

**CLOSED  
SESSION**

# CONSENT AGENDA

# PENDING LIST

# Pending City Councilor Request

Request	Date Voted/Requested	2 <sup>nd</sup>		Format/Information Requested	Point Person	Meeting to be submitted
		Vote/Reading				
1 Public Works/Stormwater Public Outreach Brochure and Information Session	10/28/2014; 12/9/2014; 1/13/2015					
2 Beacon Update; RFP; Marketing Plan; Beacon LLC;	1/13/2015; Closed Session Requests			<ul style="list-style-type: none"> <li>Dates of Information Session</li> <li>Finished Brochure with Council Changes</li> <li>Report/Memo</li> </ul>	Ben Leach	Meeting to be submitted
3 Action List Update; Planned Work Sessions	2/10/2015			*See attached	Mark Haley	
4 Change Talent Bank Resume to exclude litigation question	2/10/2015				Stefan Calos	
5 Revision of Council Rules and Procedures	2/10/2015				Stefan Calos	
6 Procedural guide for citizens and/or organizations requesting city funds	2/10/2015			Work Session Request		
7 Cost update on city taking control of Malonee Gym	2/10/2015			Draft policy and form	Mark Haley	
8 Cost to build track at HHS and practice football field inside of it	2/10/2015			Data Sheet	Jerry Whitaker	
9 City Councilors to submit Advance topics to address	5/12/2015			Data Sheet	Mark Haley	
10 VML training for Directors, City Council and Admin.	5/12/2015			E-mail format *See attached	Ed Watson	
11 Create internal policy to recap major events/emergencies and communication workflow	5/12/2015			Work Session Request		
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			Requested copy of Water Restriction events report with American Water	Mark Haley	
3 City Logo's work sessions; compile all used locals for approval. Create official business packet/brochure to highlight Incentives using official logos.	5/12/2015			Draft policy and Quick Reference Chart/Tree	Herbert Bragg Ben Rupert	
4 Streamlining agenda process	5/9/2015			E-mail/Printed Logos collected used (before Work Session) Work Session Request	Mark Haley	
5 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			Work Session Request		
6 Boards and Commission City Council Letter for Reports, Joint Meetings & Information (past/curr- /future projects; bylaws)	2013-Present			Draft Brochure	Mark Haley Herbert Bragg	
				Letter/E-Mail Request and CC City Council	City Clerk Staff Liaisons	

**Obcls & Ends**

Pending 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 Confidentiality 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		
PG/Hopewell Health Families Funding Request & Change of Name of Organization	Regular Meeting	Point Person	Meeting to be submitted
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 for non-suggested dates)

	Request Date or Type	Point Person	Date City Council will submit availability and/or meeting request 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			
<b>Joint Meeting Requests</b> (Refer to calendar for suggested dates)	Request Date or Type	Point Person	Date City Council will submit availability and/or meeting request suggestions by
HDP	CCR		
Planning Commission	*Dual request		
School Board	CCR		
HRHA	CCR		
ARB	CCR		
EDA	*Dual request		

C-4

**PERSONNEL**

**CHANGE**

**REPORT**

**&**

**FINANCIAL**

**REPORT**

**DATE:** December 7, 2015  
**TO:** The Honorable City Council  
**FROM:** Gail Vance, Director of Human Resources  
**SUBJECT:** Personnel Change Report – November 2015

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**ADDITIONS (Regular FT and PT positions only)**

NAME	DEPARTMENT	POSITION	DATE
BACH, JEREMY	SHERIFF	SHERIFF DEPUTY	11/12/2015
BATTIATA, JOSEPH	PUBLIC WORKS	STRM WTR PROG MGR	11/11/2015
BECKWITH, CHALISE	SOCIAL SERVICES	OFFICE SUPV	11/12/2015
EMERSON, MEGAN	TREASURER	GEN CLK	11/25/2015
NORTON, BRANDI	POLICE	ANIM CONT CUST	11/12/2015

**PROMOTIONS**

NAME	DEPARTMENT	POSITION	DATE
PHELPS, HUNTER	PUBLIC WORKS	L & T SUPV	11/11/2015

**SEPARATIONS**

NAME	DEPARTMENT	POSITION	DATE
BROWN, ROGER	DEVELOPMENT	BUILDING OFFICIAL	11/30/2015
CAIRNES, ANTHONY	PUBLIC WORKS	AUTO MECH II	11/18/2015
CORTESE, TONI	SOCIAL SERVICES	HUMAN SER AST III	11/16/2015
LIPSCOMB JR, FREDERICK	PUBLIC WORKS	ST. MAINT SPEC I	11/13/2015
NORTON, JASON	SHERIFF	SHERIFF DEPUTY	11/12/2015
MARSHALL, ELIZABETH	FINANCE	ACT CLERK II	11/13/2015
SMITH, VANESSA	POLICE	POL OFFICER	11/10/2015
WALTON, KIMBERLY	SOCIAL SERVICES	FAM SERV SPEC I	11/30/2015

**CC:** Mark Haley, City Manager  
Charles Dane, Assistant City Manager  
Debbie Pershing, Senior Executive Assistant  
Jerry Whitaker, Finance Director  
Dipo Muritala, Accounting Manager  
Kim Hunter, Payroll  
Jay Rezin, IT  
Peter Kelly, IT  
Dave Harless, Risk/Safety Coordinator  
Carol Scarbrough, Parks & Recreation

**PROCLAMATIONS**

§

**RESOLUTIONS**

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**PRESENTATIONS**

## **Proclamation**

Whereas, the Department of Recreation and Parks works closely with a variety of community partners to enhance opportunities for all citizens, and

Whereas, the community partners of Hopewell are dedicated to bettering the City of Hopewell by enhancing parks and play areas, and

Whereas, the community partners of Hopewell have provided volunteer labor, in-kind services, financial support, and other resources, and

Whereas, the community partners of Hopewell recognize that parks have the ability to strengthen and unite communities, and

Whereas, the City of Hopewell is grateful for the support that has been provided by its community partners, and

Now, therefore, the Mayor, Brenda S. Pelham, of the City of Hopewell, Virginia, does hereby proclaim that Honeywell Corporation, Hopewell Cogeneration Facility, Vulcan Materials, Rebuilding Together-Tri Cities, and Friends of the Lower Appomattox River shall be considered integral community partners as demonstrated by their support and completion of enhancement projects at City Park and Atwater Park and Soccer Complex.

# PUBLIC HEARINGS

**PUBLIC NOTICE**

The City Council of the City of Hopewell will hold a Public Hearing on Thursday, December 15, 2015, at 7:30 p.m. in the City Council Chambers, Municipal Building, 300 N. Main St., Hopewell. Virginia.

The purpose of the Public Hearing is to receive public comments regarding:

A request for a Conditional Use Permit submitted by Frankie Jones to operate a consignment shop to sell secondhand appliances and household items at 1410 West City Point Road [Subparcel – 024-1340] located in the (B-2) Limited Commercial District in accordance with the City of Hopewell Zoning Ordinance, Article X, Section A(16).

A request for a Conditional Use Permit submitted by Shawn M. Grant to construct a privacy fence greater than 4 feet in height but less than 7 feet in height in the corner side yard at 2209 Pickett Street [Subparcel – 013-1420] located in the (R-2) Residential, Medium Density District in accordance with the City of Hopewell Zoning Ordinance, Article XVIII, Section A(7)b(1)i.

Information regarding the above referenced matters may be examined at the Department of Neighborhood Assistance and Planning located at 300 North Main Street, Room 321. Additionally, information can be obtained by telephone at (804) 541-2220.

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER**

**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 1<sup>st</sup> Reading
- Approve Ordinance 2<sup>nd</sup> Reading
- Set a Public Hearing
- Approve on Emergency Measure

**COUNCIL AGENDA ITEM TITLE:** Hold a public hearing to consider a request for a Conditional Use Permit (CUP) to locate a six (6) foot fence in the corner side yard of 2209 Pickett Street.

**ISSUE:** The City has received a request from Shawn M. Grant for a Conditional Use Permit (CUP) in accordance with Article XVIII, Section A(7)b(1)i, of the City of Hopewell Zoning Ordinance to construct a six (6) foot privacy fence in the corner side yard.

**RECOMMENDATION:** City Administration recommends City Council hold a public hearing to consider the Conditional Use Permit request and to take appropriate action.

**TIMING:** City Council action is requested on December 15, 2015.

**BACKGROUND:** The subject property, 2209 Pickett Street is located at the intersection of South 23<sup>rd</sup> Avenue and Pickett Street. The property consists of Lots 11 & 12, Block 33, Battleground Addition, also known as Sub-parcel # 013-1420. A 1,613 square foot single family detached wood frame with vinyl siding house, built in 1950, is located on the property. A six (6) foot privacy fence is proposed to be located along the western portion of the property along South 23<sup>rd</sup> Avenue. A portion of the fence is to be located in the corner side yard of the property, which is not permitted by-right in the Zoning Ordinance.

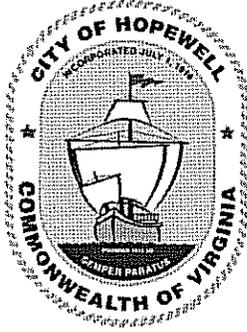
**FISCAL IMPACT:** None.

**ENCLOSED DOCUMENTS:** Staff Report

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

**SUMMARY:**

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



**Shawn M. Grant**  
**2209 Pickett Street**  
**Conditional Use Permit**  
Staff Report prepared for the Planning Commission Regular Meeting

November 5, 2015

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

**I. PUBLIC HEARINGS:**

Planning Commission	November 5, 2015	Recommended Approval
City Council	December 15, 2015	Pending

**II. IDENTIFICATION AND LOCATIONAL INFORMATION:**

Requested Zoning:	N/A
Existing Zoning:	R-2, Residential, Medium Density
Acreage:	6,033 square feet
Owner:	Shawn M. Grant
Location of Property:	2209 Pickett Street
Subparcel Number:	013-1420
Election Ward:	Ward 3
Land Use Plan Recommendation:	Residential
Strategic Plan Goal:	N/A
Map Location(s):	Lots 11 & 12, Block 33, Battleground Addition
Zoning of Surrounding Property:	North: R-2 South: R-2 East: R-2 West: R-2

**III. EXECUTIVE SUMMARY:**

The City of Hopewell has received a request from Shawn M. Grant for a Conditional Use Permit (CUP) in accordance with Article XVIII, Section A(7)b(1)i of the City of

Hopewell Zoning Ordinance, to construct a privacy fence greater than 4 feet in height and less than 7 feet in height in the corner side yard.

**APPLICABLE CODE SECTIONS:**

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

*Article XVIII, A. General Provisions- Citywide, 7. Fencing, b. Permitted Fences, (1) Residential Zoning Districts, (i):*

"No fence higher than four (4) feet shall be permitted in any front or corner side yard between the street line and the front or side building line of the subject property and any adjacent property; provided, however, that City Council may grant a Conditional Use Permit for a fence not to exceed seven (7) feet in height in these areas.

*Article XXI Amendments, D. Conditional and Special Use Permits, Sub-Section c. 1-3:*

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

*Article XXI Amendments, D. Conditional and Special Use Permits, Subsection d.*

**d. Approval Criteria**

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

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

#### **IV. SUBJECT PROPERTY:**

The subject property, 2209 Pickett Street, is located at the intersection of South 23<sup>rd</sup> Avenue and Pickett Street. The property consists of Lots 11 & 12, Block 33, Battleground Addition, also known as Sub-Parcel # 013-1420. A 1,613 square foot single family detached wood frame with vinyl siding house, built in 1950, is located on the property. A six (6) foot privacy fence is proposed to be located along the western portion of the property along South 23<sup>rd</sup> Avenue. A portion of the fence is to be located in the corner side yard of the property, which is not permitted by-right in the Zoning Ordinance.

Per the Hopewell Zoning Ordinance, the side yard is defined as an open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line. Corner side yard is the side yard facing the street.

**V. ZONING/STAFF ANALYSIS:**

The applicant is applying for a fence permit to construct a six (6) feet wooden privacy fence on the western portion of his property. The applicant indicates that the fence would extend from the front plane of the house on the corner side yard to the rear property line (Attachment).

The Zoning Ordinance indicates that the fence cannot extend higher than four (4) feet in the corner side yard (without an approved conditional use permit), but the fence may be seven (7) feet in the side and rear yard area.

The applicant states that the privacy fence will be no greater than 7 feet in height, but will restrict public access to the property by foot. The applicant also indicates that a canine will be on the premises and the fence will provide safety to the applicant's home as well as the general public.

Fences in residential areas are intended to provide privacy and security to the homeowner. In providing these benefits, fences should be aesthetically pleasing to the surrounding community and not be a hazard to vehicular traffic on surrounding streets by impeding the views through clear vision areas.

The applicant seeks to provide privacy and security for himself as well as those passing by the property. Staff found that the request for a fence in the corner side yard located approximately 30 feet from the front property line and directly along the corner side property line does not create a hazard to vehicular traffic.

**VII. STAFF RECOMMENDATION:**

The Staff recommends approval of the request submitted by Shawn M. Grant to construct a privacy fence in the corner side yard of 2209 Pickett Street.

Staff would further recommend that the following conditions be imposed:

- the fence must be wooden or wood composite;
- the fence shall not exceed six (6) feet in height from the ground elevation; and,
- the fence shall not extend any closer than 30 feet from the front property line and may be along the corner side property line.

**VIII. PLANNING COMMISSION RECOMMENDATION:**

With a vote of 5 to 0 at their November 5, 2015 meeting, the Planning Commission recommended approval of the request by Shawn Grant for a Conditional Use Permit to construct a fence at 2209 Pickett Street with the following conditions:

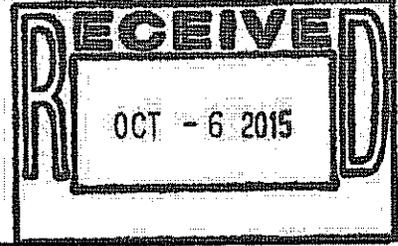
1. The fence must be wooden or wood composite.
2. The fence shall not exceed six (6) feet in height from the ground elevation.
3. The fence shall not extend any closer than 30 feet from the front property line and may be along the corner side property line.

Attachment(s):

1. Application for Conditional Use Permit
2. Location Map
3. Property Map
4. Site Pictures



The City  
of  
Hopewell, Virginia



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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

*Sjvind485@jmsb.ca*

APPLICANT: SHAWN M. GRANT  
ADDRESS: 2209 PICKETT ST.  
HOPEWELL, VA 23860  
PHONE #: (804) 896-2084 FAX #:                     

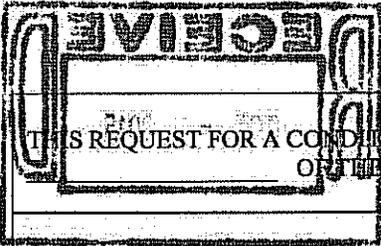
INTEREST IN PROPERTY:  OWNER OR  AGENT  
*IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.*  
OWNER: SHAWN M. GRANT  
ADDRESS: 2209 PICKETT ST.  
HOPEWELL, VA 23860  
PHONE #: (804) 896-2084 FAX #:                     

PROPERTY ADDRESS / LOCATION:  
2209 PICKETT ST. HOPEWELL VA 23860  
PARCEL #: 013-1420 ACREAGE:                      ZONING: R-2

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

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

1. FLOOR PLANS OF THE PROPOSED BUILDINGS.
2. THE PROPOSED DEVELOPMENT WITH FRONT, SIDE, AND REAR ELEVATIONS.



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

PRESENT USE OF PROPERTY:

MAIN RESIDENCE - SINGLE FAMILY DWELLING

THE CONDITIONAL USE PERMIT WILL ALLOW:

BUILDING A PRIVACY FENCE ON A SIDE LOT-FACING AREA OF THE RESIDENCE (RESIDENCE IS ON A CORNER LOT)

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

THE FENCE WILL BE NO GREATER THAN 7 FEET IN HEIGHT, BUT WILL RESTRICT PUBLIC ACCESS TO THE PROPERTY BY FOOT. THERE WILL BE A CANINE ON PREMISES THAT I DO NOT WANT PUBLIC ACCESS TO.

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

A CANINE WILL BE LOCATED INSIDE OF THE FENCE AND THE HIGHER FENCE WILL PROVIDE SAFETY TO MY HOME, AS WELL AS THE GENERAL PUBLIC.

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

THE REASON FOR THE FENCE REQUEST HAS BEEN EXPRESSED ABOVE.

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

[Handwritten Signature]

APPLICANT SIGNATURE

10/6/15

DATE

OFFICE USE ONLY

DATE RECEIVED \_\_\_\_\_

DATE OF ACTION \_\_\_\_\_

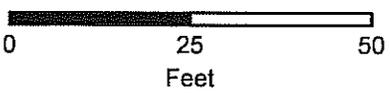
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

APPROVED WITH THE FOLLOWING CONDITIONS:

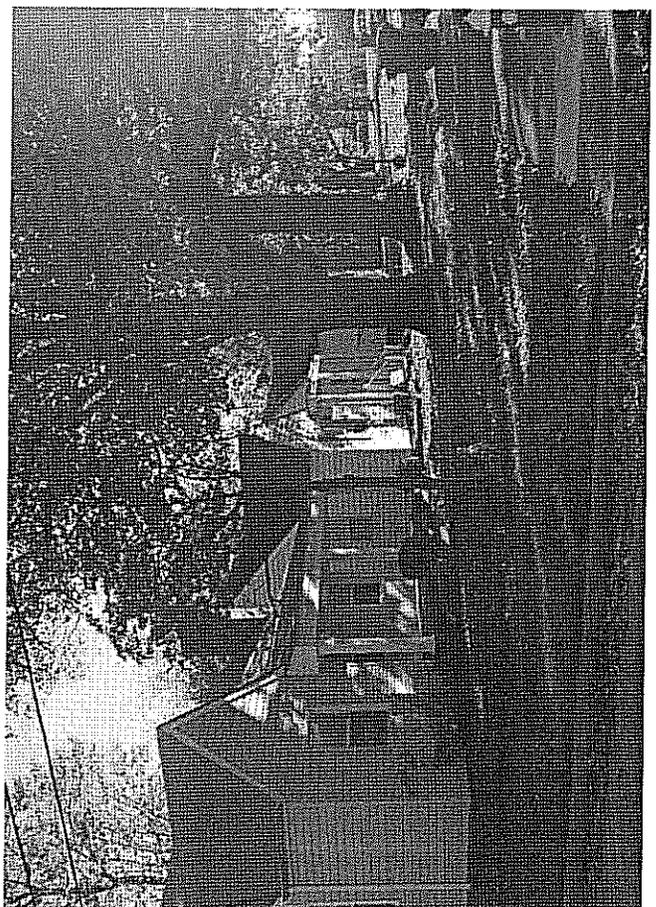
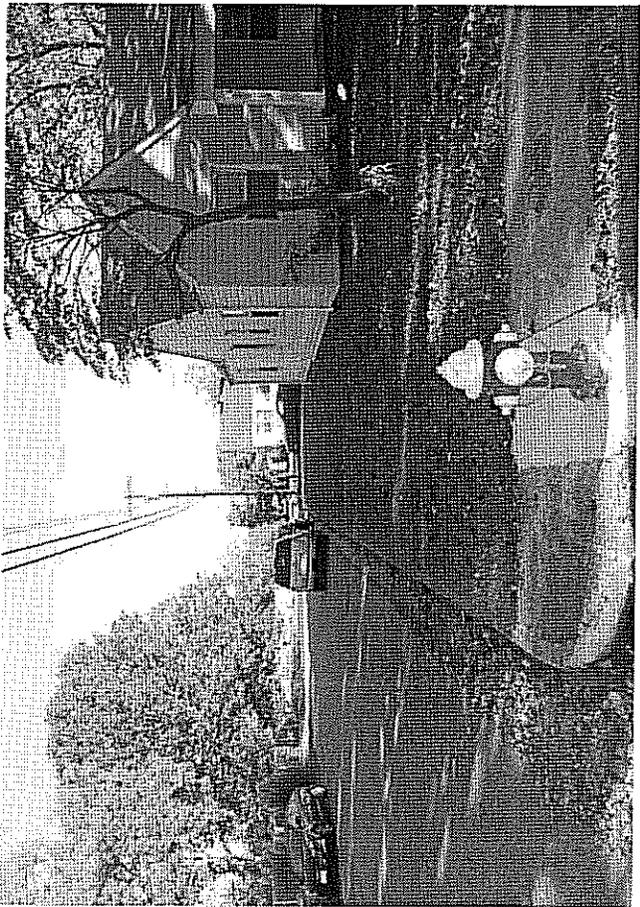
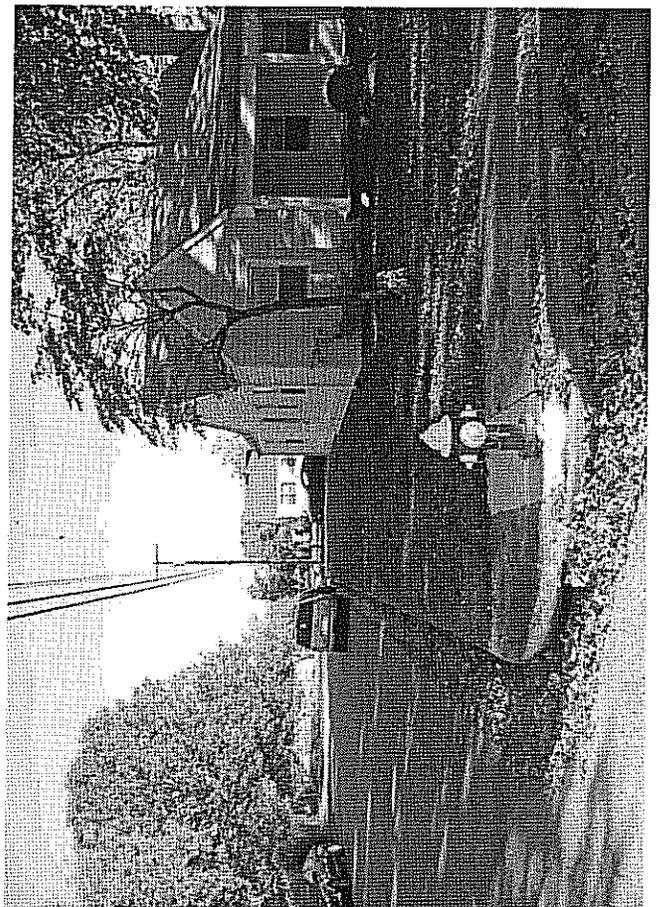
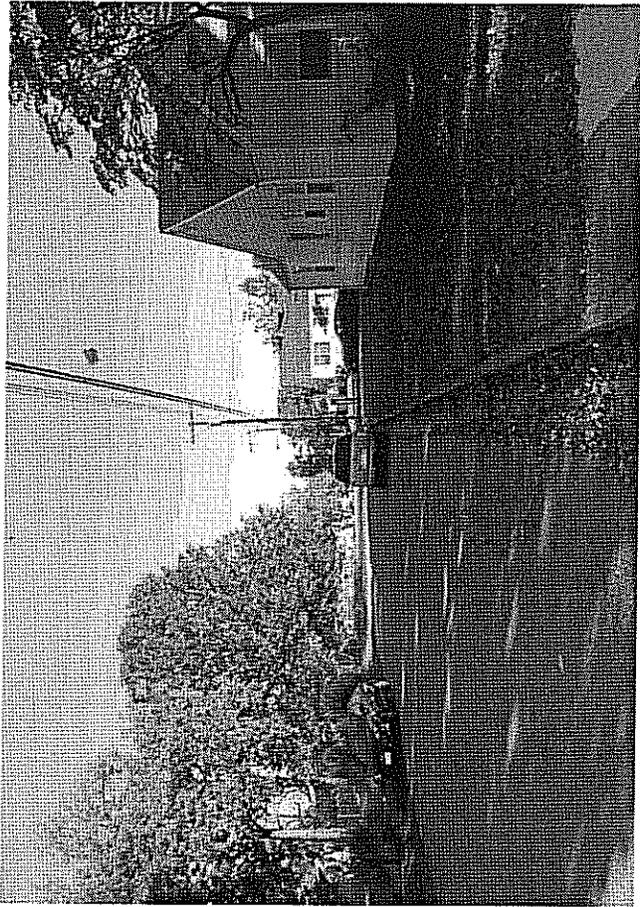
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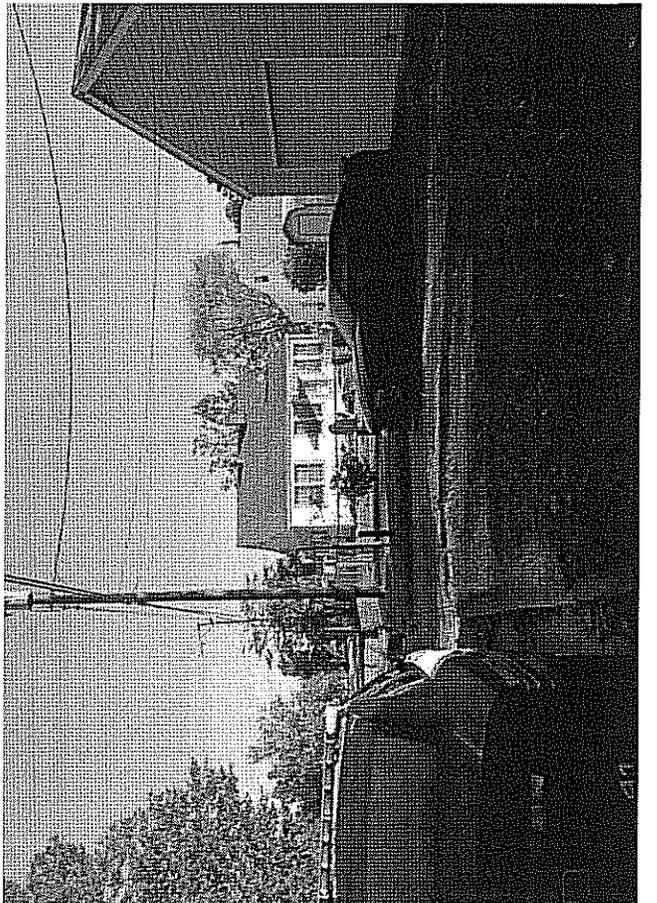
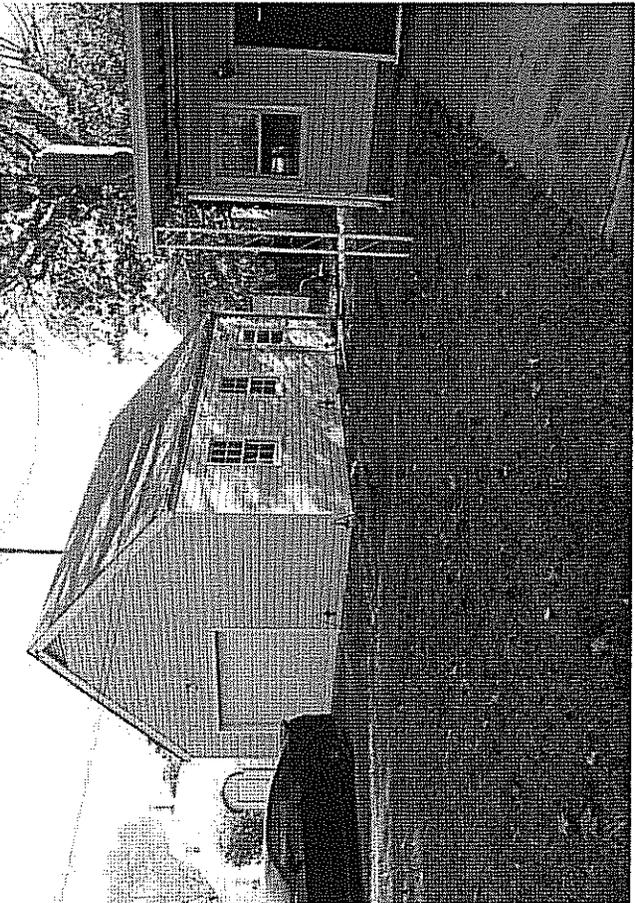
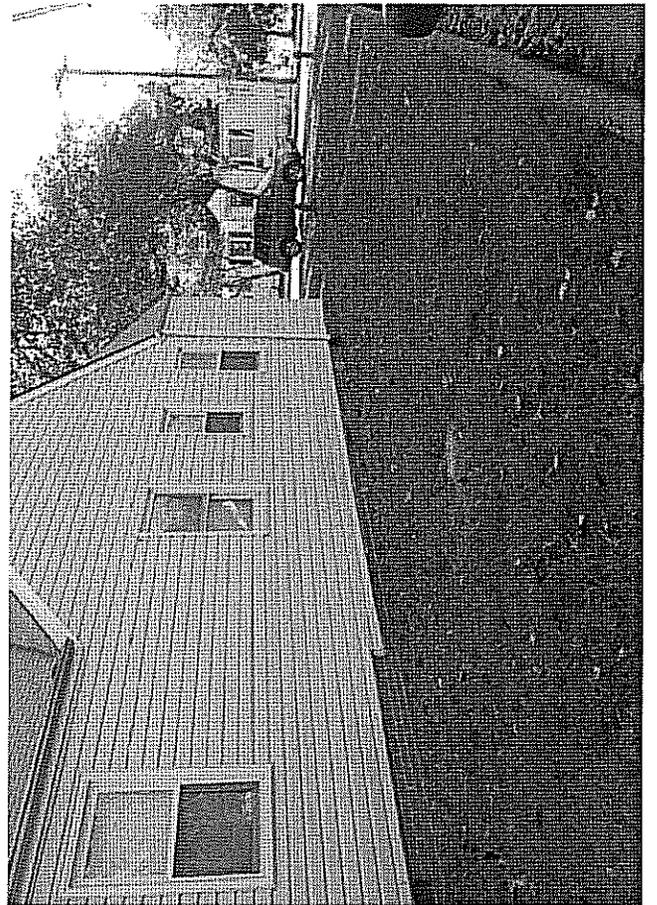


Denotes Fence Location



Imagery, Copyright 2013 Commonwealth of Virginia





**PH-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:** Hold a public hearing to consider a request for a Conditional Use Permit (CUP) to operate a consignment shop to sell second hand appliances and household items at 1410 West City Point Road.

**ISSUE:** The City has received a request from Frankie Jones for a Conditional Use Permit (CUP) in accordance with Article X, Limited Business District (B-2), A(16) Consignment Shop with A Conditional Use Permit, of the City of Hopewell Zoning Ordinance. Consignment Shops in the Limited Business District (B-2) require a Conditional Use Permit approved by the City Council.

**RECOMMENDATION:** City Administration recommends City Council hold a public hearing to consider the Conditional Use Permit request and to take appropriate action.

**TIMING:** City Council action is requested on December 15, 2015.

**BACKGROUND:** The subject property, 1410 West City Point Road is located on West City Point Road between South 14<sup>th</sup> Avenue and South 15<sup>th</sup> Avenue. The property consists of Lots 4, 5, and 6, Block 14 Buren, also known as Sub-parcel # 024-1340. The applicant previously obtained a Conditional Use Permit (CUP) for a consignment shop at 908 West City Point Road approved by City Council on June 10, 2014. The applicant has needs to expand his business and does not have the necessary amount of square footage at the current location. The property at 1410 West City Point Road allows the applicant to expand the business.

**FISCAL IMPACT:** Real Estate Tax Revenue

**ENCLOSED DOCUMENTS:** Staff Report  
Letter from Adjacent Property Owner

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

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Vice-Mayor Christina J. Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor K. Wayne Walton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Brenda S. 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			



**Applicant: Frankie Jones**  
**1410 West City Point Road**  
**Owner: ACE Rental Inc.**  
**Conditional Use Permit – Consignment Shop**  
Staff Report prepared for the Planning Commission Regular Meeting

November 5, 2015

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

**I. PUBLIC HEARINGS:**

Planning Commission	November 5, 2015	Recommended Approval
City Council	December 15, 2015	Pending

**II. IDENTIFICATION AND LOCATIONAL INFORMATION:**

Requested Zoning:	N/A
Existing Zoning:	B-2, Limited Business District
Acreage:	0.268 acres or 11,655 square feet
Owner:	Ace Rental Inc.
Location of Property:	1410 West City Point Road
Subparcel Number:	024-1340
Election Ward:	Ward 2
Land Use Plan Recommendation:	Commercial
Strategic Plan Goal:	N/A
Map Location(s):	Lots 4, 5, and 6, Block 14, Buren
Zoning of Surrounding Property:	North: B-2 South: B-2 East: B-2 West: B-2

### III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Frankie Jones for a Conditional Use Permit (CUP) to operate a consignment shop to sell second-hand appliances, and furniture. The property is located on West City Point Road between South 14<sup>th</sup> Avenue and South 15<sup>th</sup> Avenue. The applicant previously obtained a Conditional Use Permit at 910 West City Point Road in 2014 for the same type of business. The applicant will close the business at 910 West City Point Road and open the shop at 1410 West City Point Road if approved. The conditional use permit is tied to the property, not the business.

### APPLICABLE CODE SECTIONS:

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

*Article X Limited Commercial District (B-2), A. Use Regulations:*

16. Consignment store, with a Conditional Use Permit issued by City Council.

*Article XXI Amendments, Section D, Conditional and Special Use Permits, Sub-Section c. 1-3:*

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

*Article XXI Amendments, Section D, Conditional and Special Use Permits, Sub-Section c.4:*

4. In approving any conditional use permit, the City Council may impose conditions or limitations on any approval as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:

- i. Special setbacks, yard or construction requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics; and
- ii. A performance guarantee, acceptable in form, content and amount to the City, posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

*Article XXI Amendments, Section D, Conditional and Special Use Permits, Sub-Section d.:*

d. Approval Criteria

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

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

construction in the immediate neighborhood or the character of the applicable zoning district, and shall enhance the quality of the neighborhood.

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

#### **IV. SUBJECT PROPERTY:**

The subject property, Lots 4-6, Block 14 of the Buren Subdivision, is located in the B-2 Zoning District. It is located on West City Point Road between South 14<sup>th</sup> Avenue and South 15<sup>th</sup> Avenue. The total square footage of the building is 4,650 square feet. The building requires repairs to the exterior front and side façade. The cornice and shingles across the frontage of the building are noticeably in poor condition.

#### **V. ZONING/STAFF ANALYSIS:**

The applicant is requesting a conditional use permit in accordance with Article X, Section A(16), which requires consignment shops to obtain a conditional use permit in the Limited Commercial (B-2) District. The applicant will operate a gift shop that sells sun glasses, hand bags, and other gift-oriented items by-right. The applicant also desires to sell second-hand appliances and furniture via consignment.

A consignment shop is defined as an enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.

This applicant previously obtained a conditional use permit for a consignment shop for the same business at 910 W. City Point Road in 2014. Since this date, staff has received a few complaints about the consignment component of this business and outside sales of goods.

The intent of the Limited Commercial (B-2) Zoning District is to protect the existing commercial establishments presently located on major traveled streets and to enhance the area in order to attract similar types of establishments. The Zoning Ordinance indicates that because of the unusual shallowness and or narrowness of lots in these areas, only certain commercial uses, which will not cause an increase in traffic volumes, will be allowed. Staff suggested in the 2014 application by Mr. Jones that a consignment shop would not increase traffic volumes beyond that of other uses permitted along West Broadway. Today, staff maintains a similar opinion that the consignment shop would be consistent in traffic volume as other uses would in the area.

To make a decision concerning this conditional use permit, the Planning Commission must ask themselves the seven (7) criteria questions posed in Article XXI, Section D.

**VII. STAFF RECOMMENDATION:**

Staff reviewed the approval criteria provided as provided in Section D of Article XXI and conclude that a consignment shop meets the requirements outlined in this section. Therefore, staff recommends approval of the conditional use permit request submitted by Frankie Jones to operate a consignment shop subject to the following conditions:

1. Items sold for consignment cannot be displayed outside in accordance with Article XVIII, Section 20, Outside Display of Merchandise.
2. The building must be painted a color that is natural or neutral and blends with the adjacent building connected to 1410 West City Point Road.
3. The cornice of the building must be repaired.
4. The shingles must be repaired or replaced on all sides of the building
5. This Conditional Use Permit shall be granted to and for Frankie Jones, exclusively and shall not be transferable or run with the land.

**VIII. PLANNING COMMISSION RECOMMENDATION:**

With a vote of 4-0 with one abstaining vote at their November 5, 2015 meeting, the Planning Commission recommended approval of the request by Frankie Jones to operate a consignment shop at 1410 West City Point Road with the following conditions:

1. Items sold for consignment cannot be displayed outside in accordance with Article XVIII, Section 20, Outside Display of Merchandise.
2. The building must be painted a color that is natural or neutral and blends with the adjacent building connected to 1410 West City Point Road.
3. The cornice of the building must be repaired
4. The shingles must be repaired or replaced on all sides of the building.
5. This Conditional Use Permit shall be granted to and for Frankie Jones, exclusively, and shall not be transferable or run with the land.

6. Letter from adjacent property must be addressed when applying for change of occupancy permit.

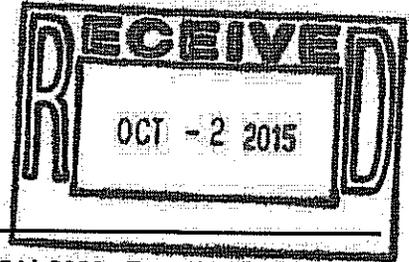
The Planning Commission states this recommendation of approval with conditions will improve the façade at this location and contribute to the continued success of businesses in the city.

Attachment(s):

1. Application for Conditional Use Permit
2. Property Map
3. Site Pictures



The City  
of  
Hopewell, Virginia



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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICANT: FRANKIE JONES / WAYNE TAYLOR

ADDRESS: 908 W. CITY POINT RD HOPEWELL, VA 23860

PHONE #: 804-617-1909 FAX #: \_\_\_\_\_

INTEREST IN PROPERTY:  OWNER OR \_\_\_\_\_ AGENT  
*IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.*

OWNER: WAYNE TAYLOR

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_

PROPERTY ADDRESS / LOCATION:  
1410 W. CITY POINT RD HOPEWELL

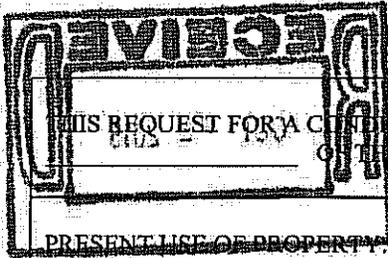
PARCEL #: 524-1340 ACREAGE: \_\_\_\_\_ ZONING: \_\_\_\_\_

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

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

1. FLOOR PLANS OF THE PROPOSED BUILDINGS. \_\_\_\_\_

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



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

PRESENT USE OF PROPERTY

THE CONDITIONAL USE PERMIT WILL ALLOW:

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

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

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

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

[Signature]
APPLICANT SIGNATURE

10/8/15
DATE

OFFICE USE ONLY

DATE RECEIVED \_\_\_\_\_ DATE OF ACTION \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

APPROVED WITH THE FOLLOWING CONDITIONS:

**PRESENT USE OF PROPERTY:**

Property is empty and not currently being used. We are in the process of trying to purchase the building.

**THE CONDITIONAL USE PERMIT WILL ALLOW:**

Unique Gifts and Accessories to continue our current consignment business of appliances and household items. These items include refrigerators, stoves/ranges (electric/gas), microwaves, washer and dryers, toasters and Forman cookers. As well as other small household appliances and furniture (ex. dining room sets, sofas, love seats, desk, etc..).

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

Our intent is to be an asset to those residing and working in the neighborhood.

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

The quality merchandise and service we provide is an asset to the area

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

Our business is an upper level consignment/retail store and is operated with integrity and professionalism. This area is being rejuvenated with new and established businesses and it's our intent to maintain that standard.

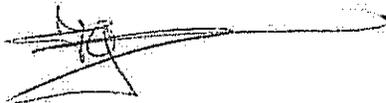
**PROPOSED HOURS OF BUSINESS**

Monday – Friday 0900 – 6:00pm

Saturday 0900 – 4:00pm

Closed Sunday

Closed National Holidays

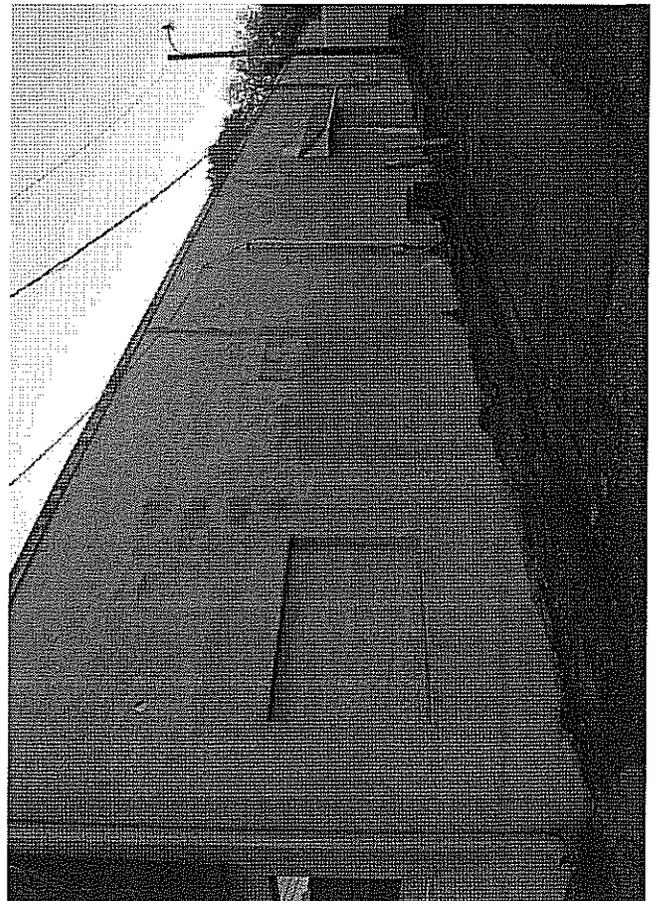
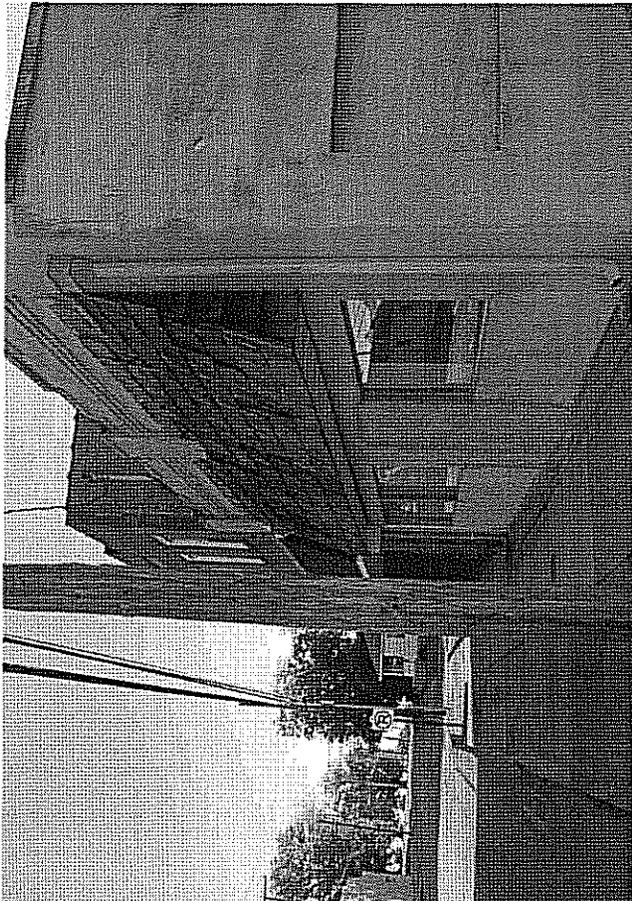
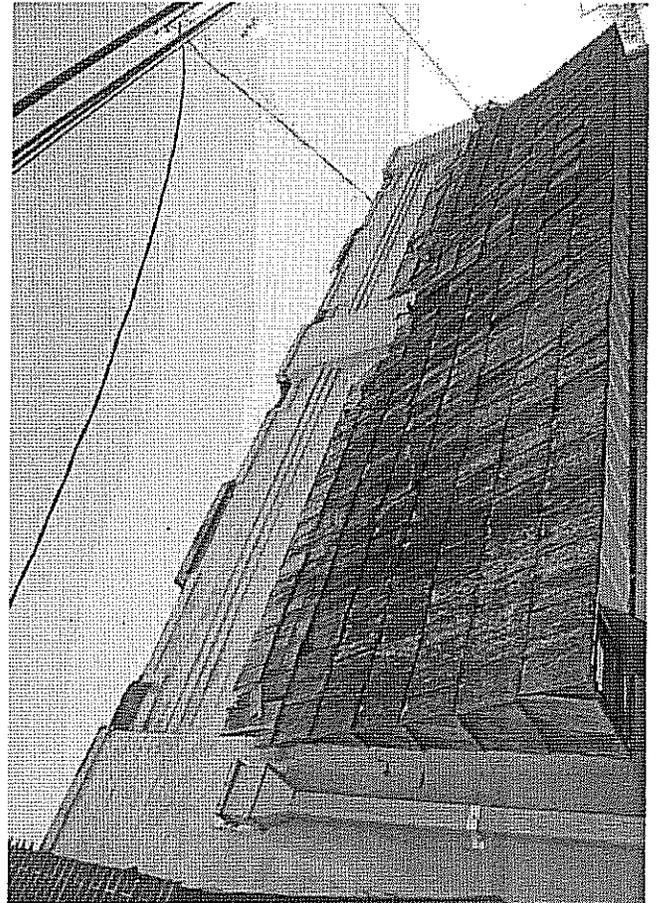
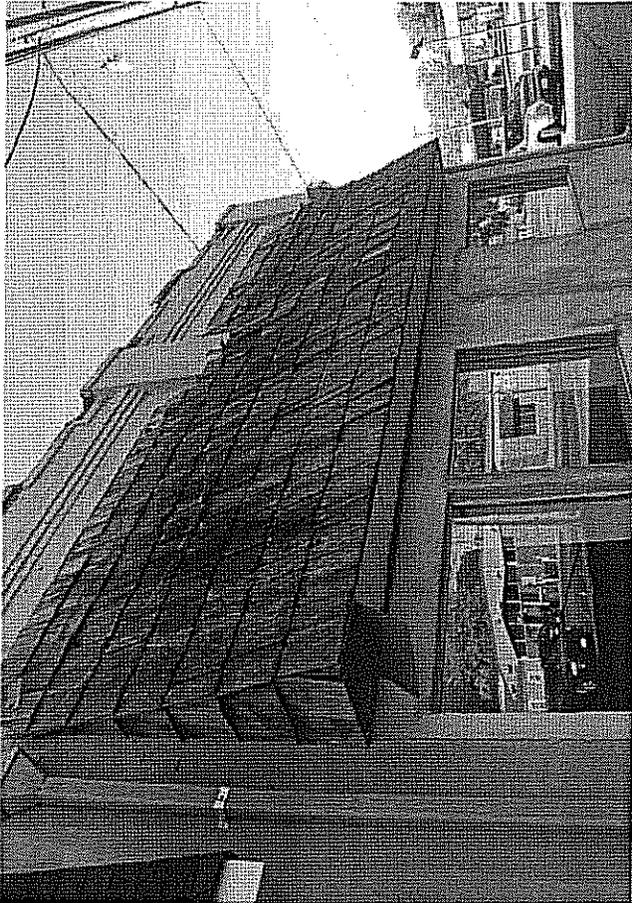




0 12.5 25 50 Feet



Imagery, Copyright 2013  
Commonwealth of Virginia





November 5, 2015

Mr. Horace H. Wade, III  
City Planner  
City of Hopewell  
300 North Main Street  
Hopewell, VA 23860  
hwade@hopewellva.gov

**SUBJECT: CONDITIONAL USE OF 1410 CITY POINT ROAD**

Dear Mr. Wade:

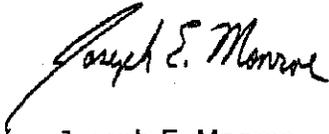
I am the owner of 1404 City Point Road, Hopewell. We have received the notification of a request for conditional use of 1410 City Point Road, which is directly beside our building. There are several major structural and safety issues with the 1410 property such as:

1. The east wall near the rear of the building is not sound. The cinder blocks are cracked, leaning outward, and appear to get worse each year.
2. The building has no heat. The natural gas line was removed by Columbia Gas several years ago.
3. The front façade roof is in need of major repair.
4. The south-west corner roof of the building was damaged last year and is being supported by a temporary wooden column.
5. The "stucco type" coating on the building exterior is constantly falling off in small sections.
6. The building does not have a functioning bathroom.
7. The roof leaks in multiple locations.
8. There is a 15" x 14" floor drain in the rear room which contains standing water.

As full disclosure, our company rents this building from the owner and we use it as a warehouse. We believe, that in its present condition, this is the only use for which this building is appropriate. For safe useage as a building open to the public, I feel many upgrades will be needed.

It is unfortunate that I am unable to attend the meeting and address my concerns. I have a previous commitment for a Chesterfield County Board of Supervisors public meeting concerning road and traffic issues near my home in Enon.

Very truly yours,

A handwritten signature in black ink that reads "Joseph E. Monroe". The signature is written in a cursive style with a large initial "J" and "M".

Joseph E. Monroe  
General Manager

**COMMUNICATIONS  
FROM CITIZENS**

**UNFINISHED  
BUSINESS**

**UB-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:** Report on the “Imperium” filming economic impact.

**ISSUE:** A report on the Virginia Film Office fiscal impact study from the filming of the movie “Imperium.”

**RECOMMENDATION:**

**TIMING:**

**BACKGROUND:**

**FISCAL IMPACT:**

**ENCLOSED DOCUMENTS:**

**STAFF:** Charles E. Dane, Assistant City Manager

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Christina Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor 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 Zevgolis, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

**REPORTS  
OF THE  
CITY  
MANAGER**

**R-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:** To provide an update on the Comprehensive Plan survey and meetings

**ISSUE:** The Community Survey deadline has been extended to December 14, 2015.

**RECOMMENDATION:** City Administration recommends City Council make every effort to participate in stakeholder, visionary workshops and complete the community survey.

**TIMING:** None

**BACKGROUND:** The Planning Commission, Development Staff, and consultants have conducted community meetings, stakeholder interviews and are excited about the increase in survey participation.

**FISCAL IMPACT:**

**ENCLOSED DOCUMENTS:** None

**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. Shomak, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4            |                          |                          |                                     |

**R-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

1. **COUNCIL AGENDA ITEM TITLE:** Approve and file a request to subdivide five parcels located at the corner of Randolph Street (Route 10) and Poythress Street, in the Downtown Central Business District (B-1) into nine properties. The parcels are currently identified as 215 East Randolph Street (Sub-Parcel #080-0365), E. Poythress Street (Sub-Parcel #080-0370), E. Poythress Street (Sub-Parcel #080-0380), E. Poythress (Sub-Parcel #080-0400), and 225 E. Poythress Street (Sub-Parcel #080-0405).

**ISSUE:** A request from the Hopewell Economic Development Authority to subdivide land located in the B-1, Downtown Business District.

**RECOMMENDATION:** The City Administration recommends the approval of a request to subdivide Lots 1 through 22, Block 5, West City Point.

**TIMING:** City Council action is requested on December 15, 2015.

**BACKGROUND:** The purpose of this plat is to subdivide five parcels into nine parcels for economic development purposes. The plat meets all subdivision and zoning ordinance requirements.

**FISCAL IMPACT:** Increase tax revenue (real estate and sales tax) through redevelopment

**ENCLOSED DOCUMENTS:**  
 Attachment 1: Staff Report  
 Attachment 2: Aerial Location Map  
 Attachment 3: Proposed Subdivision Plat

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

**SUMMARY:**

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

**R-3**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

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

**Order of Business:**

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

**Action:**

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

**COUNCIL AGENDA ITEM TITLE:** Announcement of the approval of the Amendment to the State Enterprise Zone Application by the Virginia Department of Housing and Community Development on November 17, 2015.

**ISSUE:** Last year the City began the process of amending the State Enterprise Zone application to revise incentives and expand the boundary from one non-contiguous zone located mainly on the Route 10 Corridor to three non-contiguous zones. The City Council public hearings to consider citizen comments on the revisions were held on August 12, 2014 and October 14, 2014.

**RECOMMENDATION:** None required

**TIMING:** None

**BACKGROUND:** The amendment of the Hopewell Enterprise Zone Boundary achieved the following:

- 1) Removed property along Day Street and West 14<sup>th</sup> Avenue, properties bordered to the north by West Broadway, 12<sup>th</sup> Avenue to the west, Dolin Street to the south and Memorial Avenue to the east, properties bordering north at City Point Road, South 3<sup>rd</sup> Avenue to the west, North Main Street to the east and City property to the south, and properties along Appomattox Street and Riverside Avenue.
- 2) The amendment added two non-contiguous areas, the first beginning at Miles Avenue along Route 36, continuing to I-295 North bordering along Woodlawn Street and Virginia Street. The second, beginning at Cousins Avenue encompassing all property located within the City of Hopewell to the north, south and west.
- 3) The amendment removed the requirement that new business locating in the zone and existing businesses in the zone qualify for state incentives prior to eligibility for an exemption/reduction of local business and professional occupational license fees.

**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. Zevolis, Ward #3         | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jackie M. Shomak, Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine E. Gore, Ward #4            |                          |                          |                                     |

**FISCAL IMPACT:** Provide incentives for redevelopment and development opportunities.

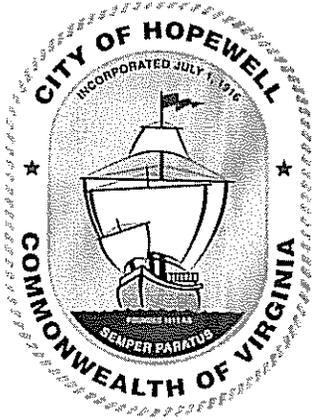
**ENCLOSED DOCUMENTS:** Attachment 1: Map showing former and newly approved Enterprise Zone boundary  
Attachment 2: Approved Local Incentives

**STAFF:** Tevya W. Griffin, Director, Neighborhood Assistance & Planning

**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 Pelham, Ward #6
- Councilor Jackie M. Shomak, Ward #7



## **CITY OF HOPEWELL LOCAL ENTERPRISE ZONE** **INCENTIVES**

**Incentive # 1. Waiver of City Permit Fees** – Waiver of fees for building permits, plumbing permits, electrical permits and mechanical permits.

**Incentive #2. Waiver of Land Development Fees** – Rezoning, Zoning Ordinance, Subdivision, Site Plan, and Land Disturbance Review Fees.

**Incentive #3. Exemption/reduction of business and Professional Occupational License fees** –

The following applies for new firms locating in the enterprise zone and existing firms that relocate into the enterprise zone:

First Year - 100% of fee

Second Year - 75% of fee

Third Year - 50% of fee

Fourth Year - 25% of fee

Fifth Year - 0% and thereafter

**Incentive #4. Commercial Rehabilitation Real Estate Tax Exemption** – Five-year partial tax exemption on the increase in assessed property value resulting from certain rehabilitation of commercial real estate.

**Incentive #5. Fire Safety Education** – Educational seminars will be conducted to improve safety and reduce potential fire damage.

**Incentive #6. Crime Prevention Education and Security Risk Assessments** – Educational Seminars and Security Audits will be conducted to improve the zone's business environment, reduce potential business costs, and enhance the sense of safety within the zone.

**Incentive #7. Waiver of sewer tap connection fee.** Available to firms locating or expanding in the zone.

**Incentive #8. Accelerated Development Processing.** Fast track plan review and approval processing for major development activities within zone.

**Incentive #9. Partial Rebate from Taxation of Machinery and Tools Tax** – Three-year partial refund on the increase in assessed value of machinery and tools tax resulting from new construction, expansion or replacement of existing machinery and tools. The program is applied as follows:

First year – 30% of increased value

Second year – 30% of increased value

Third year- 30% of increased value

**R-4**



# 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:** Mandatory Allocation to Commissioner of Revenue per Virginia Code §46.2-205.

**ISSUE:** 40% of sums remitted to the City for work involved with processing transactions for the Department of Motor vehicles shall be appropriated to the office of the Commissioner of the Revenue.

**RECOMMENDATION:** To appropriate Commissioner's 40% share of Department of Motor Vehicle Select funding as of 01/01/2016 as required by State Law.

**TIMING:** 01/01/2016

**BACKGROUND:** The Commissioner's office has operated as a Department of Motor Vehicle Select office since November 2<sup>nd</sup>, 2009, and the Department of Motor Vehicle's has remitted funds to the City on a monthly basis. We have been entitled to 40% of such funds since that time. However, the Commissioner of Revenue office has never requested such appropriations.

**FISCAL IMPACT:** There is no fiscal impact to the City as the monies are received monthly from DMV.

**ENCLOSED DOCUMENTS:** Code of Virginia §46.2-205

**STAFF:** Commissioner of the Revenue

**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Christina Luman-Bailey, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor 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 Zevgolis, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			



**R-5**



# CITY OF HOPEWELL CITY COUNCIL ACTION FORM

**Strategic Operating Plan Vision Theme:**

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

**Order of Business:**

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

**Action:**

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

**COUNCIL AGENDA ITEM TITLE: Hopewell City Code: Chapter 18, Article 2, Collection & Disposition of Refuse – Fee Structure for Replacement Toters**

**ISSUE:** The rate of stolen mobile containers (toters) in Hopewell is 3 times the regional average (according to data provided by CVWMA)(attached). And, there has been a rise in the number of complaints received from landlords concerning the equitable treatment of homeowners and landlords. The City currently charges rental properties a full replacement cost, and provides home owners replacement toters to at no cost (unlimited).

**RECOMMENDATION:** Staff recommends modifying the existing City Policy so that every customer, regardless of ownership status, receives one free replacement toter every five years, if necessary. This replacement would only apply to normal wear and tear or cases of theft. Additional replacements, for a period of 5 years after receiving the “free” replacement, should require all customers to pay the full replacement cost to the City (current price is \$58). If it is determined that the cart was significantly damaged from abuse by the owner, the City will require the property owner pay for a replacement.

**TIMING:** March 1, 2016

**BACKGROUND:** Public Works recently learned that Hopewell has a very high number of mobile contains (toters) being stolen throughout the City. When compared to surrounding jurisdictions, the City average 6 stolen containers a month, when the average for the other localities is 2. Another issue that Public Works encounters is customer concern over the equity of charging businesses (including rental units) for replacement toters and not charging residents who own their homes for the same service. It is hoped that by treating everyone equally for replacement toters, customers will have a greater since of equity and the cases of theft will go down.

**FISCAL IMPACT:** Zero to \$5,000 a year (depending on number of replacements required)

**ENCLOSED DOCUMENTS:** Excerpt from Article 2, referenced above

**STAFF:** Mr. Edward O. Watson, PE - 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"/>	Councilor 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 Zevgolis, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jackie Shornak, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			





# Program Statistics - October 2015

## Residential MSW Collection Program Call Center Activity

	Current Month							Avg Misses / Service Day
	New	Additional	Stolen	Repair	Misses	Service Alerts	Bulk Pick-Up Requests	
Ashland: County Waste	7	1	2	6	10	7	6	#DIV/0!
Colonial Heights: CFS	10	5	4	2	46	26	69	11.5
Hopewell - CFS	19	1	7	26	70	37	47	17.5
Petersburg - CFS	23	2	2	8	86	75	193	8.6
Chesterfield - County Waste	11	0	3	4	55	16	6	2.6
<b>MSW TOTAL</b>	<b>70</b>	<b>9</b>	<b>18</b>	<b>46</b>	<b>267</b>	<b>161</b>	<b>321</b>	<b>6.8</b>

	Fiscal Year-To-Date 2016							Avg Misses / Service Day
	New	Additional	Stolen	Repair	Misses	Service Alerts	Bulk Pick-Up Requests	
Ashland: County Waste	14	6	5	10	43	41	17	3.3
Colonial Heights: CFS	70	11	12	6	189	105	319	10.5
Hopewell - CFS	71	2	19	151	377	147	146	22.2
Petersburg - CFS	96	3	4	52	432	385	907	12.0
Chesterfield - County Waste	95	2	6	22	458	205	61	7.3
<b>MSW TOTAL</b>	<b>346</b>	<b>24</b>	<b>46</b>	<b>241</b>	<b>1,499</b>	<b>883</b>	<b>1,450</b>	<b>10.2</b>

	Fiscal Year-To-Date 2015							Avg Misses / Service Day
	New	Additional	Stolen	Repair	Misses	Service Alerts	Bulk Pick-Up Requests	
Ashland: County Waste	10	64	9	8	93	49	36	5.5
Colonial Heights: CFS	85	16	3	10	218	159	328	12.8
Hopewell - CFS	65	9	17	191	534	252	166	29.7
Petersburg - CFS	471	5	6	47	574	402	1139	16.9
Chesterfield - County Waste	0	0	0	0	0	0	0	0.0
<b>TOTAL</b>	<b>631</b>	<b>94</b>	<b>35</b>	<b>256</b>	<b>1,419</b>	<b>862</b>	<b>1,669</b>	<b>15.8</b>

## ARTICLE II. COLLECTION AND DISPOSITION OF REFUSE GENERALLY

### Sec. 18-21. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Apartment complex* means any multi-residential building with more than two (2) rental units.

*Ashes* means that refuse from fires which has been wetted and cooled to the touch prior to collection.

*Building materials* means any material, such as lumber, brick, plaster, gutters or other substances, accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

*Bulk container* means a metal container of either two (2), three (3), four (4), six (6) or eight (8) cubic yards, made of watertight construction with sliding doors opening on two (2) sides and a hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. All new bulk containers shall meet these specifications.

*Bulky waste* shall mean a large appliance, piece of furniture or waste material from a residential source other than construction and/or demolition debris or hazardous waste that cannot be placed in a refuse cart or container.

*CFC/HCFC* shall mean those substances described in the Clean Air Act Amendments of 1990, Title VI, Stratospheric Ozone Protection, and any subsequent implementing regulations.

*Commercial waste* means garbage, rubbish, ashes and other refuse resulting from institutions and commercial concerns, such as hotels, stores and the like.

*Central business district* means that section of the city bounded by Second Street on the west, City Point Road on the south, Kippax Street on the east and Appomattox Street on the north.

> *Commercial establishment* means any retail, wholesale, institutional, religious, hotel, governmental or other nonresidential establishment at which garbage or trash may be generated.

*Director of public works* means the director or his designee.

**Sec. 18-27. Collectors to exercise reasonable care in handling mobile containers.**

Collectors for the city shall exercise reasonable care in the handling of mobile containers and shall not willfully break, deface or injure same.  
(Ord. No. 79-30, § 1(18-16.1), 10-23-79)

**Sec. 18-28. Replacement of mobile containers.**

(a) In the event mobile containers have been damaged by misuse by the tenant, homeowner, or commercial user, the director of public works shall have the authority to discontinue service or require the user to replace the damaged container. Failure to remove the totter from the curbside within twelve (12) hours after a pickup, as required by section 18-25, shall be considered misuse. Failure to exercise reasonable care shall be considered misuse.

(b) Mobile containers which become unserviceable through normal wear and tear will be replaced at no charge for owner-occupied residences.

(c) Replacement mobile containers for rental property or commercial property must be purchased by the property owner within five (5) days of notice from the city. The city may replace mobile containers for rental and commercial properties which the owners of such properties fail to timely replace, with the cost therefor to be paid by the property owners. Unpaid mobile container costs shall constitute a lien against the property serviced by the new mobile container.  
(Ord. No. 79-30, § 1(18-11.3), 10-23-79; Ord. No. 89-1, 2-14-89; Ord. No. 2002-17, 9-23-2002)

**Sec. 18-29. Tampering with containers or placing hazardous refuse therein.**

No person shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents, unless by permission of the director of public works, nor shall any person place any hazardous waste in any collection receptacle or container.  
(Ord. No. 79-30, § 1(18-14), 10-23-79; Ord. No. 2002-17, 9-23-2002)

**Cross reference:** Release of hazardous substances, notifications, § 25-60.

**Sec. 18-30. Reserved.**

**Editor's note:** Ord. No. 2002-17, adopted Sept. 23, 2002, repealed § 18-30, which pertained to use of totter system or bulk containers generally and derived from Ord. No. 79-30, § 1(18-11.1), adopted Oct. 23, 1979.

*Exhibit 2/3*

**Sec. 18-31. Mobile toters for apartment complexes and trailer parks.**

For apartment complexes and trailer parks using the mobile toter system of refuse collection:

- (1) The owner shall purchase one toter per each apartment unit or trailer and receive a bill at least quarterly at the same rate per apartment or trailer as is set for other residential units.
- (2) Extra toters for laundries, pools, or other facilities will be billed at the same monthly rate.
- (3) The owner shall be responsible for replacing lost or damaged toters.  
(Ord. No. 79-30, § 1(18-11.2), 10-23-79; Ord. No. 82-9, 5-25-82; Ord. No. 2002-17, 9-23-2002)

**Sec. 18-32. Charges for residential collection and disposal generally.**

For providing or making available garbage and refuse collection and disposal service to all citizens, residences and participating commercial establishments located within the corporate limits of the city, rates or fees shall be paid as are from time to time by resolution or ordinance set by city council.

(Ord. No. 79-30, § 1(18-11.1, 18-17.1), 10-23-79; Ord. No. 80-16, 9-9-80; Ord. No. 82-9, 5-25-82; Ord. No. 82-29, 11-23-82; Ord. No. 2002-17, 9-23-2002)

**Sec. 18-33. Billing and payment of charges.**

The charges prescribed by section 18-32 shall be billed at least quarterly. Such bills must be paid within thirty (30) days after the date thereof. Delinquent accounts will be charged one percent of the unpaid balance per month and the cost associated with the collection of a delinquent account will be charged to that account. In addition, failure to pay such a bill within thirty (30) days may result in discontinuation of the pickup service. In the event service is discontinued due to nonpayment, the container will be returned to the city for storage.

(Ord. No. 79-30, § 1(18-11.1, 18-17.2), 10-23-79; Ord. No. 80-22, 11-25-80; Ord. No. 82-25, 9-28-82; Ord. No. 2002-17, 9-23-2002)

**Sec. 18-34. Reserved.**

**Editor's note:** Ord. No. 2002-17, adopted Sept. 23, 2002, repealed § 18-34, which pertained to service deposits and derived from Ord. No. 79-30, § 1(18-17.3), adopted Oct. 23, 1979.

*Exhibit 3/3*

**REPORTS OF  
THE CITY  
ATTORNEY**

**REPORTS OF  
THE  
CITY CLERK**

**Appointments/Reappointments to Boards and Commissions  
CITY COUNCIL  
December 15, 2015**

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**Reappointments – Riverside Community Criminal Justice Board (3) Reappointments**

**Reappointment & Appointment – Virginia Gateway Region (1) Reappointment  
(1) Appointment**

**REPORTS OF  
CITY  
COUNCIL**

**CITIZEN/  
COUNCILOR  
REQUEST**

**ADJOURN**