# PENDING LIST

# Pending City Councilor Request

| | Request | Date Voted/Requested | 2nd Vote/Reading | | Format/Information Requested | Point Person | Meeting to be submitted |
|---|---|---|---|---|---|---|---|
| 1 | Public Works/Stormwater Public Outreach Brochure and Information Session | 10/28/2014; 12/9/2014; 1/13/2015 | | | • Dates of Information Session<br>• Finished Brochure with Council Changes | Ben Leach | |
| 2 | Beacon Update; RFP; Marketing Plan; Beacon LLC; | 1/13/2015; Closed Session Requests | | | • Report/Memo | Mark Haley<br>Stefan Calos | |
| 3 | Action List Update; Planned Work Sessions | 2/10/2015 | | | *See attached | | |
| 4 | Change Talent Bank Resume to exclude litigation question | 2/10/2015 | | | | Stefan Calos | |
| 5 | Revision of Council Rules and Procedures | 2/10/2015 | | | Work Session Request | | |
| 6 | Procedural guide for citizens and/or organizations requesting city funds | 2/10/2015 | | | • Draft policy and form | Mark Haley<br>Jerry Whitaker | |
| 7 | Cost update on city taking control of Malonee Gym | 2/10/2015 | | | • Data Sheet | Mark Haley<br>Ed Watson | |
| 8 | Cost to build track at HHSS and practice football field inside of it | 2/10/2015 | | | • Data Sheet | Mark Haley<br>Ed Watson | |
| 9 | City Councilors to submit Advance topics to address | 5/12/2015 | | | • E-mail format<br>*See attached | | |
| 10 | VML training for Directors, City Council and Admin. | 5/12/2015 | | | Work Session Request | | |
| 11 | Create internal policy to recap major events/emergencies and communication workflow | 5/12/2015 | | | • Requested copy of Water Restriction events report with American Water | Mark Haley<br>Herbert Bragg<br>Ben Rupert | |
| 12 | Create budget policy w/set joint meeting dates w/ specific boards. Policy to include a process to know budget amounts prior to setting tax rate. | 5/12/2015 | | | • Draft policy and Quick Reference Chart/Tree | Mark Haley<br>Jerry Whitaker | |
| 13 | City Logo's work session; compile all used locals for approval. Create official business packet/brochure to highlight incentives using official logos. | 5/12/2015 | | | • E-mail/Printed Logos collected used (before Work Session)<br>Work Session Request | Mark Haley | |
| 14 | Streamlining agenda process | 6/9/2015 | | | Work Session Request | | |
| 15 | City Council requested staff to market existing tax abatement programs, in the Hopewell City Code, by placing them on the website, designing a brochure and placing an article in the "E-Currents" publication. | 8/12/2014 | | | • Draft Brochure | Mark Haley<br>Herbert Bragg | |
| 16 | Boards and Commission City Council Letter for Reports, Joint Meetings & information (past/current/future projects; bylaws) | 2013-Present | | | • Letter/E-Mail Request and CC City Council | City Clerk<br>Staff Liaisons | |
| 17 | HR Salary Study - RFP | Regular Meeting | | | | City Manager | |

| Odds & Ends | | | |
|---|---|---|---|
| Pending Legal Questions | Request Date or Type | Point Person | Meeting to be submitted |
| Board, Commissions, and Authorities minimum eligibility for appointment age | Closed Session | | |
| Rules to appoint members to Beacon LLC | Regular Meeting | | |
| RFP needed to rehire Beacon Manager | Regular Meeting | | |
| Breach of Confidentially Sanctions | CCR; Closed Session | | |
| Public Utility Service Program-Endorsement; RFP to receive funds | Service 3/24/2015; 5/12/2015 | | |
| How can City Council hire a Deputy Clerk to report to City Council | Closed Meeting | | |
| Correct list of City appointed boards to enforce term limits | Work Session | | |
| Pending Staff Questions | Request Date or Type | Point Person | Meeting to be submitted |
| PG/Hopewell Health Families Funding Request & Change of Name of Organization | Regular Meeting | | |
| National Park Service-Marketing battlefields as @City Point to highlight Hopewell | Regular Meeting | | |
| Update list of all city boards, commission and/or authorities from prev. work session | Work Session; Regular Meeting | | |

| Pending Work Sessions to be Scheduled *(Refer to calendar Printout to suggest dates)* | Request Date or Type | Point Person | Date City Councilors will submit availability and/or meeting month suggestions by |
|---|---|---|---|
| Carports- Certificate of Appropriateness; Fees for Planning Commission payment | WS-3 2/17/2015 | | |
| Agenda Streamlining | CCR | | |
| VML training | CCR | | |
| Park and Recreation | CCR | | |
| Revision of Council Rules and Procedures | CCR | | |
| City Logo Revision | | | |
| **Joint Meeting Requests** *(Refer to calendar Printout to suggest dates)* | Request Date or Type | Point Person | Date City Councilors will submit availability and/or meeting month suggestions by |
| HDP | CCR | | |
| Planning Commission | *Dual request | | |
| School Board | CCR | | |
| HRHA | CCR | | |
| ARB | CCR | | |
| EDA | *Dual request | | |

# PUBLIC HEARING

# Announcements

# 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:** Set Public Hearing to consider a request for the City to vacate an undeveloped portion of an alley from Bernard Jefferson owner of 208 North 14th Avenue to a vacate a portion of alley approximately 3,050 square feet located between North 14th and North 15th Avenue adjacent to Sub-Parcel #'s 030-0805, 030-0810, 030-0825,030-0820,030-0815,030-0800, and 030-0811.

**ISSUE:** Bernard Jefferson owner of 208 North 14th Avenue to a vacate a portion of alley approximately 3,050 square feet located between North 14th and North 15th Avenue adjacent to Sub-Parcel #'s 030-0805, 030-0810, 030-0825,030-0820,030-0815,030-0800, and 030-08

**RECOMMENDATION:** City Administration recommends City Council hold a public hearing to consider citizen comments.

**TIMING:** City Council action is requested on October 13, 2015.

**BACKGROUND:** The purpose of the vacation request is to improve the property by constructing a fence and adding landscaping.

**FISCAL IMPACT:** None

**ENCLOSED DOCUMENTS:** None

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

**SUMMARY:**

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

# CITY OF HOPEWELL
# CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**
- ☐ Civic Engagement
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**Order of Business:**
- ☐ Consent Agenda
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- ☐ 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:** To provide an update on the proposed cedar tree protection ordinance.

**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, and set a public hearing to consider citizen comments on October 13, 2015.

**TIMING:** City Ccouncil action is requested on October13, 2015.

**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: None

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

**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 |
| ☐ | ☐ | Councilor K. Wayne Walton, Ward #5 |
| ☐ | ☐ | Mayor Brenda Pelham, Ward #6 |
| ☐ | ☐ | Councilor Jackie M. Shornak, Ward #7 |

# ORDINANCES ON SECOND AND FINAL READING

**ORDINANCE 2015-XX**

**An Ordinance amending and reenacting Article IX-M, Downtown Design Review Committee, Section M., Downtown Design Review Committee, of the Zoning Ordinance of the City of Hopewell,**

## 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.

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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.

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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.

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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.

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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.

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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

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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 membership of the Review Committee shall consist of no less than three (3) nor more than five (5) ~~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) member shall be a downtown property owner, ~~one (1)~~ another member shall be a downtown business owner, and the remaining ~~three (3) four~~ member or 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~~ shall be a majority of the membership. A quorum shall be ~~three (3) 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.

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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.

**ORDINANCE 2015-XX**

**An Ordinance amending and reenacting Article XIX, Provisions for Appeals, Section A., Board of Zoning Appeals and Section C., Rules and Regulations, of the Zoning Ordinance of the City of Hopewell,**

## ARTICLE XIX.

## PROVISIONS FOR APPEAL

### A. BOARD OF ZONING APPEALS

1. A board consisting of five (5) or seven (7) residents shall be appointed by the circuit court for the City of Hopewell, Virginia. Members of the board shall hold no other public office in the City except that one may be a member of the Planning Commission. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
2. The term of office shall be for five (5) years, except that the original appointments shall be made for such terms that the term of at least one (1) member shall expire each year.
3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
5. The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

### B. POWERS OF THE BOARD OF ZONING APPEALS

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this Article or of any ordinance adopted pursuant thereto.
2. To authorize, upon appeal in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:
   a. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property; or where

the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

b. No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district in the same vicinity; and (c) that the authorization of such variance will not be substantially detrimental to adjacent property and that the character of the district will not be changed by the granting of the variance.

c. No such variance shall be authorized except after notice and hearing as required by Section 15.1-431, Code of Virginia (1950), as amended.

d. No variance shall be authorized unless the board finds that the condition or situation of the property is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance.

e. In authorizing a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

3. To hear and decide appeals from the decision of the Zoning Administrator.

   a. No such appeal shall be heard except after notice and hearing as provided by Section 15.1-431, Code of Virginia (1950), as amended.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question and after public hearing with notice as required by Section 15.1-431, Code of Virginia (1950), as amended, the board may interpret the map in such a way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this Article shall be construed as granting any board the power to rezone property.

6. To hear and decide application for such special use permits as may be authorized in the ordinance.

   a. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

7. No such special use permit may be granted except after notice and hearing as provided by Section 15.1-431, Code of Virginia (1950), as amended.

8. To hear and decide applications for such special exceptions as may be authorized in the ordinance.

   a. The board may impose such conditions relating to the use for which a special exception is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

9. No such special exception may be granted except after notice and hearing as provided by Section 15.1-431, Code of Virginia (1950), as amended.

## C. RULES AND REGULATIONS

1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.
2. The meeting of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.
3. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.
4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
5. All meetings of the board shall be open to the public.
6. A quorum shall be ~~at least three (3) members~~ a majority of the membership.
7. A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

## D. APPEAL TO THE BOARD OF ZONING APPEALS

Any appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the Zoning Administrator. Such an appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property, which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

## E. APPEAL PROCEDURE

1. Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any.
2. Appeals requiring an advertised public hearing shall be accompanied by a certificate check for one hundred dollars ($100), payable to the treasurer.

## F. PUBLIC HEARING

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or modify the order, requirements, decision, or determination of any administrative officer, or decide in favor of the applicant on any matter upon which it is required to pass under the ordinance, or effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses.

## G. DECISION OF BOARD OF ZONING APPEALS

1. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the municipality, may present to the circuit court of the city a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.
3. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the

determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

5. Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

# ROUTINE GRANT APPROVAL

# 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:** FY 16/17 VITA PSAP Grant Program Application

**ISSUE:** The Hopewell Police Department requests approval to apply for the FY 16/17 Virginia Information Technologies Agency (VITA) Public Safety Answering Point (PSAP) Continuity and Consolidation Program Grant. Localities are eligible to apply for **$150,000** in grant funding. Continuity and Consolidation Program Grants provide funding to PSAPs for programs designed to replace or upgrade wireless E911 equipment and services that are out of service, without vendor support, technically outdated or can no longer perform at an established minimum functional standard. Hopewell's Dispatch Center's current Call Handling Equipment (CHE), VESTA PALLAS, has an XP Operating system that is no longer supported by Microsoft and a software maintenance agreement that expires December 2015. **There is no city match for the two year grant; however, the average cost of new Call Handling Equipment is $223,000.** City funds would be necessary to cover the gap in funding.

**RECOMMENDATION:** Recommend the Hopewell Police Department be permitted to apply for the FY 16/17 VITA PSAP grant and that capital expenditure funds be earmarked in the FY 16/17 (July 2016 to June 2017) Police Department budget to cover the gap in funding.

**TIMING:** Request City Council approval to apply. Application deadline is September 30, 2015.

**BACKGROUND:** The current VESTA PALLAS system was bought with FY 07/08 VITA PSAP Grant funds as a cooperative procurement purchase off of the Clarke County, Virginia contract with Verizon. Hopewell Police Department was awarded $140,761 in PSAP funding. The local match requirement was $35,190. With discounts and credits from Verizon, the total cost of the 2008 equipment was **$137, 367.11.** The city's actual match requirement was **$27,474.11**. Colonial Heights and New Kent County are the closest local partners with a new Call Handling Equipment system at a cost of $223,000. Clarke County is not a local partner but has the new Call Handling Equipment system at a cost of $173,000. Clarke County also has cooperative procurement language in its agreement with a CHE vendor that Virginia localities can use to make purchase.

**SUMMARY:**

| Y | N | | Y | N | |
|---|---|---|---|---|---|
| ☐ | ☐ | Vice Mayor Christina Luman-Bailey, Ward #1 | ☐ | ☐ | Councilor Wayne Walton, Ward #5 |
| ☐ | ☐ | Councilor Arlene Holloway, Ward #2 | ☐ | ☐ | Mayor Brenda Pelham, Ward #6 |
| ☐ | ☐ | Councilor Anthony Zevgolis, Ward #3 | ☐ | ☐ | Councilor Jackie Shornak, Ward #7 |
| ☐ | ☐ | Councilor Jasmine Gore, Ward #4 | | | |

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Since it became operational in January 2009, the VESTA PALLAS system has been fully functioning with minimal technical service needed on a 24 hour a day, seven day a week, 365 days a year basis. However, the software is dated and service support of the system will soon be unavailable. Without replacement of this critical Call Handling Equipment system, we risk system failure which would leave the City without the ability to accept emergency and non-emergency wireless and wireline 911 calls from citizens and visitors of the City of Hopewell.

**FISCAL IMPACT:** City funding of up to $73,000 may be required for this grant.

**ENCLOSED DOCUMENTS:**
FY 15/16 PSAP Grant Program Guidelines (guidelines are applicable for FY 16/17)
Draft FY 16/17 Grant Application

**STAFF:** John F. Keohane, Chief of Police
Kimberly Parson, Administrative Services Manager

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**SUMMARY:**

| Y | N | | Y | N | |
|---|---|---|---|---|---|
| ☐ | ☐ | Vice Mayor Christina Luman-Bailey, Ward #1 | ☐ | ☐ | Councilor Wayne Walton, Ward #5 |
| ☐ | ☐ | Councilor Arlene Holloway, Ward #2 | ☐ | ☐ | Mayor Brenda Pelham, Ward #6 |
| ☐ | ☐ | Councilor Anthony Zevgolis, Ward #3 | ☐ | ☐ | Councilor Jackie Shornak, Ward #7 |
| ☐ | ☐ | Councilor Jasmine Gore, Ward #4 | | | |

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City of Hopewell

**RESOLUTION**

A resolution of the City of Hopewell to apply for the 2015 Industrial Revitalization Fund grant for the renovation of the old Broyhill Building and the revitalization of a vacant parcel, adjacent to this site, by the City of Hopewell.

WHEREAS, the Council for the City of Hopewell approves the application for an Industrial Revitalization Fund grant for renovation of the old Broyhill Building and the revitalization of a vacant parcel adjacent to this site by the City of Hopewell.

WHEREAS, the Council for the City of Hopewell is committed to the revitalization of the Downtown Hopewell and believes the proposed supports the City of Hopewell and the local region's strategic economic development plans and goals; and

WHEREAS, Council for the City of Hopewell understands that the funds requested from the Industrial Revitalization Fund will be matched by the third party application, and that in accordance with DHCD's requirements.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOPEWELL, that City Council does hereby authorize the preparation and submission on behalf of the City of Hopewell a "2015 Industrial Revitalization Fund (IRF) Grant Application" to the Department of Housing and Community Development for the renovation of the old Broyhill site and the adjacent property.