

CLOSED  
MEETING

# WORK SESSION

W-1



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

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

**Order of Business:**

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

**Action:**

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

**COUNCIL AGENDA ITEM TITLE:** Public Safety Building Plan Review and Budget Discussion

**ISSUE:** Site and building plans review and project cost estimates will be presented for review/comment.

**RECOMMENDATION:** Council to comment on the preliminary drawings and, the project budget as presented by staff.

**TIMING:** Design is progressing quickly. If Council generally approves the project drawings as presented, and land is acquired in a timely fashion, the projects will be ready for bidding this fall.

**BACKGROUND:** September 2013, Council was advised that staff estimated the cost to construct a 32,000 – 35,000 square foot public safety building would cost between \$8.5 million and \$10.15 million dollars. At that time, Council voted to approve the borrowing of \$7.7 million for the construction of a new public safety building.

Since that time, Council has directed staff to construct 2 separate buildings in two locations. It also approved the combining of both fire stations (#1 and #2) into one new station, design the police station to be located behind City Hall, and reduce the police station size by have some functions remain in the basement of City Hall.

The project schedule was delayed as a result of having to find alternate sites for the project. The estimated bidding period is fall, 2015.

**FISCAL IMPACT:** \$8,336,434 to \$11,102,734 plus furniture, fixtures and equipment

**ENCLOSED DOCUMENTS:** Drawings and Cost Estimate will be presented at the meeting

**STAFF:** Edward O. Watson, Director of Public Works

**SUMMARY:**

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



W-2



WS-2

# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

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

**Order of Business:**

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

**Action:**

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

**COUNCIL AGENDA ITEM TITLE: Review of Tree Protection Ordinance for cedar trees along Cedar Lane**

**ISSUE:** The condition of cedar trees along Cedar Lane; the entrance to the Petersburg National Battlefield - City Point Unit and the Historic City Point District.

**RECOMMENDATION:** City Administration recommends City Council review the Tree Protection Ordinance, offer revisions during a work session, and set a public hearing to consider citizen comments at a future meeting.

**TIMING:** City Council action is requested to set a date for a public hearing to consider citizen comments.

**BACKGROUND:** The Architectural Review Board (ARB) is concerned about the current and future state of cedar trees along Cedar Lane. This road is the gateway into the City Point Historic District and its appearance makes an important statement. The trees are important community assets that enhance the beauty of the Historic District, add distinction to the entire cityscape, protect property values and help draw tourists, as well as welcome prospective residents.

**FISCAL IMPACT:** None

**ENCLOSED DOCUMENTS:** Attachment 1: Proposed Tree Ordinance  
Attachment 2: July 2009 Pictorial Inventory of Cedar Trees

**STAFF:** Tevya W. Griffin, Director, Neighborhood Assistance & Planning  
Horace H. Wade, III, City Planner

**SUMMARY:**

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

**City of Hopewell, Virginia  
Cedar Road Tree Preservation Ordinance**

**Section I. Intent of the Ordinance**

The Cedar trees lining both sides of Cedar Lane provide a gracious entryway to one of America's oldest, most historic places, City Point. A lane of cedar trees was first planted on the land entrance (now Cedar Lane) to Appomattox Plantation. In the 1970s a hurricane felled nineteen aged cedar trees which were quickly replaced in cooperation with the City Point Branch APVA, The City Point Civic Association, Continental Forests, Inc., and the City of Hopewell. The cedar trees on Cedar Lane are cited as a national treasure by the National and Virginia Historic Registry. The character of the streetscape is very important in defining the City Point Historic District. The trees are important community assets that enhance the beauty of the Historic District, add distinction to the entire cityscape, protect property values and help draw tourists, as well as welcome prospective residents.

The purpose of this ordinance is to preserve the character and appearance of Cedar Lane through the continuous maintenance and replacement of the trees, when appropriate, and to assure that the trees lining Cedar Lane remain intact today and for future generations of Hopewell citizens.

**Section II. Definitions**

1. **Arborist:** A person trained or certified in arboriculture, forestry, horticulture and/or landscape architecture in the employ of or under contract to the City of Hopewell appointed by the City Manager.
2. **Historic Tree:** A tree on public property which has been determined by the City Council to be of notable historic interest because of its age, size or historic association and has been so designated in the official records of the City.

**Section III. Location of Cedar Trees**

The cedar trees are located on City property, beginning at the intersection of Cedar Lane and Appomattox Street and ending at Cedar Lane and Pecan Avenue, in what is considered City right-of-way. This means that the City of Hopewell owns the property in question. While, the City owns the property, the Code of the City of Hopewell requires property owners adjacent to the right-of-way to maintain the property. This has led to improper cutting and pruning of the cedar trees along Cedar Lane.

**Section IV. Maintenance of Cedar Trees**

It shall be the sole responsibility of the City Manager of the City of Hopewell, or his or her designee to maintain the cedar trees along Cedar Lane beginning at Cedar Lane and Appomattox Street and ending at Cedar Lane and Pecan Avenue. It shall be unlawful for a property owner to prune, cut, girdle, break, bend wound, tack signs or notices upon a cedar tree. The property

owner can work with the City Manager or his or her designee to provide updates on needed maintenance of cedar trees. Trees cannot be planted in the City-right-of-way without approval from the City Manager.

An inventory of cedar trees has been conducted and will be considered current with the date of the adoption of this Ordinance. This inventory will be used to maintain, log, and replace cedar trees in the future.

If a cedar trees is observed to be diseased, dying or in need of maintenance (pruning) the repair or replacement of the tree shall be decided by an arborist or master gardener, hired or employed by the City of Hopewell.

#### **Section V. Funding**

It is recommended that a funding source for short-and long-term operational expenses be considered in the City's Annual Operational Budget; specifically, funding with the Public Works departments for maintenance, plantings, and possibly removal of trees deemed diseased or unsafe. Further, it is recommended that funding for long term capital expenses be considered in the City's Capital Improvement Plan for those items that would require major capital dollars.

#### **Section VI. Replacement of Trees destroyed in Violation of Chapter**

When trees are destroyed in violation of this article, replacement trees shall be required unless exemption is granted by the City Manager or his or her designee. The size, species and quantity of these replacements shall be determined by the City Manager or his or her designee based on the value of the trees removed as calculated by the latest formula published by the International Society of Arboriculture. Replacement trees shall be provided during the next planting season.

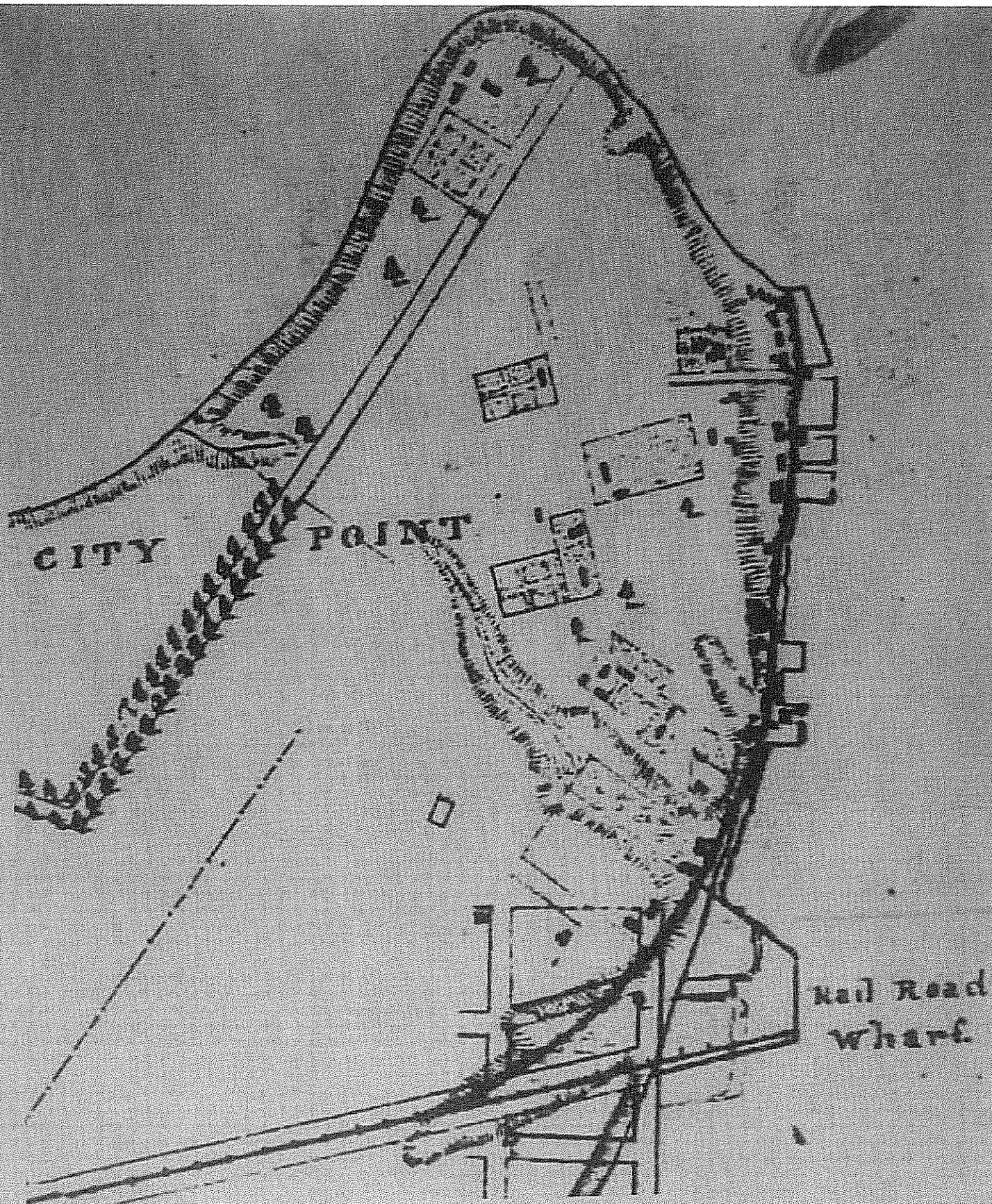


Figure 3- 1837 plat of City Point surveyed for the City Point Railroad by John Couty. Virginia State Library.

# OPEN MEETING

# CONSENT AGENDA

C-1

MINUTES

NONE

C-2

PENDING  
AND ACTION  
LIST

C-3

INFORMATION FOR  
COUNCIL REVIEW

NONE

C-4

PERSONNEL  
CHANGE  
REPORT AND  
FINANCIAL  
REPORT

AVAILABLE ON THE 2<sup>ND</sup> TUESDAY OF THE  
MONTH

C-5

PUBLIC HEARINGS  
ANNOUNCEMENTS

6.9.2015 FISCAL YEAR

2014-2015 BUDGET  
AMENDMENTS

6.9.2015 SCHOOL BOARD  
APPOINTMENTS

C-6

ROUTINE  
APPROVAL OF  
WORK SESSIONS

C-7

ORDINANCES ON  
SECOND AND FINAL  
READING

ORDINANCE 2015-25

ORDINANCE 2015-26

## ORDINANCE 2015-25

**An Ordinance amending Section 34-30 (Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone) of Article II (Tax on Real Estate, Machinery and Tools) of Chapter 34 (Taxation) of the Code of the City of Hopewell.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 34-30 of Article II, Tax on Real Estate, Machinery and Tools, of Chapter 34 of the Code of the City of Hopewell is amended as follows:**

### CHAPTER 34 – TAXATION

#### ARTICLE II. TAX ON REAL ESTATE, MACHINERY AND TOOLS

##### **Sec. 34-16. Accrual; when due and payable.**

All taxes and levies on real estate and on machinery and tools subject to taxation by the city shall accrue on January first of each year and shall become due and payable on the first day of June of each year.

##### **Sec. 34-17. Installment payment.**

One-half of all taxes and levies accruing each year to the city on real estate and on machinery and tools shall be paid to the city treasurer on or before June fifteenth of each tax year and the remaining one-half, unless sooner paid, shall be paid on or before December fifth next following. Any taxpayer shall have the option of paying the second half of his then-current year's taxes at any time between June first and December fifth of the then-current tax year.

##### **Sec. 34-18. Penalty for late payment.**

For the nonpayment of the first one-half of the current year's taxes on real estate and machinery and tools, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on June sixteenth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due; and for the nonpayment of the second half of such taxes, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on December sixth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due.

##### **Sec. 34-19. Interest on principal and penalty.**

Both principal and penalty for nonpayment of taxes on real estate and machinery and tools shall bear interest at the maximum rate allowed by law from the first day following the date such taxes are due.

**Sec. 34-20. Treasurer's statement.**

The city treasurer shall, at least fifteen (15) days before the due date of the first one-half of the taxes and levies on real estate and machinery and tools, mail to all such taxpayers a statement showing the amounts of the semiannual installments thereof. Such statement shall be prepared by the city treasurer.

**Sec. 34-21. Biennial assessment of real estate.**

Pursuant to the provisions of section 58.1-3253, Code of Virginia, and by virtue of the city having at least one full-time real estate appraiser or assessor certified by the state tax commissioner, beginning with the year 1977, and for each year thereafter, all real estate in the city shall be assessed and equalized biennially in lieu of the reassessments required under chapter 32, title 58.1, Code of Virginia. A new reassessment of all real property within the city shall be conducted biennially, which reassessment may be completed during an entire two (2) year period; provided that, the same standards of value are employed for all appraisals made during such period. The first such reassessment shall be effective for tax purposes on January 1, 1979.

**Sec. 34-22. Exemption of fallout shelters from assessment for real estate taxes.**

Where there is erected, within the city, a fallout shelter for protection against nuclear radiation, which shelter is constructed according to approved plans and specifications, as recommended by state, local or federal agencies, and which can be used only as a fallout shelter and for no other purpose whatsoever, such shelter shall be exempt from assessment for real estate taxes by the city.

**Sec. 34-23. Real estate tax relief for elderly and disabled persons.**

(a) An exemption and/or deferral of real estate taxes shall be granted from local real estate taxation, or a portion thereof, owned by and occupied as the sole dwelling of a person or persons not less than 65 years of age, or where such person or persons are determined to be permanently and totally disabled as defined by §58.1-3217 of the Code of Virginia, provided that (i) the dwelling is occupied as the sole dwelling by all such joint owners, and (ii) the net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding 1 acre, upon which it is situated shall not exceed: \$100,000.00 for a tax exemption, and \$200,000.00 for a tax deferral.

(b) The total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives

who live in the dwelling, and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, shall not exceed \$32,500 (provided that the first \$4,000.00 of income of each person who is not the spouse of an owner living in the dwelling shall not be included in such total) for an exemption, and \$50,000 for a tax deferral. Up to \$10,000.00 of said income of an owner who is permanently disabled shall be excluded from the \$32,500.00 amount.

(c) Where the person claiming exemption conforms to the standards and does not exceed the limitations contained herein, the tax exemption shall be as shown on the following schedule:

- (1) Total combined income not exceeding \$18,500.00, the tax exemption shall be 100%;
- (2) Total combined income exceeding \$18,500.00 and not exceeding \$32,500.00, the tax exemption shall be 50%.

The maximum tax exemption hereunder shall be \$850.00.

(d) In addition to any exemption that may be available, the above described property owners can also choose to defer all, or part of the real estate taxes on any amounts not subject to exemption, which amounts shall be collected pursuant to §58.1-3216 of the Code of Virginia.

Tax relief shall be granted effective January 1, 2011.

Virginia State Code §§58.1-3210 to §58.1-3217

\*Section (d) added by Ordinance #2011-21 on 12/12/2011

**Sec. 34-24. Date for determination of taxpayer's status and assessment of value of machinery and tools.**

The status of all persons liable to taxation on machinery and tools shall be fixed as of January first in each year and the value of all such property shall be assessed as of such date.

**Sec. 34-25. Annual returns of machinery and tools--Generally.**

Any person owning any machinery and tools on the first day of January of any year, subject to taxation by the city on which property taxes may be paid in semiannual installments, as provided by law, shall, on or before the fifteenth day of February in each year, file a return thereof with the commissioner of the revenue, on the forms provided for that purpose, of such property owned by such person on the first day of January of the current year.

**Sec. 34-26. Same--Failure to file; effect.**

If any taxpayer liable to file a return of machinery and tools under this article, neglects or refuses to file the same for any year, within the time prescribed in section 34-25, the commissioner of the revenue shall, from the best information obtainable, enter the fair market value of such property and assess the same as if it had been reported to him; and shall assess a penalty of ten (10) percent of the tax assessable, or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

**Secs. 34-27--34-29. Reserved.**

**Sec. 34-30. Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone.**

(a.) *Rebate authorized.* A partial rebate of machinery and tools taxes is hereby provided for any business located in the Enterprise Zone which is newly constructed, expanded, renovated or replaced in accordance with the criteria set out in the Constitution of Virginia and pursuant to § 59.1-279 et seq., the Urban Enterprise Zone Act of the Code of Virginia of 1950, as amended. A partial rebate will be provided on and after July 1, 2011, and for each fiscal year until ~~June 30,~~ 2015 June 30, 2020.

(b.) *Eligibility.* For the purposes of this section, businesses located in the Enterprise Zone shall be eligible for a partial rebate of the machinery and tools tax resulting from new construction, expansion or replacement of existing machinery and tools only if the machinery and tools installed increases the assessed value of machinery and tools above the current assessed value, or base value. If the new construction, expansion or replacement of existing machinery and tools results in a decrease in the assessed value of the machinery and tools then the business shall not be eligible to receive a partial rebate.

(c.) *Amount of rebate.* The amount of partial rebate provided for in this section shall be equal to thirty (30) percent of the increase above the base value in assessed value of machinery and tools installed in a business located within the Enterprise Zone.

(d.) *Length of rebate.* The partial rebate for taxation of machinery and tools for the installation of new or the replacement of existing machinery and tools shall run with the land and for the benefit of any owner of such property during each of the three (3) years of the rebate. The owner of the property shall be entitled to receive rebate of thirty percent (30%) of the increase in the assessed value of the machinery and tools as a result of the new construction, renovation, or replacement, as determined by the Commissioner of the Revenue, during the first year after completion and subsequent two (2) years.

(e.) An application for enterprise zone benefits must be submitted to the Commissioner of the Revenue, and the benefit accessed by the business within one year of the start of operations in the enterprise zone or subzone, or within one year of a qualifying facility expansion or renovation in order to receive the machinery and tools tax rebate.

**Secs. 34-31 -34-40. Reserved.**

**Ordinance No. 2015-26**

**An Ordinance amending Chapter 2, Article VI, Sec. 22-99, and Chapter 25,  
Sec. 25-54 of the City of Hopewell Code of Ordinances**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL**, that Chapter 2, Article VI, Sec. 22-99, and Chapter 25, Sec. 25-54 of the City of Hopewell Code of Ordinances are hereby amended, and re-enacted as follows:

**Sec. 22-99. Parking more than forty-eight hours.**

It shall be unlawful for any person to leave or cause to be left any vehicle for more than forty-eight (48) hours in any public street or city-owned parking lot. If any such person fails to remove the vehicle in question within twenty-four (24) hours after being notified so to do by any police officer:

- (1) The police department, through its agents or employees, may remove such motor vehicle as hereinabove described.
- (2) In the event the police department, through its own agents or employees, removes any such motor vehicle as hereinabove described after having given such notice, the police department may dispose of such motor vehicle after giving additional notice to the owner of such vehicle;
- (3) The cost of any such removal and disposal will be chargeable to the owner of the vehicle or premises and may be collected by the city as taxes and levies are collected.

**Sec. 25-54. Open storage of inoperative vehicles in residential or commercial districts.**

(a) It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure, or otherwise shielded or screened from view, on any property zoned for residential or commercial purposes any motor vehicle, trailer, or semitrailer, as such are defined in Code of Virginia, § 46.2-100, as amended, which is inoperative. The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

- (1) As used in this section, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- (2) As used in this section, "inoperative motor vehicle" shall mean any one or more of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires or wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle that does not display a valid license plate or a valid inspection decal.

- (b) It is further provided that:
  - (1) The owners of property zoned for residential or commercial purposes shall within ten (10) days of notice from council, through its agents or employees, remove therefrom any such motor vehicles as described above that are not kept within a fully enclosed building or structure or otherwise shielded or screened from view.
  - (2) The police department, through its agents or employees, may remove such motor vehicles as hereinabove described, whenever the owner of the premises, after the above notice, has failed to do so.
  - (3) In the event the police department, through its own agents or employees, removes any such motor vehicles as hereinabove described after having given such notice, the police department may dispose of such motor vehicle after giving additional notice to the owner of such vehicle;
  - (4) The cost of any such removal and disposal will be chargeable to the owner of the vehicle or premises and may be collected by the city as taxes and levies are collected; and
  - (5) Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost shall have been made to the city.
- (c) Any person, firm, or corporation violating any provision of this section shall upon conviction thereof be punished by a fine not exceeding two hundred dollars (\$200.00).
- (d) Each day a violation of this section continues shall be a separate offense.
- (e) In the event that three (3) civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same sets of operative facts, within a 24-month period shall be classified as a Class 3 misdemeanor.

This ordinance amendment shall become effective upon the date of its adoption by the City Council.

C-8

ROUTINE GRANT  
APPROVAL

C-9

PROCLAMATION

RESOLUTIONS

PRESENTATIONS

## Proclamation of the City of Hopewell

**WHEREAS**, the Chief Executive Officer of the Hopewell/Prince George Chamber of Commerce, a City Councilor, local artists and contractors (the "Project Team") desired to create and construct a piece of artwork depicting our history and culture on behalf of our Community; and

**WHEREAS**, the Project Team conducted numerous planning sessions in the design of the artwork and its location; and

**WHEREAS**, the Chamber of Commerce/Visitor Center submitted the necessary paperwork and sketch thereby applying for a State grant from the Virginia Tourism Corporation to erect a LOVEwork Sign; and

**WHEREAS**, the Project Team spent hours of their own time assembling the necessary materials for construction and planning for the actual construction; and

**WHEREAS**, the Project Team gave tirelessly of their time in erecting the LOVEwork Sign for the benefit and enjoyment of the Community and visitors; and

**WHEREAS**, Becky McDonough, Steve McDonough, Danny Riddle, Kirk Thore, Kris Thore, Mark Shornak, Jackie Shornak, Keith Shornak and Neal Beasley were all involved in this act of giving back to their Community; and

**NOW, THEREFORE**, the Mayor, Brenda S. Pelham, of the City of Hopewell, Virginia, extends her appreciation and a special thanks to Becky McDonough, Steve McDonough, Danny Riddle, Kirk Thore, Kris Thore, Mark Shornak, Jackie Shornak, Keith Shornak and Neal Beasley for their service to the Citizens of the City of Hopewell, for their generosity of their time and talent and for creating a piece of artwork that will be remembered for years to come.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed, on this, the 26<sup>th</sup> day of May 2015.

Proclamation presented May 26, 2015

*/S/ Brenda S. Pelham*

Brenda S. Pelham, Mayor of Hopewell, Virginia

SPECIAL  
ANNOUNCEMENTS

CHARLES DANE,  
ASSISTANT CITY  
MANAGER

# PUBLIC HEARINGS

PH-1



CITY OF HOPEWELL
CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: AN ORDINANCE ADDING A NEW ARTICLE III (STORMWATER UTILITY) TO CHAPTER 14 (EROSION & SEDIMENT CONTROL) OF THE CODE OF THE CITY OF HOPEWELL AS AMENDED, TO ESTABLISH A STORMWATER UTILITY FEE TO SUPPORT A LOCAL STORMWATER MANAGEMENT PROGRAM.

ISSUE: The City owns and operates a municipal separate storm sewer system, or MS4, which collects stormwater from homes, businesses and community facilities in areas of the City served by the MS4. The MS4 is regulated by a permit issued by the Virginia Department of Environmental Quality, pursuant to a delegation by the U.S. Environmental Protection Agency, or EPA, entitled General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (9VAC25-890-40).

Whereas, the permit requires the City to develop and implement an MS4 Program Plan to reduce the discharge of pollutants to the maximum extent practicable through the adoption of six minimum control measures and to address the Chesapeake Bay Total Maximum Daily Load, or TMDL, issued by the EPA in 2010.

As such, this puts an unfunded cost burden on the City to meet these regulatory obligations.

RECOMMENDATION: Recommend that City Council implement a Stormwater Utility Fee Ordinance. This fee would be a dedicated enterprise fund revenue stream created to fund work required by state law and under the MS4 permit, as well as other operational and capital improvement needs. Per Resolution R-8 10-14-14 the City administration recommends that City Council resolve the approved stormwater utility user billing fee rate of \$48.00 a year per every 2,100 square feet of impervious surface area found within a real estate tax parcel.

TIMING: Request that City Council vote "Yes" to approving this Ordinance on June 9th, 2015.

BACKGROUND: Refer to the above Issue segment of this action form.

FISCAL IMPACT:

ENCLOSED DOCUMENTS: Resolution: R-8 10-14-14
Ordinance: AN ORDINANCE ADDING A NEW ARTICLE III (STORMWATER UTILITY) TO CHAPTER 14 (EROSION & SEDIMENT CONTROL) OF THE CODE OF

SUMMARY:

- Y N Vice Mayor Christina J. Luman-Bailey, Ward #1
Councilor Arlene Holloway, Ward #2
Councilor Anthony J. Zevgolis, Ward #3
Councilor Jasmine E. Gore, Ward #4
Y N Councilor K. Wayne Walton, Ward #5
Mayor Brenda S. Pelham, Ward #6
Councilor Jackie M. Shornak, Ward #7

PH-1
05-12-15

THE CITY OF HOPEWELL AS AMENDED, TO ESTABLISH A STORMWATER UTILITY FEE TO SUPPORT A LOCAL STORMWATER MANAGEMENT PROGRAM.

**STAFF:** Benjamin Leach, Stormwater System Management Engineer  
Edward O. Watson, Director of Public Works

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**SUMMARY:**

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Christina J. Luman-Bailey, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Anthony J. Zevgolts, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine E. Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Mayor Brenda S. Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie M. Shornak, Ward #7

<b>PH-1</b> <b>05-12-15</b>
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**CITY OF HOPEWELL**  
**NOTICE OF PUBLIC HEARING**

On Tuesday, the 26<sup>th</sup> day of May, 2015, the Council of the City of Hopewell, Virginia, will conduct a public hearing on the proposed ordinance entitled “AN ORDINANCE ADDING A NEW ARTICLE III (STORMWATER UTILITY) TO CHAPTER 14 (EROSION & SEDIMENT CONTROL) OF THE CODE OF THE CITY OF HOPEWELL AS AMENDED, TO ESTABLISH A STORMWATER UTILITY FEE TO SUPPORT A LOCAL STORMWATER MANAGEMENT PROGRAM.”, the City is authorized by Virginia Code §15.2-2114 to establish a utility to enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. This stormwater utility fee will be a dedicated enterprise fund pursuant of Commonwealth State Code and will aide in paying for all unfunded cost burdens incurred upon the City to meet these regulatory obligations.

If adopted, this ordinance shall take effect on July 1, 2015 with first billing in August 2015. The first billing will cover a one month period from July 1, 2015 to July 31, 2015.

The public hearing will be conducted at 7:30 p.m. in the City Council Chambers located in the Municipal Building, 300 North Main Street, Hopewell, Virginia. Interested persons may appear at such time and place and present their views.

Information regarding the above referenced matters may be examined in the City Clerk’s Office, Room 217, Municipal Building, Hopewell, Virginia during normal business hours from 8:30 a.m. to 5:00 p.m., Monday through Friday. Additionally, information can be obtained by telephone at (804) 541-2252.

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER**

**AN ORDINANCE  
ADDING A NEW ARTICLE III (STORMWATER UTILITY) TO CHAPTER 14  
(EROSION & SEDIMENT CONTROL) OF THE CODE OF  
THE CITY OF HOPEWELL AS AMENDED, TO ESTABLISH A STORMWATER UTILITY FEE TO SUPPORT  
A LOCAL STORMWATER MANAGEMENT PROGRAM.**

**BE IT ORDAINED** by the Council for the City of Hopewell, Virginia that:

There is hereby added to the Hopewell City Code, as amended, a new article, to be numbered Article III, to Chapter 14 of the Hopewell City Code, to read as follows:

**CHAPTER 14. EROSION & SEDIMENT CONTROL  
ARTICLE III. STORMWATER UTILITY**

**Sec. 14-33. Authority.**

The City is authorized by Virginia Code §15.2-2114 to establish a utility to enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management.

**Sec. 14-34. Purpose.**

The City Council finds that an adequate, sustainable source of revenue for stormwater management activities is necessary to protect the general health, safety, and welfare of residents of the City, and to meet requirements of the City's Virginia Pollution Discharge Elimination System (VPDES) Municipal separate storm sewer system (MS4) permit and federal and state regulations to address identified water quality and quantity needs. The City Council finds that property with higher amounts of impervious surface area contributes greater amounts of stormwater and pollutants to the storm sewer system and waters of the Commonwealth and should carry a proportionate burden of the cost of such activities. Therefore, the City Council determines it is in the best interest of the public to enact a Stormwater Utility Fee that shall allocate program costs to all property owners based on the amount of impervious surface area.

**Sec. 14-35. Definitions.**

The following definitions shall apply to this Article unless the context clearly indicates otherwise:

*Billing Unit* means twenty-one hundred (2,100) square feet of impervious surface area. All single-family homes will be billed one (1) billing unit rate.

*Director* means the Director of Public Works or the Director's authorized representative.

*Developed property* means real property that has been altered from its "natural" state by the addition of any improvements such as buildings, structures and other impervious surface area areas. Improvements include, but are not limited to, buildings, patios, driveways, walkways, parking areas, and compacted gravel areas.

*Impervious surface area* means surface area that is compacted or covered with material that is highly resistant to or prevents infiltration by water, including, but not limited to, most conventionally surfaced streets (including gravel), roofs, sidewalks, parking lots, and other similar structures.

*Municipal Separate Storm Sewer-System (MS4)* is a conveyance or system of conveyances that is:

- Owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.;
- Designed or used to collect or convey stormwater (including storm drains, pipes, ditches, etc.);
- Not a combined sewer; and
- Not part of a Publicly Owned Treatment Works (sewage treatment plant).

*Stormwater best management practice* means activities, prohibition of practices, maintenance procedures and other management practices, including both structural and non-structural practices, to prevent or reduce pollution of surface waters and groundwater systems.

*Stormwater management facility* means a structural control measure that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, or the velocity of flow. A stormwater management facility is a type of stormwater best management practice.

*Unimproved parcel* means any parcel that has less than five hundred (500) square feet of impervious surface area.

*Utility fee* means any permit or local program fees allowed by Commonwealth of Virginia State Code.

#### **Sec. 14-36. Stormwater Utility Fee.**

- (a) A Stormwater Utility Fee is hereby imposed on every parcel of real property in the City that appears on the real property assessment rolls as of July 1 of each year and contains greater than 500 square feet of impervious surface area.
- (b) When new properties or impervious surface areas are brought into the utility system, such as from new construction, fees will accrue or increase commencing on the next billing cycle as established in Section 14-42(a).

- (c) The billing rate per billing unit to be used for calculating the Stormwater Utility Fee shall be \$48.00 per year. City Council may modify the billing rate in the future.
- (d) All Stormwater Utility Fees and other income from the fees shall be deposited into the stormwater enterprise fund. The funds deposited shall be used exclusively to provide services and facilities related to the stormwater management program pursuant to the provisions of the Virginia Code §15.2-2114.
- (e) The stormwater utility shall be in effect starting July 1, 2015.
- (f) The stormwater utility shall be under the administration of the Director.
- (g) Consistent with Virginia Code §15.2-2114, the Stormwater Utility Fee shall be waived in its entirety for the following:
  - 1. A federal, state, or local government, or public entity that holds a permit to discharge stormwater from a municipal separate storm sewer system (MS4); except that the waiver of charges shall apply only to property covered by any such permit; and
  - 2. Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through an acquisitions process.

**Sec.14-38. Stormwater Utility Fee calculations.**

- (a) Unless otherwise specified in this article, the annual Stormwater Utility Fee for all property in the City shall be calculated in the following manner:
  - 1. Determine the impervious surface area of each parcel of real property in square feet;
  - 2. Divide the property's impervious surface area by the billing unit;
  - 3. Round the resulting calculation to the nearest whole number to determine the billing units and multiply by the billing rate established to obtain the annual Stormwater Utility Fee for the property.
- (b) The Stormwater Utility Fee is applicable to condominium unit owners and to property held by a common interest community association, as defined in Virginia Code §55-528. The common area within the common interest community shall be evenly divided among the individually owned parcels, or as per an alternative methodology, as determined by the Director, including but not limited to directly charging the association based on the methodology described in subsection (a) above.

**Sec. 14-39. Stormwater Enterprise Fund.**

- (a) The stormwater fund is hereby established as a dedicated enterprise fund. The fund shall consist of revenue generated by the Stormwater Utility Fee as well as any other deposits that may be made from time to time by the City Council.
- (b) The stormwater fund shall be dedicated special revenue used only to pay for or recover costs for the following:

1. The acquisition, as permitted in Virginia Code §15.2-1800, of real and personal property, and interest therein, necessary to construct, operate, and maintain stormwater control facilities;
2. The cost of administration of the stormwater program;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance;
5. Monitoring of stormwater control devices and ambient water quality; and
6. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

**Sec. 14-40. Billing, payment, and penalties.**

- (a) The Stormwater Utility Fee shall be divided into twelve equal payments over a year period, where the owner and/or occupant of each parcel of real property shall be billed on a monthly basis. Such bills or statements shall be included on and payable with the parcel's Sewer & Refuse bill. Properties that do not receive a Sewer & Refuse bill will receive an annual bill via the City's real estate tax bill in conjunction with the City's standard real estate tax billing cycle. Any fee not paid in full by the respective due date(s) shall be considered delinquent.
- (b) All payments received shall be credited firstly towards stormwater, then to sewer, and then lastly towards refuse charges.
- (c) A delinquent Stormwater Utility Fee shall accrue interest at the legal rate provided in Virginia Code § 6.2-301(A). Such interest shall be applied to late payments overdue for more than thirty (30) days, and shall be calculated for the period commencing on the first day such fee is first due, until the date the fee is paid in full.
- (d) Any delinquent Stormwater Utilities Fee, together with all interest due, shall constitute a lien on the property on which assessed ranking on parity with liens for unpaid taxes and shall be collected in the same manner as provided for the collection of unpaid taxes.

**Sec. 14-41. Stormwater Utility Fee credits.**

- (a) The Director shall administer a system of credits in accordance with Virginia Code § 15.2-2114.D that provide for partial waivers of charges to any person who installs, operates, and maintains an approved stormwater best management practice that achieves a permanent reduction in stormwater flow or pollutant loadings. The credit policy shall also, in accordance with Virginia Code § 15.2-2114.E, provide for full or partial waivers of charges to public or private entities that implement or participate in strategies, techniques or programs that reduce stormwater flow or

pollutant loadings, or decrease the cost of maintaining or operating the public storm sewer system and stormwater program.

- (b) The Director shall develop written policies to implement the credit system, which shall include a requirement for participating property owners and/or occupants to provide maintenance verification to the City and for the owner to enter into a maintenance agreement with an inspection schedule for inspecting the best management practice(s) that justify the credit. No credit will be authorized until the City Council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the public works department.
- (c) City Council may modify the adopted system of credits to apply to future stormwater best management practices. Previously granted credits shall be grandfathered so that existing credits cannot be modified as long as the property owner continues to provide maintenance verification and meets the requirements of the maintenance agreement.
- (d) Except for new construction, applications for credits will be made by each year by December 31, with an approved credit to be effective on the following July 1. Applications received between January 1 and July 1 of each year will be reviewed and an approved credit to be effective on the following July 1.

#### **Section 14-42. Petitions for adjustments.**

- (a) Any property owner may request an adjustment of the Stormwater Utility Fee by submitting a request in writing to the Director within thirty (30) days after the date the bill is mailed or issued to the property owner. Grounds for adjustment of the Stormwater Utility Fee are limited to the following:
  - 1. An error was made regarding the square footage of the impervious surface area of the property;
  - 2. The property is exempt under the provisions of 14-36(g);
  - 3. There is a mathematical error in calculating the Stormwater Utility Fee;
  - 4. The identification of the property owner invoiced is in error; or,
  - 5. An approved credit was incorrectly applied.
- (b) The property owner shall complete a petition for adjustment form available on the City's website or supplied by the Director.
  - 1. If the applicant alleges an error in the amount of the impervious surface area, the applicant shall provide a plot, plan, or map showing all impervious surface areas within the property's boundaries, including buildings, patios, driveways, walkways, parking areas, compacted gravel areas, and any other separate impervious surface area structures. The applicant shall label dimensions of impervious surface area areas and showing the areas believed to be incorrect.
- (c) The requirement for a plan view of the property's impervious surface area are required in subsection (b) above may be waived by the Director, if at the sole discretion of the Director the error is obvious and is the result of technical error or oversight by the City. In such case, the City shall be responsible for recalculating the impervious surface area of the property.

- (d) The Director shall make a determination within forty-five (45) days of receipt of a complete submittal for the request for adjustment. In the event that the Director finds that the information provided in support of the request for an adjustment is deficient or incomplete, the Director shall offer the owner sixty (60) days to supply the missing information. The forty-five (45) day time for a decision will begin at such time as the requested information is provided. If the information requested is not provided to the Director within 60 days of the original request, the petition will be deemed withdrawn.
- (e) Any owner and/or occupant requesting an adjustment of the stormwater utility fee who is aggrieved by a decision of the Director may file an appeal with the Hopewell Circuit Court if allowed by state law.

**This ordinance shall take effect on July 1, 2015 with first billing in August 2015. The first billing will cover a one month period from July 1, 2015 to July 31, 2015.**

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**CITY OF HOPEWELL  
NOTICE OF PUBLIC HEARING**

On Tuesday, the 26th day of May, 2015, the Council of the City of Hopewell, Virginia, will conduct a public hearing to receive citizen input on the residency requirement for the position of City Attorney per Chapter 2, Section 2-4 of the Code of the City of Hopewell, Residency requirements for certain city officers and department heads. (See Ordinance 2013-06 adopted by City Council on June 4, 2013.)

The public hearing will be conducted at 7:30 p.m. in the City Council Chambers located in the Municipal Building, 300 North Main Street, Hopewell, Virginia. Interested persons may appear at such time and place and present their views.

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER