0.00	1,055,931.42 64.31-%
EXPENDITURES	1,621,000.00	1,629,993.41	2,702,509.75	57,344.43	22,011.91	1,094,528.25- 67.15-%
CEMETERY FUND:						
REVENUES	35,000.00-	35,000.00-	36,678.82-	1,500.00-	0.00	1,678.82 4.80-%
EXPENDITURES	35,000.00	35,000.00	43,486.61	4,891.51	10,471.19	18,957.80- 54.17-%
HARBOR MASTER FUND:						
REVENUES	100,000.00-	102,550.00-	141,212.74-	1,080.80-	0.00	38,662.74 37.70-%
EXPENDITURES	100,000.00	102,550.00	135,219.72	916.16	6,572.38	39,242.10- 38.27-%

CITY OF HOPEWELL
CITY COUNCIL MONTHLY EXPENDITURE REPORT
AS OF 05/31/14

% OF YEAR REMAINING = 8

ACCOUNT # DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	EXPENDED YTD	EXPENDED PTD	ENCUMBERED	AVAILABLE BALANCE/ PERCENT
ANTI-LITTER FUND:						
REVENUES	5,000.00-	5,000.00-	11,353.81-	0.00	0.00	6,353.81 127.08-%
EXPENDITURES	5,000.00	5,000.00	6,036.45	0.00	0.00	1,036.45- 20.73-%
SELF INSURED FUND:						
REVENUES	290,000.00-	335,058.00-	4,566.75-	0.00	0.00	330,491.25- 98.64 %
EXPENDITURES	290,000.00	335,058.00	825,692.55	0.00	0.00	490,634.55- 146.43-%
SOLID WASTE FUND:						
REVENUES	2,548,000.00-	2,548,000.00-	3,543,516.81-	954.50-	0.00	995,516.81 39.07-%
EXPENDITURES	2,548,000.00	2,548,000.00	3,990,759.51	28,766.89	240,902.21	1,683,661.72- 66.08-%
SEWER SERVICE FUND:						
REVENUES	13,641,000.00-	16,309,944.52-	21,270,990.35-	450,040.73-	0.00	4,961,045.83 30.42-%
EXPENDITURES	13,641,000.00	16,606,730.38	18,492,115.45	90,516.22	419,206.14	2,304,591.21- 13.88-%
HRWTF FUND:						
REVENUES	16,104,000.00-	16,561,485.41-	24,533,175.46-	1,603,787.07-	0.00	7,971,690.05 48.13-%
EXPENDITURES	16,104,100.00	16,759,329.71	17,577,577.90	627,933.85	1,073,566.86	1,891,815.05- 11.29-%
C D B G FUND:						
REVENUES	0.00	837,242.37-	384,105.73-	0.00	0.00	453,136.64- 54.12 %
EXPENDITURES	0.00	837,242.37	435,816.38	8,429.90	23,799.66	377,626.33 45.10 %

CITY OF HOPEWELL
CITY COUNCIL MONTHLY EXPENDITURE REPORT
AS OF 05/31/14

% OF YEAR REMAINING = 8

ACCOUNT # DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	EXPENDED YTD	EXPENDED PTD	ENCUMBERED	AVAILABLE BALANCE/ PERCENT

CAPITAL PROJECTS FUND:						
REVENUES	6,619,000.00-	18,957,353.09-	8,961,975.42-	257,061.81-	0.00	9,995,377.67- 52.73 %
EXPENDITURES	6,619,000.00	18,984,427.59	16,903,718.65	681,636.53	1,534,039.77	546,669.17 2.88 %
ECONOMIC DEVELOPMENT FUND:						
REVENUES	404,000.00-	404,000.00-	404,605.18-	0.00	0.00	605.18 0.15-%
EXPENDITURES	404,000.00	404,000.00	525,519.12	0.00	0.00	121,519.12- 30.08-%

PUBLIC HEARINGS
ANNOUNCEMENTS
REPORT

NONE

ROUTINE
APPROVAL OF
WORK SESSIONS

ORDINANCES ON
SECOND AND FINAL
READING

ORDINANCE 2014-08
CITY OF HOPEWELL
STORMWATER MANAGEMENT ORDINANCE

Pursuant to Code § 62.1-44.15:27, this ordinance is adopted as part of an initiative to integrate the City of Hopewell's stormwater management requirements with the City of Hopewell's erosion and sediment control ordinance, Chapter 14 of the Hopewell City Code, flood insurance, flood plain management, Article XV of the City Zoning Ordinance and Chesapeake Bay Preservation Act, Article XV-A of the City Zoning Ordinance requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the City of Hopewell and those responsible for compliance with these programs.

1-1. PURPOSE AND AUTHORITY. (Section 9VAC25-870-20, 9VAC25-870-40)

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the City of Hopewell and protect the quality and quantity of state waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.
- (b) This ordinance is adopted pursuant to Article 1.1 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

1-2. DEFINITIONS. (9VAC25-870-10)

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this Ordinance have the following meanings unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

"Administrator" means the VSMP authority including the City of Hopewell staff person or department responsible for administering the VSMP on behalf of the locality, or the duly authorized agent of the Administrator. Until amended by ordinance, the Administrator for the city of Hopewell is the Department of Public Works.

"Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

"Best management practice" or *"BMP"* means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing

activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, Code of Virginia, § 62.1-44.15:75, et seq.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9 VAC 25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 1-3 (c) of this Ordinance.

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.

"Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

"Permittee" means the person to whom the VSMP Authority Permit is issued.

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

"Regulations" means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870, as amended.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

"State" means the Commonwealth of Virginia.

"State Board" means the State Water Control Board.

"State permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document(s) containing material describing methods for complying with the requirements of Section 1-6 of this Ordinance.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction

site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Subdivision" means the same as defined in Section 2-53 of the City of Hopewell's Subdivision Ordinance.

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Virginia Stormwater Management Act" or "Act" means Article 1.1 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

"Virginia Stormwater Management Program Authority" or "VSMP Authority" means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program. For the purposes of this Ordinance, the City of Hopewell is the VSMP Authority.

Sec. 1-3. - STORMWATER PERMIT REQUIREMENT; EXEMPTIONS.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until a VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (b) A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to an erosion and sediment control plan consistent with the requirements of the Erosion and Sediment Control Ordinance, a stormwater management plan as outlined under Section 1-6, the technical criteria and administrative requirements for land-disturbing activities outlined in Section 1-9, and the requirements for control measures long-term maintenance outlined under Section 1-10, and provisions for inspections pursuant to 9VAC870-114 of the Regulations. Chesapeake Bay Preservation Act Land-Disturbing activities do not require completion of a registration statement or require coverage under the General Permit. Exceptions may be requested pursuant to 9VAC25-870-57.

- (c) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
- (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - (2) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
 - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;
 - (4) Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC 25-830) adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
 - (5) Discharges to a sanitary sewer or a combined sewer system;
 - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
 - (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 1-4. - STORMWATER MANAGEMENT PROGRAM ESTABLISHED; SUBMISSION AND APPROVAL OF PLANS; PROHIBITIONS.

- (a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, the City of Hopewell hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 1-1 of this Ordinance. The City Council of the City of Hopewell hereby designates the Department of Public Works as the Administrator of the Virginia stormwater management program.
- (b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement, where applicable;
 - (2) An erosion and sediment control plan approved in accordance with the City of Hopewell's Erosion and Sediment Control Ordinance, Chapter 14 of the Hopewell City Code; and
 - (3) A stormwater management plan that meets the requirements of Section 1-6 of this Ordinance, or an executed agreement in lieu of a stormwater management plan, which shall be a contract on a form approved by the Administrator between the City of Hopewell and the person who is applying for a permit that specifies methods that will be implemented to comply with the requirements of a VSMP for the construction of a single family residence.
- (c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to Section 1-14, are received, and if so required by the Administrator, the Land Disturbance Permit performance bond surety in the form of a Letter of Credit, Corporate Check, Certified Check or Cash, has been posted by the applicant, per the City Article II, Bonds and Agreements Guidelines, and pursuant to Section 1-15 of this Ordinance has been submitted.
- (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
- (f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

Sec. 1-5. - STORMWATER POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (a) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC880-70, Section II [stormwater pollution prevention plan] of the general permit.
- (b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 1-6. - STORMWATER MANAGEMENT PLAN; CONTENTS OF PLAN.

- (a) The Stormwater Management Plan, required in Section 1-4 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 1-9 of this Ordinance to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:
 - (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
 - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - (3) A narrative describing the current site conditions and final site conditions, and which includes the following:
 - (i) Existing and finished topography with a maximum of two (2)-foot contour intervals with spot elevations where necessary. Plans depicting any off-site drainage area shall show off-site topography with a maximum of five (5)-foot contour intervals.
 - (ii) Storm drainage systems, and all natural, artificial and man-made watercourses.
 - (iii) Storm sewers systems, to include the location, sizes, and inverts of the facilities and proposed extensions in and near the project.

- (iv) Plans for collecting and depositing stormwater, (in accordance with the latest Virginia Erosion Control and Sedimentation Handbook) and method of treatment of natural, artificial and man-made watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - (5) Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) The surface waters or karst features, if present, into which the facility will discharge.
 - (6) Hydrologic and hydraulic computations, including runoff characteristics;
 - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 1-9 of this Ordinance.
 - (8) A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-9 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.

- (c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. However, the Administrator may elect not to require construction record drawings for stormwater management facilities for which maintenance agreements are not required pursuant to Section 1-10(b).

Sec. 1-7. – POLLUTION PREVENTION PLAN; CONTENTS OF PLANS.

- (a) Pollution Prevention Plan, required by 9VAC25870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (4) Soaps or solvents used in vehicle and equipment washing.

- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Sec. 1-8. - REVIEW OF STORMWATER MANAGEMENT PLAN.

- (a) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
 - (1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
 - (5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (b) Approved stormwater plans may be modified as follows:
 - (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 1-10 (b).

Sec. 1-9 - TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES.

- (a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City of Hopewell hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land-disturbing activities, including all Chesapeake Bay Preservation Act land-disturbing activities, regulated by this Ordinance, except as expressly set forth in subsection (b), (d) and (e) below.
- (b) Land disturbing activities, including all Chesapeake Bay Preservation Act land-disturbing activities, that obtain an initial state permit or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the technical criteria for regulated land-disturbing activities set forth in part II C of the Regulations, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed-wide) stormwater management plans]. Such projects shall remain subject to the Part II C technical criteria for an additional two general permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.
- (c) Land-disturbing activities that obtain general permit coverage on or after July 1, 2014, shall be conducted in accordance with the Part II B technical criteria of the Regulations. Such projects shall remain subject to the Part II B technical criteria for an additional two general permit cycles except as provided for in 9VAC25-870-48. After such time, portions of the project not under construction shall be subject to any new technical criteria adopted by the Board.
- (d) Any land-disturbing activity shall be considered grandfathered and shall be subject to the Part II C technical criteria of this chapter provided:
 - (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, a preliminary or final site plan, or any document determined by the City of Hopewell to be equivalent thereto (i) was approved by a the City of Hopewell prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of the Regulations, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorous leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - (2) A state permit has not been issued prior to July 1, 2014; and

- (3) Land disturbance did not commence prior to July 1, 2014.
- (e) The City of Hopewell, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of this chapter provided:
 - (1) There has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (f) Land-disturbing activities grandfathered under Subsections (d) and (e) of this section shall remain subject to the Part II C technical criteria of the VSMP Regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical requirements adopted by the board.
- (g) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part II C.
- (h) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
 - (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
 - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (i) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at his discretion.

Sec. 1-10 - LONG-TERM MAINTENANCE OF PERMANENT STORMWATER FACILITIES

- (a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
- (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (c) If a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator or any duly authorized agent of the Administrator.

Sec. 1-11. - MONITORING AND INSPECTIONS.

- (a) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
- (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan or agreement in lieu;
 - (3) Development, updating, and implementation of a pollution prevention plan; and

- (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (d) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance. [NOTE: Please see § 62.1-44.15:40 regarding protection of specified confidential information.]
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the City of Hopewell's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 1-10.

Sec. 1-12. - APPEALS.

Any permit applicant or permittee, or person subject to Ordinance requirements, aggrieved by a permit or enforcement decision of the Administrator may file an appeal with the Hopewell Circuit Court if allowed by state law.

Sec. 1-13. - ENFORCEMENT

- (a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

- (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be

completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

- (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with the provisions of Section 14-5 (d) of the Hopewell City Code. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 1-14 (c).

- (b) In addition to any other remedy provided by this Ordinance, if the Administrator determines there is a failure to comply with the provisions of this Ordinance, the Administrator may initiate such informal and/or formal administrative enforcement procedures in a manner authorized by this Ordinance, the City of Hopewell Code of Ordinances, and any applicable City of Hopewell policies. Such measures include, but are not limited to:

- (1) With the consent of any person subject to a VSMP authority permit who has violated or failed, neglected, or refused to comply with any Ordinance or permit issued by the City of Hopewell; who has failed to comply with any decision of the Administrator; or who has violated the terms of any order issued by the Administrator, a consent special order issued pursuant to §62.1-44.15:48 of the Code of Virginia. A consent special order shall order the person to comply with the terms of the order, as well as any provision of this Ordinance or decision by the Administrator. Such special orders shall be issued in accordance with City of Hopewell procedures, including procedures for public notice and comment, unless issued as an emergency order consistent with (a) above. Consent special orders may include a civil charge for violations of the requirements listed above instead of civil penalties that could be imposed under this section. The City of Hopewell may proceed directly to use any other enforcement measures at its discretion.

- (2) Special orders and emergency special orders issued pursuant to §62.1-44.15:25 of Ordinance No. 2014-__

the Code of Virginia.

- (3) Any person violating or failing, neglecting or refusing to obey any rule, regulation, ordinance, order, or permit condition issued by the Administrator or any other part of this Ordinance may be compelled in a proceeding instituted in any appropriate court by the City of Hopewell to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (4) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator or the City of Hopewell, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. The City of Hopewell may issue a summons for the collection of the civil penalty and the action may be prosecuted in the appropriate court.

Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:

- (i) No state permit registration;
 - (ii) No SWPPP;
 - (iii) Incomplete SWPPP;
 - (iv) SWPPP not available for review;
 - (v) No approved erosion and sediment control plan;
 - (vi) Failure to install stormwater BMPs or erosion and sediment controls;
 - (vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - (viii) Operational deficiencies;
 - (ix) Failure to conduct required inspections;
 - (x) Incomplete, improper, or missed inspections; and
 - (xi) Discharges not in compliance with the requirements of Section 4VAC 50-60-1170 of the general permit.
- (5) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sec. 1-14. - FEES

- (a) Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with Table 1. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the Applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

Table 1: Fees for permit issuance

An applicant shall pay the fees provided below for initial issuance of General Permit coverage and VSMP authority permit coverage. No more than 50% of the total fee to be paid by the applicant shall be due at the time that a stormwater management plan or an initial stormwater management plan is submitted to the City of Hopewell for review. The balance shall be paid prior to the issuance of coverage under the General Permit. When a site or sites are purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to the following table.

Fee Type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290	\$0
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre and, if required by state law, detached single family residences within or without a common plan of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	\$290	\$81 (except for detached single family residences in which case, if required by law, \$0 is paid to the Department)
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres, not to include detached single family residences within or without a common plan of development or sale)	\$2,700	\$756
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952

General/Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$1,708
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$9,600	\$2,688

* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

- (b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the City of Hopewell, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. Fees Specified in this Subsection go to the City of Hopewell, Department of Public Works funding accounts for VSMP permits administration and CIP and Operations Maintenance activities related to City-wide drainage improvements.

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250

General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700

- (c) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. Fees Specified in this Subsection go to the City of Hopewell, Department of Public Works funding accounts for VSMP permits administration and CIP and Operations Maintenance activities related to City-wide drainage improvements.

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$50
General/Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50
General/Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$500
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400

General permit coverage maintenance fees shall be paid annually to the City of Hopewell, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

- (d) The fees set forth in Subsections (a) through (c) above, shall apply to:
 - (1) All persons seeking coverage under the general permit.
 - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 - (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
 - (4) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.
- (e) No general permit application fees will be assessed to:
 - (1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
 - (2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- (f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City of Hopewell shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

1-15. Performance Bond (9VAC25-870-104.D and Code § 62.1-44.15:34 (A))

Prior to issuance of any permit, the Applicant may be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the City of Hopewell, to ensure that measures could be taken by the City of Hopewell at the Applicant's expense should the Applicant fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the City of Hopewell takes such action upon such failure by the Applicant, the City of Hopewell may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the

permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

ORDINANCE 2014-10

An Ordinance amending and reenacting Article IX-M, Downtown Design Review Committee, of the Zoning Ordinance of the City of Hopewell, increasing the number of voting members on the Downtown Design Review Committee (DDRC) from five (5) to seven (7) members.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article IX-M of the Zoning Ordinance of the City of Hopewell, is amended and reenacted as follows:

ARTICLE IX

DOWNTOWN CENTRAL BUSINESS DISTRICT (B-1)

STATEMENT OF INTENT

The district is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the road, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained with the preservation of historic structures and the replication of historic styles in additions and expansions. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, newspaper offices and restaurants.

A. USE REGULATIONS

Structures to be erected and land to be used shall be only for the following uses:

1. Accounting Services.
2. Advertising and Public Relations Agencies.
3. Antiques.
4. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.

5. Apartments on second and subsequent floors of commercial and office buildings/uses provided that each unit contain a minimum of nine hundred (900) gross square feet.
6. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) gross square feet, with a Conditional Use Permit.
7. Appliance Stores.
8. Architectural and Engineering Services.
9. Art Galleries, Framing and Supplies.
10. Bakeries.
11. Barber and Beauty Shops.
12. Bed and Breakfast Establishments.
13. Bookstores, except Adult bookstores.
14. Camera and Photo Supply Stores.
15. Casual and Formal Apparel Stores.
16. Child Care Services.
17. Churches.
18. Coffee Shops.
19. Commercial Banks and Financial Institutions, not to include check cashing establishments.
20. Computer Sales and Service.
21. Convenience Store.
22. Credit Unions.
23. Dance Studios.
24. Delicatessen.
25. Dry Cleaners.
26. Florist.
27. Gift, Stationary, and Card Shops.

28. Grocery Store.
29. Home Decorating Center and Interior Design Services.
30. Home Health Care Services.
31. Hotels.
32. Individual and Family Consulting Services.
33. Insurance Agencies.
34. Jewelry Stores.
35. Law Offices.
36. Marinas, Public or Private.
37. Medical and Dental Offices.
38. Motion pictures theaters, excluding drive-in theaters
39. Multi-family dwellings, with Conditional Use Permit.
40. Municipal and Government Agencies and Offices.
41. Municipal and Private Utilities.
42. Museums.
43. Music Stores.
43. Offices, including business, professional and administrative.
44. Off-street parking is not required in this district.
45. Parking Decks and Garages, Public.
46. Performing Arts Center.
47. Pet Shops.
48. Pharmacy.
49. Philanthropic and charitable institutions.
50. Photographic Studios.
51. Post Office

52. Print Shops.
53. Public Libraries.
54. Public Open Spaces and Uses owned and operated by a governmental agency.
55. Real Estate Agencies.
56. Recreation and Fitness Centers.
57. Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
58. Restaurants
59. Security brokers and dealers.
60. Sporting goods.
61. Tailor Shops.
62. Tanning Salons.
63. Tax preparation services.
64. Title Abstract and Insurance Offices.
65. Townhouses, with Conditional Use Permit.
66. Toys, Games, and Crafts.
67. Upholstery shops.
68. Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:

1. Multi-family uses - For permitted multi-family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
2. Group housing for the elderly and handicapped - For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
3. Business uses - None.

C. LOT WIDTH REGULATIONS:

None.

D. SETBACK REGULATIONS:

None.

E. YARD REGULATIONS:

1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS:

Buildings may be erected up to one hundred twenty five (125) feet from grade, except that church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES:

Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.

H. ARCHITECTURAL TREATMENT – REHABILITATION:

- a. The rehabilitation of any existing structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation, except to the extent specific deviations from such standards are expressly approved by the Downtown Design Review Committee (the "Review Committee") established under Article IX, M hereafter.
- b. The rehabilitation of any existing structure within the district that is not located within the National Register Historic Downtown District shall comply with Section I below.

I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:

The following guidelines shall be considered by the Review Committee in approving or denying any application for a Certificate of Appropriateness or a building permit in addition to the criteria set forth in Article IX, O hereafter and the guidelines set forth in the Downtown Master Plan adopted by City Council on January 14, 2003.

1. New development shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the Downtown. The intent of this is to insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials found within the downtown and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan.
2. No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
3. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety, but shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan.
4. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the Review Committee. At locations where the existing buildings do not conform, the Review Committee may approve a new architectural treatment or theme. Compatibility may be achieved through

the use of similar building massing, materials, scale, colors or other architectural features.

J. SIGNAGE:

1. Sign Placement.

- a. Signs shall be placed so that they do not obstruct architectural elements and details that define the design of the building, and the signage of adjacent businesses.
- b. Flat wall signs shall be located either above the storefront, within the frieze of the cornice, on covered transoms, or on the pier that frames display windows or generally on flat, unadorned surfaces of the façade or in other areas clearly suitable as sign locations.
- c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.
- d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.
- e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.
- f. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches. The average height of lettering and symbols shall be no more than nine (9) inches.
- g. Freestanding signs shall not be permitted in this district.
- h. Roof signs shall not be permitted in this district.

2. Sign Size.

- a. All combined building signage shall not exceed fifty (50) square feet.
- b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.
- c. Projecting signs shall be a maximum of six (6) square feet per sign face.

- d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.
- e. Window signs shall not obscure more than twenty percent (20%) of the window glass.

3. Quantity of Permanent Signs.

The number of signs permitted for any building shall be limited as follows to encourage compatibility with the building and discourage visual clutter.

- a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.
- b. Small directory signs may be located near entries or inside a common lobby area.

4. Sign Design and Shape.

- a. All signs shall be readable and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan.
- b. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building.

5. Materials.

- a. Signs shall be made only of traditional sign materials such as wood, glass, gold leaf, raised individual metal or painted wood letters, or painted letters on wood, metal, or glass.
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall be painted or have flat decal letters and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

6. Color.

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the Review Committee.

7. Illumination.

Signs shall be indirectly lit with a shielded incandescent light source. Internally lit plastic molded signs shall not be permitted in the district.

8. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants shall be identified at each primary entrance by a flat, wall-mounted directory sign.

9. Other Signs.

Wall murals shall be compatible with the district character and subject to approval of the Review Committee.

K. AWNINGS AND CANOPIES:

1. Types.

- a. Standard Slope Fabric Awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or Curved Fabric Awnings may be used on non-historical buildings.

2. Design and Placement.

- a. Awnings shall be placed within the storefront, porch, door or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic or Aluminum Awnings shall not be permitted in the district.

- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors, wide and narrow stripes may be used if compatible with building colors.

L. CERTIFICATION OF APPROPRIATENESS, GENERALLY:

1. No building or structure within the district shall be erected, reconstructed, altered, improved or restored unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.
3. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Review Committee.
4. Application for a Certificate of Appropriateness required by the Article shall be made to the Director of Development or his designee.

M. DOWNTOWN DESIGN REVIEW COMMITTEE:

1. A review committee is hereby established and shall be known as the Downtown Design Review Committee, hereafter referred to as the "Review Committee." The Review Committee shall consist of ~~five (5)~~ seven (7) voting members who shall be appointed by City Council to serve staggered terms. All members shall reside in the City of Hopewell, and at least one (1) shall be a downtown property owner, ~~one (1)~~ two (2) shall be a downtown business owner, and the remaining ~~three (3)~~ four (4) members shall have knowledge of, and demonstrated interest in the historic character of the City, and knowledge or expertise deemed useful to the work of the Review Committee. These members may include, but not limited to, a licensed contractor, a real estate broker, or architect. City Council, at its own discretion, may appoint members that do not reside in the City of Hopewell if they deem it appropriate. The members shall serve a term of four (4) years each except that the original appointments shall be made as follows: one (1) member shall be appointed for a one (1) year term; two (2) members shall be appointed for a two (2) year term; and two (2) members shall be appointed to four (4) year terms. The City Planner shall serve as an advisory member of the Review Committee and shall have no vote. No member of the Review Committee shall serve more than two consecutive four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.

2. The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the decisions of the Review Committee shall be determined by a majority vote. A quorum of three (3) four (4) voting members shall be required to be present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the Review Committee shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the Review Committee.
5. In the case of disapproval or denial of an application for the demolition of a building in the district, the Review Committee shall state specifically its reasons for such disapproval or denial in writing.
6. The Review Committee, when requested for a building permit in the district, shall inform the applicant of any changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas as a condition of issuing such permit.
7. In matters governing the procedure for meetings not covered by this Article, the Review Committee may establish its own rules and procedures; provided they are not contrary to the content and intent of this Article.

N. NOTICE OF PUBLIC HEARING:

No application for a Certificate of Appropriateness to demolish a building that exists in the district shall be considered by the Review Committee until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

O. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the district, the Review Committee shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a Certificate of Appropriateness is issued for the demolition of a building or structure which exists in the district, the Review Committee shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
 - b. Is the building of such interest or significance that it could be made into a national, state or local historic landmark?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in

architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?

3. The Review Committee shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

P. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the Review Committee of any erection, reconstruction, alteration, restoration or demolition, a Certificate of Appropriateness, signed by the committee chairman and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

Q. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any Certificate of Appropriateness issued pursuant to this Article shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced, or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article or by a court of competent jurisdiction, shall be excluded from the computation of the twelve (12) month period.

R. APPEALS FROM DOWNTOWN DESIGN REVIEW COMMITTEE:

Any applicant aggrieved by a final decision of the Review Committee shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the Review Committee has made its decision. The filing of the petition shall stay the Review Committee's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a complaint, setting forth the alleged illegality of the action of the governing body, provided such complaint is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said complaint shall stay the decision of the governing body pending the outcome of the appeal to the court except that the filing of such complaint shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. The filing of an appeal hereunder shall not

operate as a de facto approval of any application disapproved or denied by the Review Committee.

In accordance with Section 7, Effective date of ordinances and resolution; emergency measures, of Chapter 4 of the City Charter, this ordinance shall become effective after thirty (30) days from the date of its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

ROUTINE GRANT
APPROVAL

NONE

PROCLAMATIONS

RESOLUTIONS

PRESENTATIONS

At Council's June 10th meeting, I am inviting the members of the Loyd Taylor Autumn Woods Neighborhood Watch. In just another way to give back to their community, their Board has decided to offer a scholarship award to a student in the Autumn Woods neighborhood in the amount of \$500.00. They have worked very hard in having raffle sales, yard sales and other activities in order to do this. The application went out to the students in the neighborhood and one was chosen to be the recipient. I am very proud of them because they have taken neighborhood watch groups to a new level. Not only do they assist the police overseeing crime, helping out neighbors in need but now they have spread their wings to help a student going to college. What an amazing thing to do! I would like this to be placed on the agenda and we are asking the recipient and her family to appear before Council. Brian Silver, the coordinator, will be making the presentation. I would also like for a school representative to be there also. I will ask Dr. Fahey to handle that. We would love for you to be there too if that is possible. Chief Keohane, if you would like to attend or an representative of the Police Department, that would be great too. I am hoping that other neighborhood watch groups will follow suit and that this will be an annual award given to a deserving high school student. Cindy, would you please make sure this is added to the agenda. Many thanks to all of you.

Jackie

PUBLIC HEARINGS

PH-1



**Applicant: Beverly Ann Williams, LLC &
Frankie Jones
908 West City Point Road
Owner: ACE Rental Inc
Conditional Use Permit – Consignment Shop**

Staff Report prepared for the Hopewell City Council Regular Meeting

*Meeting – April 3, 2014
Revised – April 24, 2014, June 4, 2014*

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	April 3, 2014	Tabled
Planning Commission (not a public hearing)	May 1, 2014	Approved with Conditions
City Council	June 10, 2014	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	B-2, Limited Business District
Acreage:	.16 acres or 6,969
Owner:	ACE Rental
Location of Property:	Located on West City Point Avenue and North 10 th Avenue
Election Ward:	Ward 2
Land Use Plan Recommendation:	Commercial
Strategic Plan Goal:	N/A
Map Location(s):	LOTS 1-2-3-4 & 17 BLK 1 SUBDIVISION: MOODY
Zoning of Surrounding Property:	North: B-2 South: B-2 East: B-2 West: B-2

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request for a Conditional Use Permit from Beverly Ann Williams, LLC & Frankie Jones to operate a consignment shop to sell second-hand appliances, and furniture. The property is located at the corner of South 10th Avenue and West City Point Road.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this request for a Conditional Use Permit are the following:

Article XVIII, General Provisions, Section G, Conditional and Special Use Permits, Sub-Section c. 1-3:

1. When the Director has certified that the application is complete, it shall be deemed received and referred to the Planning Commission for its review and recommendation to City Council.
2. The Planning Commission shall, within ninety (90) days after the first meeting of the Planning Commission after such referral, report to the City Council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this Article, deemed necessary to protect the public interest and welfare. Failure of the Planning Commission to report within ninety (90) days shall be deemed a recommendation of approval.
3. Upon receipt of the recommendation of the Planning Commission, the City Council, after public notice in accordance with Virginia Code § 15.2-2204, shall hold at least one public hearing on such application, and as a result thereof, shall either approve or deny the request.

Article XVIII, General Provisions, Section G, Sub-Section c.4.

4. In approving any conditional use permit, the City Council may impose conditions or limitations on any approval as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:
 - i. Special setbacks, yard or construction requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics; and

- ii. A performance guarantee, acceptable in form, content and amount to the City, posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

Article XVIII, General Provisions, Section G, Sub-Section d.

d. Approval Criteria

As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council only if the applicant demonstrates that:

1. The proposed conditional use is in compliance with all regulations of the applicable zoning district, the provisions of this Article, and any applicable General Provisions as set forth in the Zoning Ordinance.
2. The establishment, maintenance, or operation of the proposed use is not detrimental to, and will not endanger, the public health, safety, morals, comfort, or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity.
4. The proposed conditional use conforms to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, and shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration shall be given to the location, type, size, and height of buildings or structures, type and extent of landscaping and screening on the site, and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan.
5. The exterior architectural appeal and function plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable zoning district, and shall enhance the quality of the neighborhood.

6. The public interest and welfare supporting the proposed conditional use is sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.
7. The proposed use will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

V. SUBJECT PROPERTY:

The subject property, Lots 1-4 & 17, Block 1 of the Moody Subdivision, is located in the B-2 Zoning District. It is located at the corner of South 10th Avenue and West City Point Road. The total square footage of the building is 4,881 square feet. The proposed consignment shop would be located in Suite A of the building. This is a storefront facing City Point Road that previously housed a thrift store.

The adjacent properties are services oriented businesses such as a barbershop, automobile repair shop, a floor/carpet supplier. The Hopewell School Board office is also located at 11th Avenue and West City Point Road.

VI. ZONING/STAFF ANALYSIS:

The applicant is requesting a conditional use permit in accordance with Article X, Section A-16 which requires consignment shops to obtain a conditional use permit in the B-2 District. The applicants will operate a gift shop that sells sun glasses, hand bags, and other gift-oriented items by-right. However, the applicants also desire to sell second-hand appliances and small furniture. The current zoning ordinance does not allow second-hand or thrift store establishments in the B-2 zoning.

Some may recall that a thrift store once operated in Suite A. When Article X was amended in 2010, thrift stores were no longer allowed in the B-2 District. After the ordinance amendment, a thrift store is considered a grandfathered use in the B-2 District. In accordance with Chapter XVII of the Hopewell Zoning Ordinance, if a nonconforming use ceases operation for more than two (2) years than it can no longer operate as a nonconforming use. After research, it was concluded that the previous thrift store operating at 908 West City Point Road closed more than two years ago. Therefore, a thrift store can no longer operate at this location. The only alternative to operating a thrift store is to sell second-hand goods as consignment.

In accordance with Article I of the Zoning Ordinance, a consignment shop is defined as an enclosed facility in which used personal items such a clothes, jewelries, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.

The intent of the B-2 zoning district is to protect the existing commercial establishments presently located on major traveled streets and to enhance these areas in order to attract similar types of establishments. The Ordinance does state that because of the unusual shallowness and or narrowness of lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed. It is Staff's opinion that a consignment shop will not increase traffic volumes beyond that of other uses along this portion of West Broadway.

The Hopewell Police Department has commented on this permit. There is concern that the percentage of household thefts in the City may increase to profit from the consignment of stolen household appliances.

To make a decision concerning this conditional use permit, the Planning Commission must ask themselves the six (6) criteria questions posed in Article XXI, Section D, as listed on page 3 of this Staff report.

VII. STAFF RECOMMENDATION:

Uses are either allowed by right or with a conditional use permit. A conditional use permit is required because some uses have unique characteristics and may impact adjacent property owners more than other uses. A consignment shop is one of these uses. Staff has reviewed the approval criteria provided for in Section D of Article XXI and conclude that a consignment shop meets the requirements outlined in this section.

Staff therefore recommends approval of a consignment shop with certain conditions. The conditions are as follows:

1. Items sold for consignment cannot be displayed outside in accordance with Article XVIII, Section 20, Outside Display of Merchandise.
2. The building (portion to be occupied by the consignment shop) must be painted a color that is natural or neutral and blends with the adjacent building development located across West City Point Road.

VIII. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted unanimously on April 3, 2014 to defer recommendation to City Council until May 1, 2014 to allow questions to be answered concerning (1) who will paint the building, (2) who is responsible for painting the building, and (3) what items (consigned or new) can be restricted from outdoor display of merchandise.

Staff spoke with the owner of the property, Wayne Taylor, and the City Attorney concerning these issues. Mr. Taylor will not paint the building but the renters are allowed to paint. Additionally, the City Attorney has concluded that both consigned and non-consigned items can be restricted from outside display of merchandise as a condition of this permit.

The Planning Commission voted May 1, 2014 to recommend approval of a Conditional Use Permit to allow the operation of a consignment shop to consign

second-hand appliances, and furniture in the B-2 Zoning District, located at 908 West City Point Road, with the following conditions:

1. No outdoor display of any items, consigned or non-consigned is allowed; and
2. The building (portion to be occupied by the consignment shop) must be painted a color that is natural or neutral and blends with the adjacent building development located across West City Point Road.

IX. PROPOSED RESOLUTION:

In accordance with Article X, Section A-16 of the Hopewell Zoning Ordinance, the Hopewell City Council (*approves / approves with conditions / denies/tables*) a request submitted by Beverly Ann Williams, LLC & Frankie Jones to operate a consignment shop to consign appliances and furniture at 908 West City Point Road, in the B-2, Limited Commercial Zoning District.

Attachment(s):

1. Application for Conditional Use Permit
2. Location Map (ArcExplorer Map)
3. Pictures of building located at 908 West City Point Road



The City
of
Hopewell, Virginia

RECEIVED
FEB 24 2014

Department of Development

300 N. Main Street · Department of Development · (804) 541-2220 · Fax: (804) 541-2318

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$200

APPLICANT: Beverly Ann Williams, LLC & Frankie Jones

ADDRESS: 908 A City Point Rd. Hopewell, VA 23860 mailing PO box 2014

PHONE #: 804-715-9140/804-617-1909 FAX #: 866-715-8087

INTEREST IN PROPERTY: 908-A W. City Point Rd OWNER OR _____ AGENT
IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER
OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.

OWNER: ACE Rental INC

ADDRESS: 3501 Woodlawn Street, Hopewell, VA 23860

PHONE #: 804-641-1385 FAX #: _____

PROPERTY ADDRESS / LOCATION:

908-A W. City Point, Hopewell, VA 23860

PARCEL #: 063-0005 ACREAGE: _____ ZONING: B-2

*** IF REQUIRED BY ARTICLE 16 OF THE ZONING ORDINANCE, ***
A SITE PLAN MUST ACCOMPANY THIS APPLICATION

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

1. FLOOR PLANS OF THE PROPOSED BUILDINGS. _____

2. THE PROPOSED DEVELOPMENT WITH FRONT, SIDE, AND REAR ELEVATIONS. _____

THIS REQUEST FOR A CONDITIONAL USE PERMIT IS FILED UNDER SECTION
OF THE ZONING ORDINANCE.

PRESENT USE OF PROPERTY:

See attachment Item # 1

THE CONDITIONAL USE PERMIT WILL ALLOW:

See attachment Item # 2

PLEASE DEMONSTRATE THAT THE PROPOSAL AS SUBMITTED OR MODIFIED WILL NOT AFFECT
ADVERSELY THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE
NEIGHBORHOOD OF THE PROPOSED USE.

See attachment Item # 3

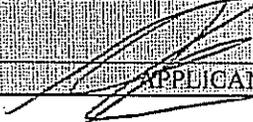
PLEASE DEMONSTRATE THAT THE PROPOSAL WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE
OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD.

See attachment Item # 4

PLEASE DEMONSTRATE HOW THE PROPOSAL AS SUBMITTED OR MODIFIED WILL CONFORM TO
THE COMPREHENSIVE PLAN AND THE PURPOSES AND THE EXPRESSED INTENT OF THE ZONING
ORDINANCE.

See attachment Item # 5

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT THEREFOR, I HEREBY CERTIFY THAT
THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE
BEST OF MY KNOWLEDGE.



APPLICANT SIGNATURE

2/24/14

DATE

OFFICE USE ONLY

APPLICANT PRINTED NAME

DATE RECEIVED 2/24/2014

DATE OF ACTION 4/3/2014 PC Meeting - hearing

APPROVED _____ DENIED _____

5/1/2014 Followup PC meeting

APPROVED WITH THE FOLLOWING CONDITIONS:

6/10/2014 - City Council

public hearing

Unique's Gift's, Accessories & Consignment

Intended structure:

1. Property is current in use as office space for Top Notch Properties and Homes 2 Happiness Realty in which the two owners operate Unique's Gifts & Accessories (name will be adjusted with the approval) Currently we are retailing cosmetic jewelry, sunglasses, purses, wallets, miscellaneous snacks, water, soda)
2. This permit would allow the owners to expand their current business to consignment of appliances and house hold items. These items would include; refrigerator's, stoves/ranges electric and/or gas, microwaves, clothes washers, clothes dryers, toasters, foreman cookers and other small household appliances occasional furniture (dining tables & chairs, desks entertainment systems, sofas & love seats as space allows)
3. Proposal as submitted will not in any capacity affect the health, welfare or safety of the current residents or those working in the local area. Our intent is to be an asset to the community those residing and working in the neighborhood.
4. The services provided will in no way cause damage to the property and or public welfare but will surely be an asset to the local area.
5. Our store is sure to bring a different quality of business to the local area. Our intent is to will be an upper level consignment /retail store and operated in a professional manner. There is a upcoming environment in the local area and our intent is to surely maintain that standard and NOT be a "Sanford & Son" type of environment.

Proposed Hours of Operations

Tuesday – Thursday 0900 – 6:00 pm

Friday 0900 – 7:00pm

Saturday 0900 – 3:00pm

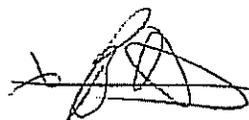
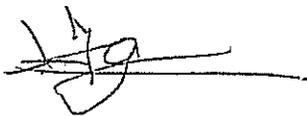
Intake Tues, Wed and Thur

Closed on Sundays and National Holidays

Closed on Monday for admin

Christmas closed 23rd – 26th of the Month

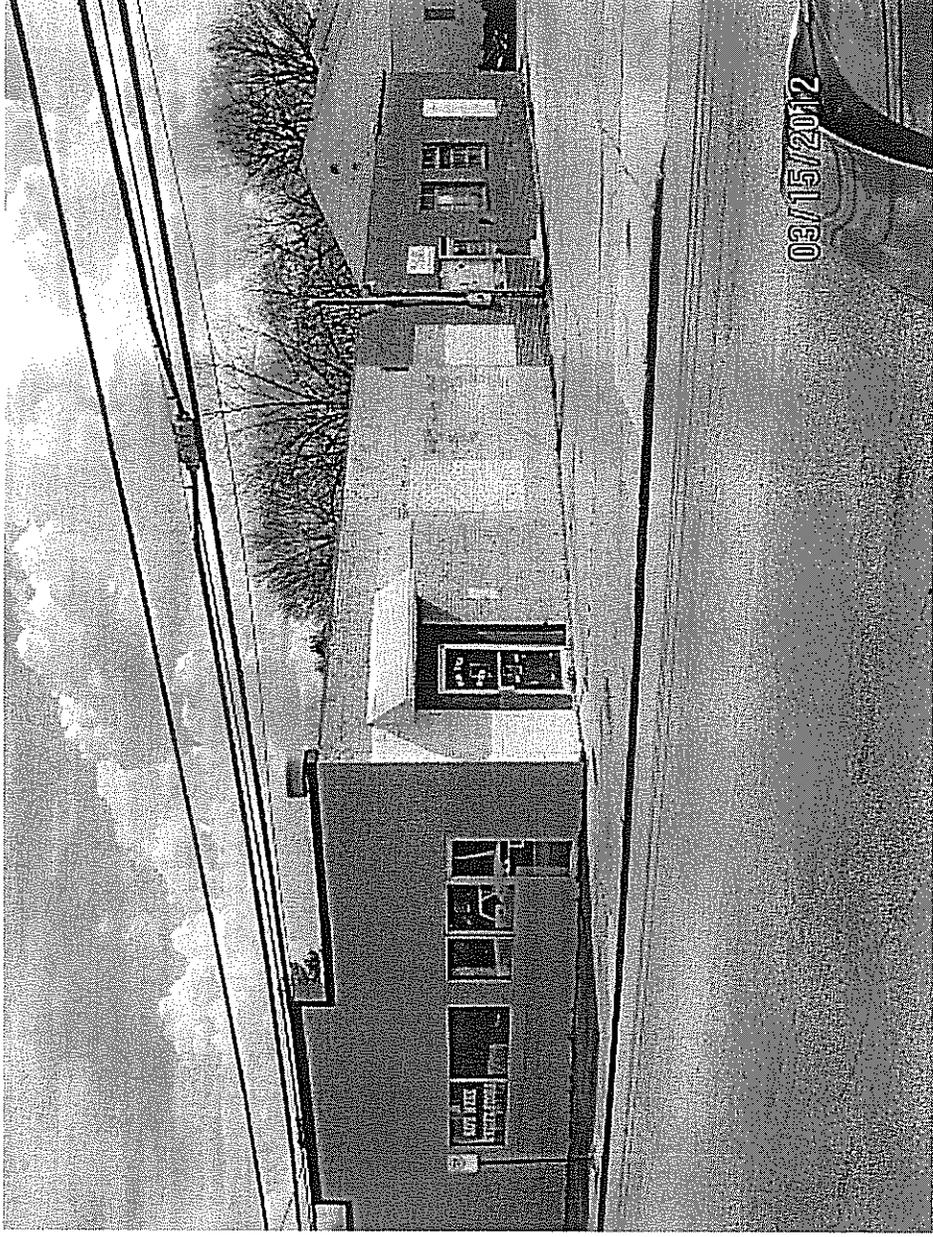
New Year's closed 31st – 1st



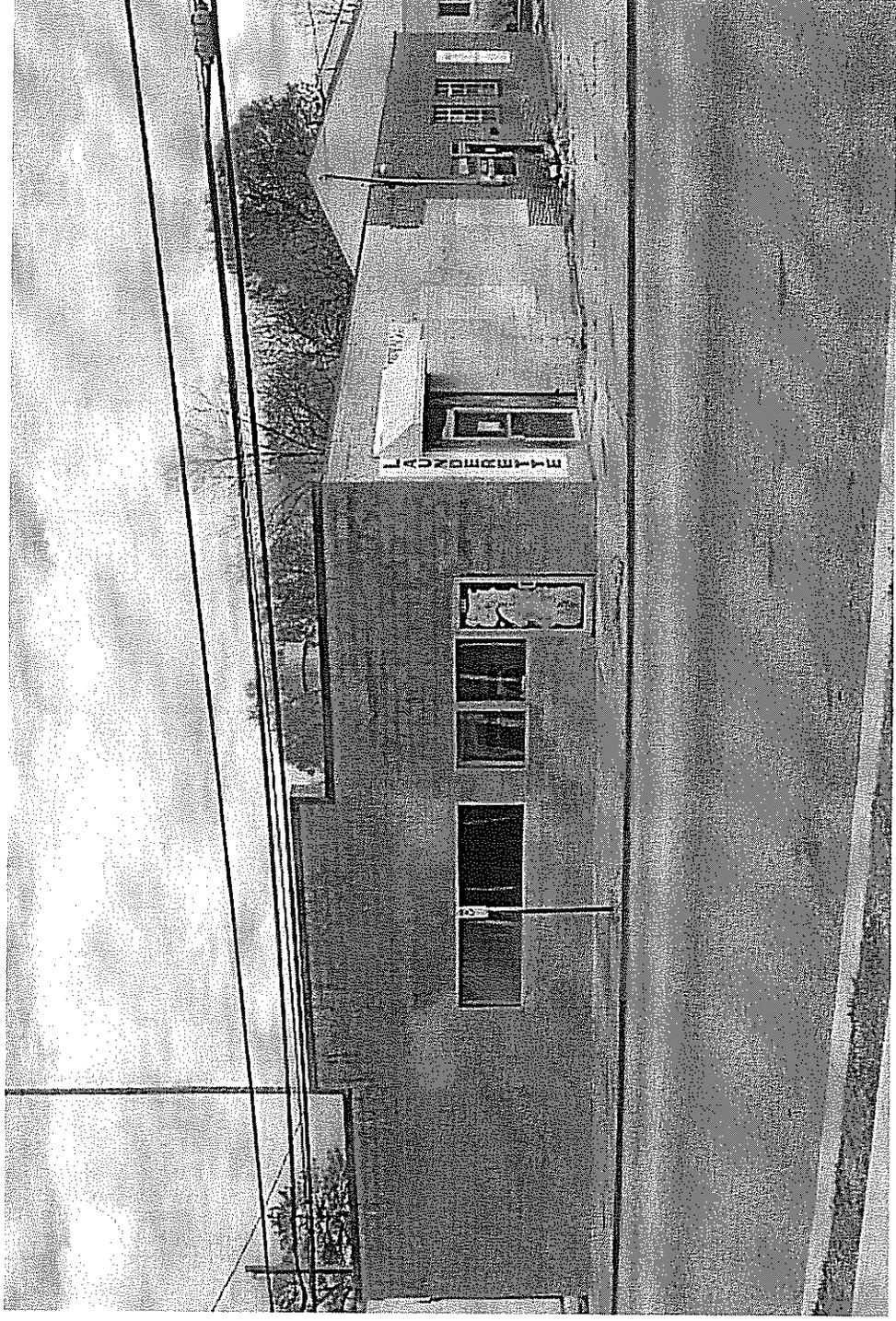
Aerial of 908 West City Point Road



Picture of 908 W. City Point Road



Picture of 908 W. City Point Road



COMMUNICATIONS
FROM
CITIZENS

UNFINISHED
BUSINESS

NONE

REGULAR BUSINESS

REPORTS OF
BOARDS AND
COMMISSIONS

REPORTS OF
CITY
MANAGER

RB-1

Abstract

Hopewell Police Department will use the locally allocated Justice Assistance Grant (JAG) 2014 funds to sustain our patrol and investigative functions. Grant funds will be used to purchase mobile computers, Tasers, and Taser cameras, to pay for training registration fees and to support community based programs. The department is applying for \$20,522 in local JAG funding.

The Hopewell Police Department will purchase 4 mobile computers at a cost of \$12,280; 3 Tasers at a cost of \$3,000; and 3 Taser cameras at a cost of \$1,545. The department will allot \$2,500 for training registration fees and \$1,198 for community based programs.

The department will purchase all items expeditiously. Costs listed in this budget description are actual costs as of May 2014. Upon notification of grant award, updated quotes will be obtained, training will be scheduled, and purchases will be made. All expenditures will be complete within the twenty four month grant cycle.

Five Bureau of Justice Assistance indicators that can be associated with proposed project activities are: Community Based Programs, Computer Software/Hardware, Conferences and Training, Equipment-General, and Less Than Lethal.

U.S. Department of Justice

OMB No. 1121-0329

Approval Expires 07/31/2016

Office of Justice Programs

Bureau of Justice Assistance



The U.S. Department of Justice (DOJ), Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2014 Local Solicitation

Eligibility

Applicants are limited to units of local government appearing on the FY 2014 JAG Allocations List. To view this list, go to www.bja.gov/programs/jag/14jagallocations.html. For JAG Program purposes, a unit of local government is: a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribe that performs law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff. In the District of Columbia or any U.S. Trust Territory, a unit of local government is any agency of the District of Columbia or federal government performing law enforcement functions for the District of Columbia or U.S. Trust Territory.

Deadline

Applicants must register in OJP's Grants Management System (GMS) prior to submitting an application for this funding opportunity. Select the "Apply Online" button associated with the solicitation title. See the "How to Apply" section on page 20 for more details. All registrations and applications are due by 8:00 p.m. eastern time on June 10, 2014. (See "Deadlines: Registration and Application," page 4.)

Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 1-888-549-9901, option 3, or via e-mail to GMS.HelpDesk@usdoj.gov. The GMS Support Hotline hours of operation are Monday-Friday from 6:00 a.m. to 12 midnight eastern time, except federal holidays.

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must e-mail the BJA contact identified

below **within 24 hours after the application deadline** and request approval to submit their application.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657, via e-mail to JIC@telesishq.com, or by [live web chat](#). The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time, on the solicitation close date. You may also contact your [State Policy Advisor](#).

Release date: April 24, 2014

2014 VIRGINIA JAG ALLOCATIONS

For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report:

<https://www.bja.gov/Publications/JAGTechRpt.pdf>.

For JAG Frequently Asked Questions, please refer to BJA's JAG webpage:

<https://www.bja.gov/Funding/JAGFAQ.pdf>.

VA	ALBEMARLE COUNTY	County	\$15,732
VA	ALEXANDRIA CITY	Municipal	\$36,114
VA	ARLINGTON COUNTY	County	\$44,802
VA	AUGUSTA COUNTY	County	\$11,600
VA	BEDFORD COUNTY	County	\$15,451
VA	CHARLOTTESVILLE CITY	Municipal	\$27,050
VA	CHESAPEAKE CITY	Municipal	\$122,759
VA	CHESTERFIELD COUNTY	County	\$59,595
VA	DANVILLE CITY	Municipal	\$22,213
VA	FAIRFAX COUNTY	County	\$129,005
VA	FREDERICK COUNTY	County	\$12,069
VA	FREDERICKSBURG CITY	Municipal	\$14,417
VA	HAMPTON CITY	Municipal	\$50,437
VA	HARRISONBURG CITY	Municipal	\$14,183
VA	HENRICO COUNTY	County	\$70,021
VA	HENRY COUNTY	County	\$24,139
VA	HOPEWELL CITY	Municipal	\$20,522
VA	JAMES CITY COUNTY	County	\$10,144
VA	LOUDOUN COUNTY	County	\$30,525
VA	LYNCHBURG CITY	Municipal	\$40,951
VA	MANASSAS CITY	Municipal	\$19,067
VA	NEWPORT NEWS CITY	Municipal	\$121,585
VA	NORFOLK CITY	Municipal	\$198,227
VA	PETERSBURG CITY	Municipal	\$24,373
VA	PORTSMOUTH CITY	Municipal	\$76,595
VA	PRINCE WILLIAM COUNTY	County	\$84,156
VA	RICHMOND CITY	Municipal	\$201,797
VA	ROANOKE CITY	Municipal	\$85,049
VA	ROANOKE COUNTY	County	\$14,183
VA	SPOTSYLVANIA COUNTY	County	\$37,476
VA	STAFFORD COUNTY	County	\$26,909
VA	SUFFOLK CITY	Municipal	\$37,711
VA	VIRGINIA BEACH CITY	Municipal	\$111,113
VA	YORK COUNTY	County	\$11,318

Local total

\$1,821,288

Budget Narrative

Equipment

Non-expendable purchase items include mobile computers, Tasers and Taser Cameras. Costs listed in this budget description are actual costs as of May 2014.

A mobile computer costs \$3,070. Four mobile computers will cost \$12,280.

A Taser costs \$1,000. Three Tasers will cost \$3,000.

A Taser camera costs \$515. Three Taser cameras will cost \$1,545.

Travel

Actual advanced skill training registration fees paid by the department from July 2013 to May 2014 ranged from \$200 to \$500 per training. Budgeting for ten advanced, skill specific training events at \$250 each, \$2,500 is allocated for advanced, skill specific training.

Supplies

Expendable purchase items include funding for the printing of crime prevention tips brochures, placards, magnets, pens and like items.

Crime prevention tips brochures printed in April 2014 cost \$300. It's anticipated that future, quarterly printing of similar items will cost \$1,197.

Program Narrative

Proposed Program Activities

Hopewell Police Department will use the locally allocated Justice Assistance Grant (JAG) 2014 funds to sustain basic law enforcement functions, to sustain the advanced skill specific training of sworn staff, and to support community based programs. We will purchase mobile computers to maintain mobile field reporting capabilities and Tasers and Taser cameras to maintain less than lethal form of force abilities. We will pay for training registration fees for sworn officers' attendance at advanced skill specific trainings and we will support current and to be established community based programs.

The department utilizes mobile computer technology for incident and accident report writing. With mobile computers, officers have real time information on suspected offenders and vehicles and can more efficiently complete required patrol paperwork. New and replacement computers are necessary to continuously sustain mobile field reporting as equipment ages.

Compared to a firearm, a Taser is a less lethal use of force that diffuses incidents quickly and safely. The Taser camera provides a silent witness to the Taser's use. New and replacement Tasers and Taser cameras are necessary to continuously equip sworn staff.

Since December 2013, the department has retired three sworn staff with over 60 years of service and experience between them. They take with them the knowledge and skill of major crime scene evidence detection, collection and identification; death

investigation; hostage negotiation; and field training. With five additional sworn staff eligible for retirement in the next twelve months, to maintain the department's proficiency of specialized skill in these and other areas, advanced training must be conducted. In keeping with City of Hopewell Travel Policy, Section 25 of the Human Resource Manual, lodging costs will not be paid for trainings held within 50 miles of the City and meals will not be paid for trainings without overnight travel.

Community policing continues as a priority for Hopewell Police Department following the award of three COPS Hiring grants (2008UMWX0017, 2009RKWX0848, 2012UMWX0168). Community Police Officers are assigned to the neighborhoods of City Point, Piper Square/Old Iron, Arlington Road, Downtown, Belmont, Westwood, Arlington Heights, and Kippax. Individually and collectively, each of these neighborhoods is actively involved with improving quality of life issues and makes a concerted effort to prevent crime city wide. Thus far in 2014, the department has united with the community in five events: Career Day at Harry E. James Elementary School, Tri-Cities Strike Force Community Walk, Keep Hopewell Beautiful day, and Mathis Park Uniting Communities service project. Having crime prevention tips brochures, placards, magnets, pens and like items with the department's name and phone number available at such events publicizes police contact information and facilitates our support of community based programs.

Project Goals and Objectives

Goal Statement One: For the period October 2013 to September 2015, the Hopewell Police Department will purchase equipment necessary to sustain law enforcement functions.

Objective One: Purchase four mobile computers to maintain and facilitate mobile field reporting capability.

Objective Two: Purchase three Tasers and three Taser cameras to equip officers with a less lethal use of force option.

Goal Statement Two: For the period October 2013 to September 2015, the Hopewell Police Department will pay for training registration fees for advanced, skill specific training for sworn staff.

Objective Three: Attend no more than ten and no less than three advanced, skill law enforcement courses. Advanced, skill law enforcement courses may include but not be limited to crime scene management, death investigation, or hostage negotiation.

Goal Statement Three: For the period October 2013 to September 2015, the Hopewell Police Department will support current and to be established community based programs.

Objective Four: Support community based programs by being physically present

Objective Five: Provide department created promotional items (crime prevention tips brochures, placards, pens and like items) during community based programs.

Capabilities/Competencies

The department has a general ledger accounting system for all grant funds received. As money is drawn down by the department, it is recorded in a grant revenue account by the city Treasurer and credited to a grant expenditure account by the city

Finance Director. The department makes purchase order expenditures from the grant expenditure account. A grant file for each grant award is set up by the department in keeping with the recommendations of the Office of the Comptroller. The grant file includes the application, correspondence, award documents, grant adjustments, financial status reports, and progress reports. The department drafts and submits progress reports to the awarding agency. The Finance Director drafts and submits financial status reports to the awarding agency. The department has successfully managed over 20 state and federal grants with this grant funds tracking process.

Project Timeline

The department will purchase all items expeditiously. Costs listed in this budget description are actual costs as of May 2014. Upon notification of grant award, quotes will be obtained and the purchases will be made. All expenditures will be complete within the twenty four month grant cycle.

Performance Measures

Specific performance measures for this grant application include:

1. The documentation of the number of mobile computers purchased, a log of each mobile computer assignment, and through the records management system, a log of each report generated by each mobile computer;
2. The documentation of the number of Taser and Taser cameras purchased, a log of each Taser and Taser camera assignment, and a log of Taser deployments;
3. The documentation of each training completion certificate received and the corresponding training announcement/registration/fee information; and

4. The documentation of each community based program in which the department actively participates and provides department created promotional items (crime prevention tips brochures, placards, pens and like items).

RB-2

January 29, 2013
Work Session

Vice Mayor Gore	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	NO
Councilor Shornak	-	yes

WORK SESSION

At 6:50 p.m., **motion** was made by Councilor Walton, and seconded by Councilor Shornak and unanimously approved by Council to adjourn the Special Meeting.

PRESENT: Michael C. Bujakowski, Mayor
Jasmine E. Gore, Vice Mayor
Christine J. Luman-Bailey, Councilor
Roosevelt Edwards, Councilor
K. Wayne Walton, Councilor
Brenda S. Pelham, Councilor
Jackie M. Shornak, Councilor

Edwin C. Daley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

ABSENT:

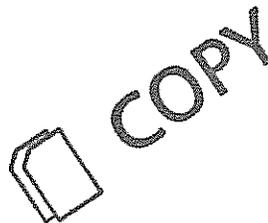
Mayor Bujakowski opened the Work Session at 6:54 p.m. Roll call was taken as follows:

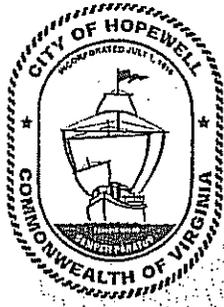
Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

REGULAR BUSINESS – HRHA – PRESENTATION BY STEVE BENHAM

Steve Benham the Director of the Hopewell Redevelopment and Housing Authority gave a brief history of the HRHA. Hopewell has four hundred and ninety units of public housing under the HRHA. Some of the properties are distressed; Langston Park and Kippax.

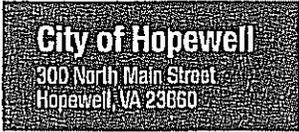
David Shultz from the Community Housing Program (CHP) took over the presentation. An overview of the non-profit company and what they can accomplish for Hopewell was presented. At Kippax, the plan is to redo from the lobby to the roof, taking approximately one year to complete. At Langston Park, the units will be taken down gradually, as not to displace the residents. When Langston Park is completed it will be fifty six units instead of the now twenty six units. Mr. Shultz is asking for the City to; write a letter approving of the proposals; and giving property tax abatement for a fixed period of time, on the property of twenty four months.

 COPY



March 1, 2013

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220



VHDA Tracking Number: 2013-C-92
Development Name: Langston Park Apartments
Name of Owner/Applicant: Langston Park Apartments, LLC
Community Housing Partners Corporation

Dr. Edwin C. Daley
City Manager
edaley@hopewellva.gov
Phone 804-541-2243
Fax 804-541-2248

Dear Mr. Chandler:

The City of Hopewell has been approached by Langston Park Apartments, LLC (Owner) for support of its tax credit project known as Langston Park Apartments. We returned the CEO letter of support, the revitalization letter, and the zoning certification letter as requested by the developer.

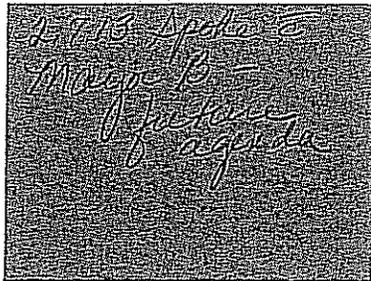
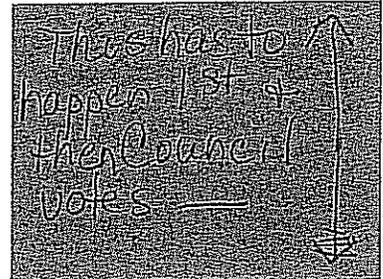
It is our further intention to support the development by granting a real estate tax abatement on the increased assessed value of Langston Park Apartments for a period of two (2) years after its completion. This will allow the project to be constructed and leased up without an increase in real estate taxes until the new value has been settled after the abatement period. Our granting of this abatement is conditioned on Langston Park Apartments, LLC's receipt of low income housing tax credits from VHDA for the 2013 application cycle.

Yours truly,

Edwin C. Daley
Edwin C. Daley
City Manager

ECD/dp

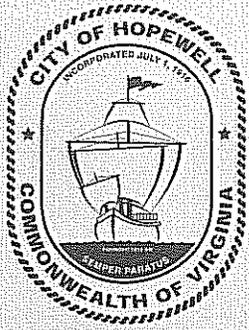
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R-3

PRESENTATION
INFORMATION TO
BE AVAILABLE AT
MEETING

RB-4



City of Hopewell

300 North Main Street
Hopewell, VA 23860

MEMORANDUM

To: Honorable Mayor Michael C. Bujakowski and Council Members

Mark A. Haley, City Manager

cc: Roger L. Brown, Building Official

From: Tevya W. Griffin, Director of Neighborhood Assistance & Planning *TWG*

Date: June 4, 2014

Re: **Chapter 18 Violations – FY 13-14 Budget Amendment Request**

In an effort to improve the visual appearance of the community and preclude the onset of the “broken window syndrome,” the Division of Code Enforcement has taken a more aggressive position in during this fiscal year regarding the removal of tall grass, weeds, and debris from properties. The inspectors have become more proactive when the property owner has not complied with a notice of violation within the specified timeframe for compliance by utilizing contracted services to remove the violation and bring the property into compliance.

The Division of Code Enforcement received \$25,000 in the FY 13-14 budget approved by City Council to abate Chapter 18 violations at date the Division has expended over \$31,000 to bring properties in compliance with Chapter 18. All vendors have been paid.

In order to continue the Division’s proactive efforts through the end of the fiscal year an amendment to the FY 13-14 budget will be necessary. Therefore, I am requesting a supplemental appropriation of funds to line item 011.8110410.5807.000.000 (Chapter 18 Violations) of the Division of Code Enforcement’s FY 11-12 budget of \$10,000. The Department is requesting an appropriation of \$10,000 to cover the \$7,000 difference and \$3,000 to cover any grass cutting expenses between now and June 30, 2014.

The budget resolution passed by City Council on June 7, 2011 requires that budget transfers greater than \$5,000 first be reported to City Council for approval prior to the transfer being processed. In accordance with the budget resolution, the Department of Development respectfully requests your support for this request.

If you have any questions regarding the above, or I can be of any assistance, please feel free to contact me.

Department of Neighborhood Assistance Planning- Division of Code Enforcement

5/30/2004	Green Acres Landscaping	\$1,335.00
5/29/2014	Sunny Days Lawn Care	\$425.00
5/19/2014	Stiths Lawn Care	\$2,450.00
5/19/2014	Sunny Days Lawn Care	\$525.00
5/12/2014	Stith's Lawn Care	\$975.00
5/5/2014	Stith's Lawn Care	\$275.00
4/8/2014	Sunny Days Lawn Care	\$1,200.00
TOTAL		\$7,185.00

RB-5

**A RESOLUTION OF THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA,
ADJUSTING THE SALARIES OF THE CITY CLERK, EFFECTIVE JULY 1, 2014**

WHEREAS, pursuant to Hopewell City Charter Chapters V, VI and VII, the Council appoints the City Clerk and sets the salary by ordinance or resolution; and

WHEREAS, City Council has recently approved a cost of living adjustment for city employees, and is of the opinion that the compensation of the City Clerk should be adjusted to reflect such cost of living adjustment.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL that, effective July 1, 2014, the salary of the City Clerk be increased by a total of 2.0% per annum, which increase represents the same cost of living adjustment approved for city employees. This resolution shall take effect immediately upon passage, and the compensation adjustments effected thereby shall begin on July 1, 2014.

Section 2. Term.

A. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 11, paragraphs A and B, of this agreement.

B. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from her position with the City Council subject only to the provision set forth in Section 11, paragraph C, of this agreement.

C. Employee agrees to maintain employment with City Council as the primary means of employment and further agrees that any secondary employment arrangements which may be made will, at all times, be secondary to City Council employment and will at no time prevent Employee from discharging the required duties of the position as Clerk to City Council.

D. In the event written notice is not given by either party to this agreement to the other thirty (30) days prior to the termination date as provided below in Section 11, paragraph C, this agreement shall be extended on the same terms and conditions as herein provided, all for an additional period of three years. Said agreement shall continue thereafter for three year periods unless 30 days written notice is given prior to time of expiration.

Section 3. Salary.

The City Council agrees to pay Employee for her services rendered pursuant hereto an annual base salary of \$42,000.00, payable in installments at the same time as other employees of the City are paid. In addition, the City Council agrees to increase said base salary of Employee 8%, on the one year anniversary of this agreement if performance of Employee is at an acceptable level or higher, and to increase said base salary by 10% at the end of year three, contingent upon Employee obtaining Municipal Clerk Certification through the International Institute of Municipal Clerk's certification program and maintaining an acceptable performance rating. These salary adjustments will not necessarily preclude Employee from participating in any salary increases provided to city employees. In the event of city employee salary increases, it will be an agreement at that time between Employee and City Council which will dictate participation in these increases, if any.

Thereafter, an annual performance evaluation shall occur in advance of July 1 of each year. The evaluation shall be in accordance with criteria developed jointly by the City Council and Employee. The criteria may be added to or deleted from, from time to time as the City Council may determine, in consultation with Employee. Further, the City Council shall provide the Employee with a summary written statement of the evaluation and provide an adequate opportunity for the Employee to discuss her evaluation with the City Council.

RB-6

ARTICLE IV. REAL ESTATE ASSESSMENT OFFICE*

*Charter reference: Authority to create office, etc., Ch. IX A, § 1.

Sec. 2-76. Created.

A real estate assessment office is hereby established as part of the governing of the city.

(Ord. No. 85-24, 4-22-86)

Sec. 2-77. Assessor; appointment, certification, qualifications, and compensation.

The city manager shall appoint a person for an indefinite term to assess real estate for taxation, hereinafter referred to as an assessor, may prescribe the duties of such assessor, and require that he give his entire time to the duties of his office, may fix his compensation, which shall be payable out of the local treasury, and may provide for such technical and clerical assistance as may be necessary or advisable and for the payment of any other expenses that may be properly incident thereto. The assessor shall be certified by the state tax commission, and shall have the qualifications prescribed by the department of taxation for the particular position held. All duties now imposed upon the commissioner of the revenue with respect to the assessment of real estate shall be transferred to and imposed upon the assessor.

(Ord. No. 85-24, 4-22-86)

Sec. 2-78. Duties.

The duties of the assessor shall include the following:

- (1) To operate the real estate assessment office under the general supervision of the city manager.
- (2) To be responsible for the determination of fair market value of all locally assessable real estate taxable and tax exempt; excluding real estate assessable under law by the state corporation commission or state department of taxation; supervise the appraisal of real property for assessment purposes and maintenance of all accompanying records; to correct errors in tax assessments by abatement or additional assessment, if necessary, to add to the assessment rolls any real properties erroneously omitted, and to remove properties from tax rolls when acquired by owners not subject to taxation. To be responsible for public relations between the taxpayers and the assessment department. To be responsible for compliance with general laws of state governing property assessments.

- (3) To maintain appraisal records on a uniform and comparable basis with comprehensive descriptive matter for each separate parcel of taxable real estate in the city.
- (4) To prepare and maintain appraisal records indices, tax assessment maps, plat book indices, and other devices to provide for ready and convenient use of records and data in the department of real estate assessments, or from other departments possessing information pertinent to assessment of real properties.
- (5) To accumulate and maintain current records of changes in real estate values and ownership, including such information as may be available from clerk of the circuit court, building permits, zoning records, documents dealing with real estate transactions, and other sources. The owner of real estate on January the first shall be assessed for the taxes for the year beginning on that day and taxes shall be extended for the year on the basis of the last assessment made prior to such year subject to such changes as may have been lawfully made. The assessor shall prepare the land book (in electronic format, or any other format as determined by the assessor) in accordance with general law, retain the original copy, prepare sufficient copies to comply with the statutes relating to land books, and no change or alteration in or addition to any entry appearing thereon shall be made unless authorized by law. There shall also be furnished to the state department of taxation such information, respecting such assessments as it may require. The assessor shall certify on the land book an oath that all real estate subject to taxation by the city and all tax exempt property has been assessed by him at fair market value and that there are no errors on the face of the land book.
- (6) To support and justify all assessments and changes in assessments before the board of equalization of real estate assessments.
- (7) To attend all hearings of the board of equalization of real estate assessments and to act as clerk for, or administrative assistant to, the board, and to furnish such board with information and data pertaining to assessments of real property in the city.
- (8) To cooperate with other departments and officials of the city in the furnishing and use of information and the keeping of records.
- (9) To cooperate with the department of taxation of the state and to make full use of its available facilities, and to make use of other public facilities and aids, in the reexamination and improvement of assessment and mapping procedures and practices in the city.

- (10) To employ technical and clerical assistance necessary and advisable, and provide employees with opportunity for training to improve their capabilities for service and employment in the department under the general supervision of the assessor.

(Ord. No. 85-24, 4-22-86)

Sec. 2-79. Clerk of circuit court to furnish lists of real estate transfers to assessor.

The clerk of the circuit court for the city shall furnish to the assessor of real estate the lists of real estate transfers required by law to be furnished the commissioner of revenue.

(Ord. No. 85-24, 4-22-86)

RB-7

PRESENTATION
INFORMATION TO
BE AVAILABLE AT
MEETING

REPORTS OF
THE CITY
ATTORNEY

REPORTS OF CITY CLERK

Appointments/Reappointments to Boards and Commissions

June 10, 2014

VACANCIES

Talent Bank Resumes on File

Architectural Review Board (4 year term)

No TBRs on file

1 vacancy

1 unexpired term through 10.31.2014

Dock Commission (4 year term)

No TBRs on file

1 vacancy Harbor Master

Keep Hopewell Beautiful (4 year term)

No TBRs on file

4 vacancies

2 unexpired terms through 10.31.2016

2 vacancies for 4 years

School Board (3 year term)

6 TBRs on file

2 vacancies as of 6.30.2014

Appoint 2 candidates

2 terms 7.1.2014 through 10.31.2017

Senior Citizen Advisory (2 year term)

No TBRs on file

2 vacancies

1 unexpired term through 10.31.2014

1 unexpired term through 10.31.2015

REPORTS OF
CITY
COUNCIL

COMMITTEES

INDIVIDUAL
REQUESTS

ANY OTHER
COUNCILOR

CITIZEN
COUNCILOR
REQUESTS

CCR-1

Sec. 6-4. Keeping of livestock or fowl near residences.

(a) No horses, mules, cows, goats, sheep or livestock of similar nature shall be kept within one hundred (100) yards of any residence, except the residence of the owner of any such animal.

(b) No fowl or domestic chickens shall be kept within the City by any person, except as provided below:

- (1) An enclosure shall be provided on all premises, which fowl are kept.
- (2) A house or shelter shall be provided in all enclosures in which fowl are kept.
- (3) Such house or shelter shall be kept dry and well-ventilated and shall be maintained in a clean and sanitary condition free of offensive odors and excrement at all times.
- (4) All enclosures shall be so constructed as to keep the fowl secure from other animals.
- (5) All enclosures shall be adequately enclosed and free from any rodents. The presence of rodents in any enclosure shall be prima facie evidence that such enclosure is maintained in violation of this section.
- (6) All enclosures shall be located in the rear yard of the premises.
- (7) No enclosure intended primarily for the keeping of fowl shall be constructed within 10 feet of the property lines.
- (8) No enclosure shall be located within 45 feet of a residential dwelling or 200 feet of any church or school building; except the residence of the owner of the fowl.
- (9) No more than four (4) fowl or domestic chickens, and no roosters shall be kept on any premises in the City.

State law reference: Code of Virginia, § 3.2-6544.

Section 6-4 was amended on August 14, 2012 - Ordinance 2012-05

Cynthia Ames

From: Wayne Walton [wwalton534@aol.com]
Sent: Thursday, May 29, 2014 7:30 AM
To: Cynthia Ames
Cc: Mark Haley; Michael Bujakowski; David C. Fratarcangelo
Subject: CCR's for June 10 Meeting

Cindy,

Will you add these or make sure they are on our June 10 meeting?

Thanks,

Wayne

1-Number of hen chickens residents can have:

Reason: Currently residents can now own up to 4 hen chickens. This seems to conflict with the States Code that vendors can an sell only a minimum of 6 chickens at a time. This leaves 2 extra chickens to be dealt with. On behalf of a vendor I would like to raise the number of hens you can own from 4 to 6.

Action: Council to take action on this at our June 10 meeting by instructing City Attorney to make the addition and bring it back for our approval at our July Meeting.

2-Homeowner Incentive Plan:

Intent: We have had or still might have a Homeowner Incentive Plan. I would like for Planning to come up with or dust off the old plan to make homeowners aware of what resources are available to them. This plan should mirror what we have done for businesses by forgiving tax increases over a period of years for improvements on their homes. It would have to have some minimum dollar value for the improvement. We need to get our homeowners to invest in Hopewell to improve our housing stock and remain in Hopewell.

Action: Instruct Planning and our City Attorney to bring back a draft of this plan at our August Meeting.

3-Spot Blight and Nuisance Ordinance:

Intent: The citizens of Hopewell have made it clear that they want the City to be cleaned up. There seems to be built in protections for offenders of our current ordinances on these matters. I believe Planning has been working on this but I would them to finish putting together an ordinance that speeds up the process. Other localities such as Petersburg are making great strides in demolishing blight and other nuisance issues by passing such an ordinance. Let's get serious about cleaning up!

Action: Instruct Planning and our Attorney to come up with a draft of a plan at our August Meeting.

4-Pilot Program for Legacy Business owners:

Intent: Council has asked City Staff to bring back a draft of a legacy business incentive plan. A dollar amount of \$20,000 was set.

Action: Council set a date for staff to bring this back to Council for action.

CCR-2

Cynthia Ames

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CCR-3

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CCR-4

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4-Pilot Program for Legacy Business owners:

Intent: Council has asked City Staff to bring back a draft of a legacy business incentive plan. A dollar amount of \$20,000 was set.

Action: Council set a date for staff to bring this back to Council for action.

CCR-5

From: Pelham, Brenda [mailto:bpelham@hopewell.k12.va.us]
Sent: Thursday, June 05, 2014 11:40 AM
To: Cynthia Ames
Subject: RE: CCR confirmation

Yes.....

Brenda S. Pelham
HCS Attendance Officer
☎: (804) 541-6402 (work)
☎: (804) 720-8619 (cell)
☎: (804) 541-6403 (fax)
✉: bpelham@hopewell.k12.va.us

"There can be no keener revelation of a society's soul than the way in which it treats its children." ...Nelson Mandela

🖨 Please don't print this e-mail unless you really need to do so.

From: Cynthia Ames
Sent: Thursday, June 05, 2014 9:28 AM
To: 'Pelham, Brenda'
Subject: CCR confirmation
Importance: High

Dear Councilor Pelham,

It is my understanding per our phone conversation you wish to have a CCR requesting a Work Session with the Recreation and Parks Department about Community Parks. Please confirm if this is correct.

Kindest regards,
Cindy

Cynthia Y. Ames
Hopewell City Clerk
300 N Main Street Rm 217
Hopewell, VA 23860
804.541.2249
comes@hopewellva.gov

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

Winston Churchill

CCR-6

Mayor Bujakowski,

Please confirm if the wording of your CCR is correct.

CCR-6. Citizen/Councilor Requests – Youth Football League Game Field at Atwater Park – Mayor Bujakowski

Kindest regards,
Cindy Ames
City Clerk

Evaluate
Potential To
Provide A

A handwritten signature in black ink, appearing to read "Cindy Ames", with a long horizontal line extending to the right from the bottom of the signature.

Cynthia Ames

From: Michael Bujakowski [mikebward3@yahoo.com]
Sent: Wednesday, June 04, 2014 1:19 PM
To: Mark Haley; Jo Turek; Jackie Shornak; Brenda Pelham; Wayne Walton; roosevelt edwards; Roosevelt Edwards; Jackie Shornak; Christina Bailey; Jasmine Gore; Cynthia Ames
Subject: Youth Football/Merner Field

Some time ago we looked at possibly turning the field closest to River Road at Atwater park into a youth football league game field. I strongly suggest we go back to this option, even if it means loosing the option to shut down one soccer field each season to allow "healing". We need to try to serve he needs of all kids when and if we can.

Merner field is not a good option for games for a couple of reasons:

1. We have no control over the field.
2. These games produce a huge amount of wear and tear on the field making it less than optimal for high school games, which is it's intended purpose.

Cindy, please put this on the agenda under my name for next week

Michael C. Bujakowski
Mayor
Hopewell, VA 23860
Cell 804-731-0513
Email mikebward3@yahoo.com

CCR-7

Cynthia Ames

From: Christina Luman-Bailey [clumanbailey@gmail.com]
Sent: Thursday, June 05, 2014 11:00 AM
To: Cynthia Ames
Subject: Re: ARB Public Hearing, presentation and vote for July CC meeting

Thank you, Cindy

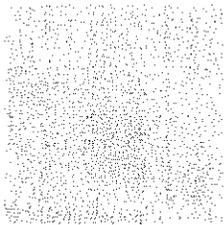
On Thu, Jun 5, 2014 at 10:44 AM, Cynthia Ames <comes@hopewellva.gov> wrote:

Yes ma'am. The Public Hearing and presentation is to be scheduled for July 8, 2014 and then a vote is to be scheduled for August 12, 2014. Thank you for the clarification.

From: Christina Luman-Bailey [mailto:clumanbailey@gmail.com]
Sent: Thursday, June 05, 2014 10:40 AM
To: Cynthia Ames
Cc: Michael Bujakowski
Subject: Re: ARB Public Hearing, presentation and vote for July CC meeting

I think the idea is to have the Public Hearing first and then, at a subsequent meeting, put the item up for vote. Don't we need two dates here (or are we just setting the Public Hearing date only)? Thanks Cindy!

On Wed, Jun 4, 2014 at 5:23 PM, Cynthia Ames <comes@hopewellva.gov> wrote:



Dear Councilor Luman-Bailey,

It has been brought to my attention you wish to place a CCR for a Public Hearing for the ARB and a presentation and a vote for the "City Point National Historic District Handbook and Design Guidelines Manual" to take place at the July 8, 2014 City Council meeting. Please confirm so I may place it on the agenda for the June 10, 2014 City Council meeting under a CCR.

Kindest regards,

PRESENTATIONS
FROM
BOARDS
&
COMMISSIONS

PB&C-1

Cynthia Ames

From: Herbert Bragg
Sent: Wednesday, June 04, 2014 9:08 AM
To: Mark Haley
Cc: Cynthia Ames; David C. Fratarcangelo; Debbie Pershing
Subject: FW: Local Sesquicentennial Civil War Committee Meeting

Good morning Mr. Haley:

Mr. Taylor called and requested to be placed on City Council Agenda for June 10, 2014 for the purpose of presenting a presentation to Council regarding funding for the Sesquicentennial Civil War Celebration and Hopewell Legacy Project.

Herbert Bragg

COUNCIL COMMUNICATIONS

ADJOURNMENT