

February 10, 2015

Regular Meeting

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OPEN SESSION

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

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:30 p.m. Roll call was take as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

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

CONSENT AGENDA

Motion was made by Councilor Gore, and seconded by Councilor Holloway, to approve the Consent Agenda, Minutes: 11/18/2015 Regular Meeting; 12/09/2015 Regular Meeting; 1/06/2015 Reorganizational and Special Meeting; Pending and Action List; Information for Council Review: none; Personnel Change Report and Financial Report; Public Hearing Announcements: March – A request to amend Chapter 19, Housing Code, of the Code of the City of Hopewell, to add a **vacant property registry** program that requires an owner of vacant properties in the City to register that property with the City Building Official, A Zoning Ordinance Amendment to amend Article I, Definitions, of the Hopewell Zoning Ordinance to add a **residential day care home** as a definition as required by the Code of Virginia; A Zoning Ordinance Amendment to amend Article I, Definitions, of the Hopewell Zoning Ordinance to add a **taxi cab service operation** as an allowable use of the Hopewell Zoning Ordinance; A Zoning Ordinance Amendment to amend Article XI, Corridor Development Zoning District (B-3), Section A., Use Regulations, to add a taxi cab service operation as an allowable use to the Hopewell Zoning Ordinance; A Zoning Ordinance Amendment to amend Article XII, Highway Commercial Zoning District (B-4), Section A, Use Regulations, to add a **taxi cab service operation** as an allowable use to the Hopewell Zoning Ordinance; A Zoning Ordinance Amendment to amend Article I, Definitions, of the Hopewell Zoning

February 10, 2015

Regular Meeting

---DRAFT---

Ordinance to add a **residential care home** facility as a definition; Routine Approval of Work Sessions: February 17, Work Session – Zoning Ordinance Amendment to amend Article X, Limited Business District (B-2), Section A., Use regulations to allow accessory structures to include **metal carports** that are not visible from primary streets and any other conditions the City Council may deem necessary; Financial Budget FY 2015-2016; February 24, 2015 Work Session: A request to amend Article I, Definitions, of the Hopewell Zoning Ordinance to add an **adult day care home** as a definition and to consider adding an adult day care home to the residential and business zoning districts; School Board Budget and FY 2015/2016 expenditures, and Boards and Commissions; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Letter of Recognition – Na’Seem Hopson – Certificate of Achievement; Proclamations Kiwanis International 100th Anniversary.

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Mayor Pelham invited Na’Seem Hopson and his mother forward to receive a letter of recognition. Mayor Pelham presented a Letter of Recognition to Na’Seem Hopson,

The Mayor of the City of Hopewell, Brenda S. Pelham, and the City Council of Hopewell, Virginia, extend their heartfelt congratulations to you on behalf of the city in honor of your recent accomplishment. You were one of nearly 1,000 students from across the Commonwealth which submitted essays for consideration in an “If I Were Mayor” Essay Contest, sponsored by the Virginia Municipal League. Your essay was the winning essay in Region 7 out of eight Regions, and was selected as the overall statewide winning essay. We are so proud of you.

At the podium Na’Seem said that his essay was about kids because they are the future. That was his main focus. Mayor Pelham added that he started talking about middle school and bullying. He talked about how teachers should be more versatile to different learning styles of students. And to have a peaceful community. Na’Seem is a 7th grader at Carter G. Woodson Middle School. He represents the future of Hopewell. Maybe he will be Mayor of Hopewell one day.

Mayor Pelham gave him the opportunity to be Mayor “for a minute.” He sat in the Mayor’s chair and made a call for a motion. Na’Seem asked for a motion that this Council will support the youth of the City of Hopewell and be a number one priority for all future planning and especially includes in this year’s budget.

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore. Upon the roll call, the vote resulted:

Councilor Shornak also congratulated Katherine and Greg with the HRHA for working with Na’Seem, as well as his mother. Councilor Shornak has a date with him and her grandson to go to Sky Zone in a couple of weeks, to reward him for his great efforts.

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PROCLAMATION

WHEREAS, Kiwanis International is one of the largest service organizations in the world with more than 600,000 members of all ages and abilities in more than 80 nations; and

February 10, 2015

Regular Meeting

---DRAFT---

WHEREAS, the members of Kiwanis Club of Hopewell, Incorporated are devoted to improving the world, one child and one community at a time by seeking primacy to the human and spiritual rather than the material values of life; and

WHEREAS, in addition to improve lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development and community service; and

WHEREAS, the first Kiwanis club started its service in Detroit, Michigan, United States of America, in 1915; and

WHEREAS, Kiwanis International celebrates its Centennial Anniversary of the founding of the Detroit Kiwanis Club N. 1; and

WHEREAS, the service provided by the Kiwanis Club of Hopewell, Incorporated will continue to have a positive impact on our community and citizens.

NOW, THEREFORE, I Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, do hereby proclaim this 10th day of February, 2015, as Kiwanis International day, and hereby call upon all citizens of Hopewell thereof to render support to the members of this organization and to make themselves aware of Kiwanis International, whose members this day are providing meaningful service to our homes, schools and community.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed, on this, the 10th day of February, 2015.

KIWANIS INTERNATIONAL DAY

Proclamation presented this 10th day of February, 2015.

Brenda S. Pelham, Mayor

One of the Kiwanis members mentioned that last night Kiwanis recognized one of their members, Homer Eliades, who has been a member for 50 years. He appreciated everyone's participation and thanked the mayor for the proclamation.

COMMUNICATIONS FROM CITIZENS

Betty Ware and **Andre Pierce** gave the HHS Marching Band presentation, thanking Council for the opportunity for numerous students to attend the Russell Athletic Bowl competition in Orlando, Florida in December. They presented a Power Point Presentation.

Cadedra Alexander is interested in the Youth Commission. She and others want to be active workers on the Youth Commission.

Sonja Stokes discussed a warming shelter for 15 to 20 people. Occupants must leave at 6:00 a.m. They have complained that it is too early, and there is nowhere to go.

Faithea Flowers, City Point, Ward #1- former HHS early 1990's leadership and academic success. The Youth Commission helped to create confidence in her and helped to create academic success. She credited Thomas Nims, Youth Coordinator for the City of Hopewell in the early 1990's.

February 10, 2015

Regular Meeting

---DRAFT---

Mayor Pelham reminded everyone that Council has a rule that citizens cannot discuss anything under Communications from Citizens that is on the agenda. She asked for a motion.

Motion was made by Councilor Gore, seconded by Vice Mayor Luman-Bailey, and approved unanimously to accept comments already made regarding the Youth Commission and to receive any other comments.

Youth in Hopewell need something to do; there is nothing here for them.

Eyonna Galdez spoke in favor of the Youth Office. She is a former student and graduated as 2013 Class President. The youth council and the youth office would really help the youth here to succeed, as far as having successful adults to talk to and guide them.

Tyler Jordan, SGA President is in favor of the Youth Commission. Have each City Councilor pick a person to be on the Youth Commission. Having a youth commission reinstated would allow not only people who support the youth, but the youth themselves to have a voice in the government.

Mayor Pelham thanked all youth who came out tonight. She thanked them for giving back.

At 8:13 p.m. Mayor Pelham called for a three-minute recess.

UB-1. UNFINISHED BUSINESS – MAJOR DEMOLITION PROJECTS IN THE PIPELINE

Tevya Griffin, Director of Development, provided a brief report on the major demolition projects in the pipeline. The City Administration recommends that City Council review the updated demolition time line and set a public hearing to authorize the allocation of additional funds to perform asbestos abatement and demolition of 200 Buren Street. The City has allocated \$109,256 to conduct asbestos testing, asbestos abatement and demolition of 600 East Broadway and 700 North 21st Avenue. An additional \$45,000 was used to demolish the former Health Department/Library Building. The remaining \$10,000 in the demolition account will not cover the Buren Street project. Additional funds may also be requested in the future to demolish single family detached homes that are currently on the derelict building list.

R-1. REGULAR BUSINESS – REINSTATE THE YOUTH COMMISSION

Motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey, to accept and move forward to speak in favor of the Youth Commission. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

AMEND THE AGENDA – R-1. YOUTH COMMISSION

Motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey to move the Youth Commission to wait upon Mr. Lacheney. Upon the roll call, the vote resulted:

February 10, 2015

Regular Meeting

---DRAFT---

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**R-2. REGULAR BUSINESS – ORDINANCE No. 2015-03 AMENDING AND REENACTING
ORDINANCE 2014-08 CITY OF HOPEWELL STORMWATER MANAGEMENT ORDINANCE**

Motion was made by Councilor Shornak, and seconded by Vice Mayor Luman-Bailey, to adopt Ordinance No. 2015-03 amending and reenacting ordinance 2014-08 City of Hopewell Stormwater Management Ordinance, 1-2 Definitions. (9VAC25-870-10) to reflect DEQ requirement, "Agreement in Lieu of a Stormwater Management Plan," on first reading, dispensing with the second reading, effective immediately upon passage. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**ORDINANCE 2014-03
CITY OF HOPEWELL
STORMWATER MANAGEMENT ORDINANCE**

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

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

- (a) The purpose of this Ordinance is to ensure the general health, safety, and welfare of the citizens of the City of Hopewell and protect the quality and quantity of state

February 10, 2015

Regular Meeting

---DRAFT---

waters from the potential harm of unmanaged stormwater, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.

- (b) This ordinance is adopted pursuant to Article 1.1 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

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

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

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

"Agreement in lieu of a stormwater management plan" means a contract between the plan-approving authority and the landowner with minimum requirements necessary to meet the intent of a stormwater pollution prevention plan as defined in this Article.

(Ord. No. 2015-03, 2.10.2015)

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

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

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

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

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

February 10, 2015

Regular Meeting

---DRAFT---

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

"Department" means the Department of Environmental Quality.

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

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

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

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

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

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

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

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

February 10, 2015

Regular Meeting

---DRAFT---

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

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

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

"State" means the Commonwealth of Virginia.

"State Board" means the State Water Control Board.

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

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

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

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

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

"Stormwater Pollution Prevention Plan" or *"SWPPP"* means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

February 10, 2015

Regular Meeting

---DRAFT---

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

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

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

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

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

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

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

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

February 10, 2015

Regular Meeting

--DRAFT--

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

February 10, 2015

Regular Meeting

---DRAFT---

- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

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

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

February 10, 2015

Regular Meeting

--DRAFT--

- (e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.
- (f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator.

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

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

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

- (a) The Stormwater Management Plan, required in Section 1-4 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 1-9 of this Ordinance to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities. A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to subsurface runoff, and include the following information:
 - (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
 - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;

February 10, 2015

Regular Meeting

--DRAFT--

- (3) A narrative describing the current site conditions and final site conditions, and which includes the following:
 - (i) Existing and finished topography with a maximum of two (2)-foot contour intervals with spot elevations where necessary. Plans depicting any off-site drainage area shall show off-site topography with a maximum of five (5)-foot contour intervals.
 - (ii) Storm drainage systems, and all natural, artificial and man-made watercourses.
 - (iii) Storm sewers systems, to include the location, sizes, and inverts of the facilities and proposed extensions in and near the project.
 - (iv) Plans for collecting and depositing stormwater, (in accordance with the latest Virginia Erosion Control and Sedimentation Handbook) and method of treatment of natural, artificial and man-made watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
- (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
- (5) Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) The surface waters or karst features, if present, into which the facility will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 1-9 of this Ordinance.
- (8) A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;

February 10, 2015

Regular Meeting

--DRAFT--

- (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (b) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 1-9 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (c) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (d) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia, certifying that the stormwater management facilities have been constructed in accordance with the approved plan. However, the Administrator may elect not to require construction record drawings for stormwater management facilities for which maintenance agreements are not required pursuant to Section 1-10(b).

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

- (a) Pollution Prevention Plan, required by 9VAC25870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

February 10, 2015

Regular Meeting

--DRAFT--

- (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

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

- (a) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
 - (1) The Administrator shall determine the completeness of a plan in accordance with Section 1-6 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.

February 10, 2015

Regular Meeting

---DRAFT---

- (5) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (b) Approved stormwater plans may be modified as follows:
 - (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (c) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 1-10 (b).

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

- (a) To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City of Hopewell hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land-disturbing activities, including all Chesapeake Bay Preservation Act land-disturbing activities, regulated by this Ordinance, except as expressly set forth in subsection (b), (d) and (e) below.
- (b) Land disturbing activities, including all Chesapeake Bay Preservation Act land-disturbing activities, that obtain an initial state permit or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the technical criteria for regulated land-disturbing activities set forth in part II C of the Regulations, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed-wide) stormwater management plans]. Such projects shall remain subject to the Part II C technical criteria

February 10, 2015

Regular Meeting

---DRAFT---

for an additional two general permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.

- (c) Land-disturbing activities that obtain general permit coverage on or after July 1, 2014, shall be conducted in accordance with the Part II B technical criteria of the Regulations. Such projects shall remain subject to the Part II B technical criteria for an additional two general permit cycles except as provided for in 9VAC25-870-48. After such time, portions of the project not under construction shall be subject to any new technical criteria adopted by the Board.
- (d) Any land-disturbing activity shall be considered grandfathered and shall be subject to the Part II C technical criteria of this chapter provided:
 - (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, a preliminary or final site plan, or any document determined by the City of Hopewell to be equivalent thereto (i) was approved by a the City of Hopewell prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the Part II C technical criteria of the Regulations, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorous leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (e) The City of Hopewell, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria of this chapter provided:
 - (1) There has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;
 - (2) A state permit has not been issued prior to July 1, 2014; and
 - (3) Land disturbance did not commence prior to July 1, 2014.
- (f) Land-disturbing activities grandfathered under Subsections (d) and (e) of this section shall remain subject to the Part II C technical criteria of the VSMP Regulation for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical requirements adopted by the board.

February 10, 2015

Regular Meeting

---DRAFT---

- (g) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part II C.
- (h) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
 - (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director.
 - (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (i) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at his discretion.

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

- (a) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Pass the responsibility for such maintenance to successors in title;
 - (34) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;

February 10, 2015

Regular Meeting

--DRAFT--

- (45) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
- (56) Be enforceable by all appropriate governmental parties.
- (b) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (c) If a recorded instrument is not required pursuant to Subsection 1-10 (b), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator or any duly authorized agent of the Administrator.

Sec. 1-11. - MONITORING AND INSPECTIONS.

- (a) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan or agreement in lieu;
 - (3) Development, updating, and implementation of a pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (b) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (c) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

February 10, 2015

Regular Meeting

--DRAFT--

- (d) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance. [NOTE: Please see § 62.1-44.15:40 regarding protection of specified confidential information.]
- (e) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the City of Hopewell's adopted and State Board-approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 1-10.

Sec. 1-12. - APPEALS.

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

Sec. 1-13. - ENFORCEMENT

- (a) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
 - (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
 - (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

February 10, 2015
Regular Meeting
--DRAFT--

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

- (b) In addition to any other remedy provided by this Ordinance, if the Administrator determines there is a failure to comply with the provisions of this Ordinance, the Administrator may initiate such informal and/or formal administrative enforcement procedures in a manner authorized by this Ordinance, the City of Hopewell Code of Ordinances, and any applicable City of Hopewell policies. Such measures include, but are not limited to:
- (1) With the consent of any person subject to a VSMP authority permit who has violated or failed, neglected, or refused to comply with any Ordinance or permit issued by the City of Hopewell; who has failed to comply with any decision of the Administrator; or who has violated the terms of any order issued by the Administrator, a consent special order issued pursuant to §62.1-44.15:48 of the Code of Virginia. A consent special order shall order the person to comply with the terms of the order, as well as any provision of this Ordinance or decision by the Administrator. Such special orders shall be issued in accordance with City of Hopewell procedures, including procedures for public notice and comment, unless issued as an emergency order consistent with (a) above. Consent special orders may include a civil charge for violations of the requirements listed above instead of civil penalties that could be imposed under this section. The City of Hopewell may proceed directly to use any other enforcement measures at its discretion.
 - (2) Special orders and emergency special orders issued pursuant to §62.1-44.15:25 of the Code of Virginia.
 - (3) Any person violating or failing, neglecting or refusing to obey any rule, regulation, ordinance, order, or permit condition issued by the Administrator or any other part of this Ordinance may be compelled in a proceeding instituted in any appropriate court by the City of Hopewell to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

February 10, 2015

Regular Meeting

---DRAFT---

- (4) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator or the City of Hopewell, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. The City of Hopewell may issue a summons for the collection of the civil penalty and the action may be prosecuted in the appropriate court.

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

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

Sec. 1-14. - FEES

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

Table 1: Fees for permit issuance

An applicant shall pay the fees provided below for initial issuance of General Permit coverage and VSMP authority permit coverage. No more than 50% of the total fee to be paid by the applicant shall be due at the time that a stormwater management plan or an initial stormwater

February 10, 2015

Regular Meeting

---DRAFT---

management plan is submitted to the City of Hopewell for review. The balance shall be paid prior to the issuance of coverage under the General Permit. When a site or sites are purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to the following table.

Fee Type	Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)	Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than 2,500 square feet and less than 1 acre)	\$290	\$0
General/Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre and, if required by state law, detached single family residences within or without a common plan of development or sale with land-disturbance acreage equal to or greater than one acre and less than five acres)	\$290	\$81 (except for detached single family residences in which case, if required by law, \$0 is paid to the Department)
General/Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres, not to include detached single family residences within or without a common plan of development or sale)	\$2,700	\$756
General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$3,400	\$952
General/Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$4,500	\$1,260

**February 10, 2015
Regular Meeting
---DRAFT---**

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

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

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

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

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

**February 10, 2015
Regular Meeting
---DRAFT---**

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

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

Table 3: Permit Maintenance Fees

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

February 10, 2015
Regular Meeting
---DRAFT---

General/Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400
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General permit coverage maintenance fees shall be paid annually to the City of Hopewell, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.

- (d) The fees set forth in Subsections (a) through (c) above, shall apply to:
 - (1) All persons seeking coverage under the general permit.
 - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 - (3) Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater From Construction Activities.
 - (4) Permit and permit coverage maintenance fees outlined under Section 1-15 (c) may apply to each general permit holder.

- (e) No general permit application fees will be assessed to:
 - (1) Permittees who request minor modifications to general permits as defined in Section 1-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this Section.
 - (2) Permittees whose general permits are modified or amended at the initiative of the Department, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.

- (f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City of Hopewell shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

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

Prior to issuance of any permit, the Applicant may be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the City of Hopewell, to ensure that measures could be taken by the

February 10, 2015
Regular Meeting

---DRAFT---

City of Hopewell at the Applicant's expense should the Applicant fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the City of Hopewell takes such action upon such failure by the Applicant, the City of Hopewell may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

R-3. REGULAR BUSINESS – ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HOEPWELL, VIRGINIA – COMMERCIAL BUSINESS GRANT PROGRAM (PREVIOUSLY REFERRED TO AS THE “LEGACY BUSINESS PILOT PROGRAM”) RECOMMENDED POLICY GUIDELINES FOR COUNCIL’S CONSIDERATION AND APPROVAL

Debbie Randolph, member of the EDA addressed Council about the program. They could not make a decision within the EDA. They set up a subcommittee to study what potentials they had. This is what the EDA came up with. It is not a legacy program. It is not a matching grant program.

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore to move to wait to speak to the EDA and staff. (Copy of the Commercial Business Grant Program filed in the City Clerk’s Office.) Upon the roll call, the vote resulted:

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

Motion passed 6 yes/1 no.

R-4. REGULAR BUSINESS ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF HOPEWELL, VIRGINIA – BUSINESS RETENTION AND EXPANSION PROGRAM, PROPOSED PROGRAM FOR THE ECONOMIC DEVELOPMENT TO STAY ENGAGED WITH THE CITY OF HOPWELL’S CURRENT BUSINESSES

Debbie Randolph, member of the EDA presented the proposed Business Retention and Expansion Program (BRE). (Copy filed in the City Clerk’s Office.)

City Council received and will file the Commercial Business Grant Program.

R-5. REGULAR BUSINESS – RECREATION AND PARKS – MINIMUM AGE FOR UNACCOMPANIED MINORS TO USE THE HOPEWELL COMMUNITY CENTER AS RECOMMENDED BY STAFF AND APPROVED BY THE RECREATION COMMISSION

As part of the Department of Recreation and Parks’ review of policies and procedures, it has been determined that the current policy governing student admission creates potential safety concerns at the Community Center. The current policy states that an adult must accompany children under the age of 12 after 6:00 p.m. As written, the policy allows for children ages 6-11 to enter and use the facility

**February 10, 2015
Regular Meeting**

---DRAFT---

unaccompanied during free time and all day on Saturdays. Staff has recommended that the policy be updated to reflect that no child under the age of 12 be permitted to use the facility without the supervision of an adult, unless the child is participating in a program offered or co-sponsored by the Recreation and Parks Department. The Recreation Commission has approved this policy change. The change will be effective May 1, 2015 to allow time for appropriate advertisement of the policy update and to coincide with the release of the Summer Activity Guide. City Administration estimates that this policy change will have a fiscal impact of \$100 or less due to decreased daily membership sales.

City Council received and will file the revised Student Admission Policy.

R-6. REGULAR BUSINESS – HOPEWELL PLANNING COMMISSION/WETLANDS BOARD MEETING TIME CHANGE

The Hopewell Planning Commission/Wetlands Board meets every first Thursday of the month at 7:00 p.m. At their November 2014 meeting, Commissioners requested Staff review their by-laws to determine the process required to change the meeting time to 6:00 p.m. to better accommodate Commission members. Staff reviewed the y-laws of the Commission and concluded that there was no requirement to hold meetings at a certain time and no approval requirement. At their December 2014 meeting the Hopewell Planning Commission voted 4 to 0 to change their monthly meeting time from 7:00.m. to 6:00 p.m. It was thought necessary to present this time change to City Council and the public.

R-7. REGULAR BUSINESS – FUND A SUMMER PROGRAM FOR THE YOUTH OF OUR CITY

The John Randolph Foundation is planning to roll out an interim plan to expose our youth to programs and activities while they continue to work on the long term Youth Initiative for the City. The amount of the onetime funding is \$3,000.

Mayor Pelham made a correction in that the accurate amount is \$30,000.00.

Motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey, to table this issue until the City Council meeting on February 24, 2015. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

R-8. REGULAR BUSINESS – CGI COMMUNICATIONS – COMMUNITY SHOWCASE VIDEO

CGI Communications formed in 1988 as CGI Communications Inc., is the leading provider of high-impact marketing solutions to communities and small businesses. CGI Communications works closely with the National League of Cities to provide a myriad of digital marketing tools to showcase and promote individual municipalities nationwide. CGI's over-arching goal is to increase awareness for the communities and businesses that serve as the mortar to cities, towns, chambers, and associations across the United States. Previously, the City partnered with CGI Communications for three years until the agreement expired. Councilor Gore brought the idea to repeat the video showcase for Hopewell to staff.

February 10, 2015

Regular Meeting

---DRAFT---

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to resolve to approve CGI Communications program for the city of Hopewell and authorize the City Manager to execute an agreement. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

(Interim City Attorney, Mr. Fratarcangelo left the meeting. City Attorney, Mr. Lacheney arrived at the meeting.)

R-9. REGULAR BUSINESS – GENERAL DISTRICT COURT – BUDGET AMENDMENT FY 2014-2015 IN THE AMOUNT OF \$5,000 (LEGAL DEFENSE FUND)

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to resolve to approve the Budget Amendment FY 2014-2015 in the amount up to \$5,000, sent on an as needed basis. Upon the roll call, the vote resulted:

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

Motion passed 5 yes/2 no.

R-10. REGULAR BUSINESS – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA REGARDING REFUNDING BONDS TO BE ISSUED BY THE RIVERSIDE REGIONAL JAIL AUTHORITY

The Riverside Regional Jail Authority has adopted a resolution authorizing the refunding of its bonds issued in 2007. Approximately \$45.8 million of the 2007 bonds are outstanding. Given the current favorable interest rate environment, it is anticipated that the refunding will result in net debt service savings of about \$4.3 million to the Authority, consisting of saving of approximately \$120,000 in fiscal years 2017 through 2019 and \$260,000 for fiscal years 2020 through 2033.

While neither state law nor the terms of the Service Agreement require the local governing bodies of the member jurisdictions to approve the refunding, it is necessary for each of the governing bodies to approve an agreement to provide certain annual information for as long as the Authority's bonds are outstanding. Each of the governing bodies adopted a similar resolution for the 2013 refunding bond issue of the Authority, so this is nothing new.

It is anticipated that the refunding will result in net debt service savings of about \$4.3 million to the Authority.

February 10, 2015

Regular Meeting

--DRAFT--

Motion was made by Councilor Shornak, and seconded by Councilor Walton, to adopt the resolution of the City Council of the City of Hopewell, Virginia regarding refunding bonds to be issued by the Riverside Regional Jail Authority and authorize the City Manager to execute the Continuing Disclosure Agreement. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HOPEWELL, VIRGINIA REGARDING REFUNDING BONDS
TO BE ISSUED BY THE RIVERSIDE REGIONAL JAIL AUTHORITY**

The City of Hopewell, Virginia (the "City") is a member of the Riverside Regional Jail Authority (the "Authority"). The Authority issued its \$47,220,000 Jail Facility Revenue Bonds, Series 2007 (The "2007 Bonds") to finance a portion of the costs to construct an addition to the Authority's regional jail.

To take advantage of current low interest rates in the capital markets, the Authority has determined to refinance all or a portion of the 2007 Bonds to reduce debt service payments. Such refinancing is to be accomplished by the Authority through the issuance of its Jail Facility Refunding Revenue Bonds, Series 2015 (the "Bonds").

In connection with the issuance of the 2007 Bonds, the City entered a Continuing Disclosure Agreement dated as of August 7, 2007 (the "2007 Agreement") in substantially the same form as the form of Continuing Disclosure Agreement (the "2007 Continuing Disclosure Agreement") presented to this meeting. The 2007 Agreement required the annual delivery of the City's audited financial statements and certain other information contained in its comprehensive annual financial report.

The Authority has advised that the issuance of the 2015 Bonds will necessitate the members of the Authority entering into the 2015 Continuing Disclosure Agreement to provide substantially the same information at substantially the same time as the members are currently providing under the 2007 Agreement.

NOW, THEREFORE, be it resolved by the City Council of the City of Hopewell, Virginia:

- 1. Approval of 2015 Continuing Disclosure Agreement.** The 2015 Continuing

February 10, 2015
Regular Meeting

---DRAFT---

Disclosure Agreement is approved in substantially the form presented at this meeting. The City Manager, and such other officers of the City as may be appropriate, are authorized to execute and deliver the 2015 Continuing Disclosure Agreement, and affix and attest the seal thereto if needed, with such changes, insertions or omissions as may be approved by any of them, whose approval will be evidenced conclusively by the execution and delivery thereof.

2. **General Authorization**. Such officers of the City are each authorized and directed to execute and deliver on behalf of the City, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated the 2015 Continuing Disclosure Agreement, and are further authorized to assist the Authority in connection with the issuance of the Authority's 2015 Bonds and provide the type of information previously provided to the Authority in prior bond financings for use in the Authority's bond offering documents for the 2015 Bonds. All of the foregoing, previously done or performed by such officers of the City, are in all respects approved, ratified and confirmed.
3. **Effective Date**. This Resolution shall take effect immediately upon its adoption.

Adopted: _____, 2015

CERTIFICATE OF CLERK

The undersigned Clerk of the City Council of the City of Hopewell, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted at a regular meeting duly called and held on February 10, 2015 during which a quorum was present and acting throughout by the recorded affirmative vote of a majority of all of the members elected to the Council, the ayes and nays being recorded in the minutes of the Meeting as shown below:

<u>MEMBER</u>	<u>PRESENT/ABSENT</u>	<u>VOTE</u>
---------------	-----------------------	-------------

The attached resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Hopewell, Virginia, this ____ day of _____, 2015.

February 10, 2015

Regular Meeting

---DRAFT---

Clerk of the City Council
Of the City of Hopewell, Virginia

[SEAL]

R-1. REGULAR BUSINESS – YOUTH COMMISSION

Motion was made by Councilor Gore, and seconded by Councilor Walton, to resolve for the Youth Commission to start to appoint members to the Youth Commission, and create an ad hoc committee and authorize the ad hoc committee to amend the language of the City Code, Chapter 38, Youth Services.

Council Discussion: Councilor Walton favors establishing an ad hoc committee and to do a needs assessment on what we need these days; this is not 1995. It was state funded in 1995. The ordinance requires the City to hire someone which would affect the budget. He had concerns about how that would operate with the Recreation Commission and other commissions. It may take another public hearing to redo this ordinance. Vice Mayor Luman-Bailey, asked if Councilor Gore's motion included the ad hoc committee to amend the language of the original commission description.

Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

REGULAR BUSINESS – REPORTS OF THE CITY CLERK – BOARDS AND COMMISSIONS

Mrs. Ames, City Clerk, reported: Board of Architectural Review – 2 vacancies, no TBRs on file; Dock Commission 1 vacancy, no TBRs on file; Virginia's Gateway Region 2 vacancies (2.28.2015); Keep Hopewell Beautiful 2 vacancies, 2 TBRS on file; Recreation Commission 1 vacancy (1 student rising junior); Senior Citizen Advisory Commission 3 vacancies, no TBRs on file; Social Services Advisory Board 4 vacancies, 5 TBRs on file.

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to appoint Dennis Sparks to Keep Hopewell Beautiful, and appoint Renate Harris to the Social Services Advisory Board. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes

**February 10, 2015
Regular Meeting**

--DRAFT--

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Council decided that they would like to interview all other candidates for the Social Services Advisory Board. The City Clerk will contact them about interviews next Tuesday.

Motion was made by Councilor Holloway, and seconded by Councilor Gore to appoint Mayor Pelham and Councilor Zevgolis to the Executive Board of the Crater Planning District Commission; to appoint Councilor Gore to the Metropolitan Planning Exchange; to appoint Vice Mayor Luman-Bailey to as Chair of the HRWTF Commission; to appoint Councilor Zevgolis and Councilor Gore to the Legislative Committee; to appoint Vice Mayor Luman-Bailey to the Virginia Gateway Region; to appoint Councilor Walton as the liaison to the Chamber of Commerce; to appoint Mayor Pelham and Vice Mayor Luman-Bailey to the R C & D; and to appoint Mayor Pelham, Councilor Shornak, Vice Mayor Luman-Bailey and Councilor Holloway to the CDBG.

Councilor Shornak requested that each appointment have an individual vote.

Motion was made by Councilor Gore, and seconded by Councilor Holloway, to appoint Mayor Pelham and Councilor Zevgolis to the Executive Board of the Crater Planning District Commission. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey, to appoint Councilor Gore to the Metropolitan Planning Exchange. Upon the roll call, the vote resulted:

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

Motion passed 5 yes/2 no.

Motion was made by Councilor Holloway, and seconded by Councilor Gore, to appoint Vice Mayor Luman-Bailey to as Chair of the HRWTF Commission. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	NO

**February 10, 2015
Regular Meeting**

---DRAFT---

Mayor Pelham	-	yes
Councilor Shornak	-	NO
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion passed 5 yes/2 no.

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to appoint Councilor Zevgolis and Councilor Gore to the Legislative Committee. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion was made by Councilor Zevgolis, and seconded by Vice Mayor Luman-Bailey, to appoint Vice Mayor Luman-Bailey to the Virginia Gateway Region. Upon the roll call, the vote resulted:

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

Motion passed 5 yes/2 no.

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to appoint Councilor Walton as the liaison to the Chamber of Commerce. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to appoint Mayor Pelham and Vice Mayor Luman-Bailey to the R C & D. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

February 10, 2015

Regular Meeting

---DRAFT---

Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to appoint Mayor Pelham, Councilor Shornak, Vice Mayor Luman-Bailey and Councilor Holloway to the CDBG. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Councilor Zevgolis raised a Point of Order. There are three Council members on the committee, which requires public notice of that meeting. Mayor Pelham said that has been done all along.

REPORTS OF CITY COUNCIL MEMBERS

Mayor Pelham stated that if the Council meeting is not over by 10:30 p.m., it would be moved to the next Council meeting, unless there is a request or motion to expand the meeting past 10:30 p.m.

CCR-1. CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – “LET’S MOVE” VSU INTERNS IN PARTNERSHIP WITH JOHN RANDOLPH MEDICAL CENTER AVAILABLE – PARKS AND RECREATION; NEIGHBORHOOD ASSISTANCE & PLANNING DEPARTMENT – YOUTH PLANNERS TO PARTICIPATE DURING COMPREHENSIVE PLAN

Request for more information; report will come back to City Council from Councilor Gore. Councilor Gore asked the City Manager to ask the directors for input on this subject. She would like to register Hopewell for the national initiative. They are in partnership with John Randolph Hospital and Dr. Fahey, School Board Superintendent, assisted with some information from the school system. The hospital allowed Councilor Gore to get interns to work with dieticians and nutritionists from VSU.

CCR-2. CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – QUARTERLY MEETINGS – EDA, HDP, SCHOOL BOARD, (STAFF COUNTS AS STRATEGIC PLAN)

Councilor Gore requested that the City Clerk provide a year-end report to City Council from Boards and Commissions, and to report back to Council.

She suggested quarterly meetings between City Council and the School Board, EDA, Hopewell Downtown Partnership, and the Planning Commission. She asked the City Clerk to send out a list of which boards, commissions and authorities are working on their year-end reports.

There was some Council disagreement about the quarterly meetings. There was further discussion of annual or biannual meetings. It was also suggested to have annual meetings with the Boards of Supervisors and City Councils of nearby jurisdictions.

CCR-3. CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – ACTION LIST

February 10, 2015
Regular Meeting
--DRAFT--

Councilor Gore asked for the status with what has been requested. She suggested planned work sessions at least four months in advance.

CCR-4. CITIZEN/COUNCILOR REQUEST – MAYOR PELHAM – CHANGES TO THE TALENT BANK RESUME TO EXCLUDE THE QUESTION REFERENCING LITIGATION

Mayor Pelham proposed changes to the Talent Bank Resume to exclude the question referencing litigation. By consensus of Council, this item was postponed to the Work Session on February 24, 2015.

CCR-5 CITIZEN/COUNCILOR REQUEST – COUNCILOR ZEVGOLIS - ESTABLISHING AS AUTHORIZED BY CHARTER, THE CITY COUNCIL ETHICS COMMITTEE

Councilor Zevgolis provided Council with a copy of the City Charter. It authorizes,

“The Council may determine its own rules and procedures.”

We do have a manual of rules and procedures. In the absence of anything that is not established in the procedure, Roberts Rules of Order shall prevail.

“Council may punish its members for misconduct and may compel the attendance in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal of proceedings. A majority of all Council members shall constitute a quorum to do the business but a similar number may adjourn from time to time.”

Every governing body that he is aware of has an Ethics Committee, whether they use it or not. This Council should not be any exception to that ruling. When there is a question of ethics or violating a law, or not following established policy, or conduct that may be unbecoming of a Councilor, it could all be brought into question. We need to have an established Ethics Committee of at least two Council members, to police themselves, and also consider a Code of Conduct and Council Chamber Decorum. The public needs to know that there is such a policy in place and that we are concerned about our own professional conduct. He requested that action does not have to be taken tonight. It was requested that this item be added to the Advance agenda. Also, the City Attorney’s input was requested. He will send an example of what other jurisdictions have in place.

CCR-6 CITIZEN/COUNCILOR REQUEST – COUNCILOR ZEVGOLIS – REQUIRING TWO REGULAR COUNCIL MEETINGS A MONTH WITH SUMMER EXCEPTION AS IN THE PAST

Councilor Zevgolis reported that the Council currently has one meeting a month and one Work Session a month. He requested that the second meeting each month, the Work Session, be changed to a Regular Meeting. He wishes to accommodate citizens who wish to add a Citizen/Councilor Request to an agenda for a Regular Meeting.

Motion was made by Councilor Zevgolis, and seconded by Councilor Holloway, to amend the agenda by waiving Council’s Rules and Procedures for the purpose of making a motion to change the Council meeting schedule to two Regular Meetings per month. Upon the roll call, the vote resulted:

Councilor Gore - yes

February 10, 2015
Regular Meeting

---DRAFT---

Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Motion was made by Councilor Zevgolis, and seconded by Councilor Walton, to amend Council's Rules and Procedures Police to have two Regular Council Meetings a month. Upon the roll call, the vote resulted:

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

CCR-7 CITIZEN/COUNCILOR REQUEST – COUNCILOR ZEVGOLIS – REVISION OF OUR COUNCIL RULES AND PROCEDURES MANUAL

Councilor Zevgolis asked Council to revisit its Council Rules and Procedures. He requested that it be added to an agenda for the advance or a future work session. The purpose is to allow citizens more access to City Council at a Council meeting.

CCR-8 CITIZEN/COUNCILOR REQUEST - COUNCILOR ZEVGOLIS – REVISION OF OUR INOPERATIVE VEHICLE ORDINANCE

Councilor Zevgolis distributed a copy of the Inoperative Vehicle Ordinance, Sec. 25-4 – Open Storage of Inoperative Vehicles in residential and commercial districts. That copy shows an amendment dated July 8, 2014. However, there was an additional amendment on September 9, 2014. A copy of that ordinance should have been distributed to all citizens in Hopewell. He opposes the removal from private property of operable vehicles which may not have inspection stickers or license plates. He does support removal of junk vehicles.

Councilor Shornak reported that in 2014 the Hopewell Police Department tagged 846 inoperable vehicles, and in the first month of 2015 an additional 36, for a total of 882. At recent Town Hall meetings citizens' prime concern was cleaning up the city. She does not support amending the current ordinance.

CCR-9 CITIZEN/COUNCILOR REQUEST – COUNCILOR SHORNAK – INSTRUCT CITY MANAGER TO ENGAGE APPROPRIATE STAFF TO PUT INTO PLACE A PROCEDURAL GUIDE FOR THOSE ORGANIZATIONS THAT REQUEST FUNDS FROM THE CITY

Councilor Shornak reported that Council gave away a lot of money to organizations who came before Council and requested funds. Instead of people coming before Council, it is more fiscally responsible to have some type of plan in place where they submit a form or application, with guidelines. During discussion, the City Manager indicated that there is actually a form. He will provide it to Council for review. Councilor Luman-Bailey also stated that four years ago an application was developed. However, she hoped that it had been simplified because it was very lengthy and difficult to fill in. The City Manager will contact

February 10, 2015
Regular Meeting

---DRAFT---

surrounding localities for examples of what they use. In the past the City gave \$100,000 to the John Randolph Foundation for charitable organizations. That figure is considerably lower at this time.

CCR-10 CITIZEN/COUNCILOR REQUEST – COUNCILOR WALTON – UPDATE ON CITY TAKING OVER MALLONEE GYM AND THE COST TO DO SO

Councilor Walton asked that this item be on the agenda for the first meeting in April, with the cost to take over the Mallonee Gym from the School System.

CCR-11 CITIZEN/COUNCILOR REQUEST – COUNCILOR WALTON – PUT TOGETHER A COST TO BUILD TRACK AT HIGH SCHOOL AND PRACTICE FOOTBALL FIELD INSIDE OF IT (UPDATE EXISTING LOCATION)

Councilor Walton reported that the School Superintendent talked to Council about local children at the football field. There is no track at the high school. The City, along with the school system, should try to get a price to update the existing location behind the ball field where there is a track already. Get a cost on improving the interior football field and the track.

Mayor Pelham asked to consider that with the Mallonee Gym, getting a cost analysis to extend the community center.

COUNCIL COMMUNICATIONS

Councilor Walton announced a community Reading Along the Appomattox, which fits in with the youth initiative. He read the book himself. There will be a panel discussion on Saturday, April 18, at the library. The library will be giving the books to people to read.

Councilor Gore wants residents to know that she is not against having two Council meetings a month. As a whole, Council really needs to look at how it does business. Many items are tabled. Agendas are very long. She wants to address: communication with boards, commissions and authorities; communication with staff; communication amongst City Council. Address Council Rules and Procedures and the agenda process. Her comments about the action list are about communication. She thanked staff for all their hard work.

Councilor Pelham asked for a motion to extend this meeting past 10:30 p.m. so that all Councilors will have time for their comments.

Motion was made by Councilor Gore, seconded by Councilor Zevgolis, and unanimously passed to extend this meeting past 10:30 p.m. so that all Councilors will have time for their comments.

Councilor Holloway is in favor of City Council meeting with the boards because that is a communicative process and we need to be informed of what is going on.

Councilor Zevgolis stated that Councilor Shornak brought him personally into the conversation that he had about inoperable vehicles, stating that he did not know anything about the new law and asking were his vehicles involved. There are proper procedures of Council decorum are that you never attack another Council member or make it personal, and she did. Councilor Shornak apologized, and Councilor Zevgolis accepted.

February 10, 2015

Regular Meeting

---DRAFT---

Vice Mayor Luman-Bailey thanked Councilor Gore for bringing up meeting with boards, commissions and authorities. Council has not done that since Councilor Gore has been on Council. When Councilors bring up issues from the past, they are doing it in an effort to not waste time and repeat mistakes. It is always helpful to know some of the history.

Mayor Pelham thanked the youth, parents and citizens who participated and attended tonight's meeting. She encouraged everyone to engage with youth. She encouraged students of age to register to vote. It was her misfortune this week to go to court as part of her job. Someone went to jail for 90 days because she had a kindergarten student who had missed 40 days of school last year, and has already missed 25 days this year. The city needs a mentoring program and encouraged people to volunteer.

ADJOURN

At 10:40 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Walton. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Brenda S. Pelham, Mayor

Cynthia Y. Ames, City Clerk

**February 24, 2015
Regular Meeting**

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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD FEBRUARY 24, 2015

A Regular Meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 24, 2015, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
Christina J. Luman-Bailey, Vice Mayor
Arlene Holloway, Councilor
Anthony J. Zevgolis, Councilor
Jasmine E. Gore, Councilor
K. Wayne Walton, Councilor
Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
Thomas Lacheney, City Attorney
Cynthia Y Ames, City Clerk

ROLL CALL

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

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

WORK SESSION

WS-1. SCHOOL BUDGET FISCAL YEAR 2015-2016

The Hopewell School Board met on Thursday, February 12, 2015, and after conducting a Public Hearing on January 29, 2015, approved their FY2016 School Board Budget by adopting General Resolution 14-02-G12. A copy of that resolution and the detailed School Board Budget, showing the revenue and expenditures for each of the four funds was submitted to Council (filed in the City Clerk's Office). The total requested transfer from City funds to balance the FY2016 Budget is \$17,997,281.81. That amount reflects an additional \$2,841,313.13 for salary support, healthcare costs, and the continued funding for trash collection. Also included in the budget request is an increase in the City transfer to the Capital Fund of \$345,918.75 for debt service.

MOTION TO EXTEND WORK SESSION

Motion was made by Councilor Gore, seconded by Councilor Zevgolis, and unanimously passed to extend the work session.

February 24, 2015
Regular Meeting

---DRAFT---

WS-2. CITY BUDGET FISCAL YEAR 2015-2016 - EXPENDITURES

Finance Director, Jerry Whitaker, presented the FY2016 Review of Proposed Forecast of Revenues. He referred to the FY 2015-2016 Budget Calendar. At the City Council Work Session scheduled for March 3, 2016, the Tax Levy Public Hearing advertisement must be approved. A public hearing must be held on March 24, 2015. Based on the numbers from the Real Estate Assessor's office, real estate is still going down. They are expecting a 1.19% decrease in the value of real estate for the coming year. That equates to a 1.5¢ to 2¢ increase in the real estate tax rate. In order for the real estate bills to go out on time, the public hearing must be on March 24. The public hearing must be advertised on March 10 and March 17. Instead of May 12 for adoption of the school budget, the target date is April 28.

Council priorities will be to maintain financial integrity; housing and neighborhood assistance and enforcement; investing in employees; safety building; regional communication system; storm drainage utility; MIS software; recycling; Regional Phase II project; economic development; and teen family-center. There is no funding of COLA in the 2015-2016 budget. There is no funding for increase in health care costs.

Mayor Pelham complimented the finance director on doing a good job.

The City Manager reported that the General Assembly lobbyist did succeed in dipping into the I-295 fines further. It is a huge hit to those 33 communities who take money from the interstate. The hope is that the Governor will veto that. The City Manager also recommended that Council consider finding more money for the Beacon Theatre.

WS-3. ZONING ORDINANCE AMENDMENT TO AMEND ARTICLE X, LIMITED BUSINESS DISTRICT (B-2), SECTION A., USE REGULATIONS, TO ALLOW ACCESSORY STRUCTURES TO INCLUDE METAL CARPORTS THAT ARE NOT VISIBLE FROM PRIMARY STREETS AND ANY OTHER CONDITIONS THE CITY COUNCIL MAY DEEM NECESSARY; FINANCIAL BUDGET FY 2015-2016

The City of Hopewell has received an application from David A. Roberts, Jr., for a Zoning Ordinance Amendment to Article X, Limited Commercial District (B-2), Section A, Use Regulations, to allow accessory structures to include metal carports as long as they are not visible from primary streets and any other conditions the Council of the City of Hopewell deems necessary. Staff recommends denial of the Zoning Ordinance Amendment. Staff does not object to an accessory structure being allowed in the B-2 District by a Conditional Use Permit.

The business owner made an honest mistake. Staff realized that the regulation may be too strict. From an economic development perspective, this should be reconsidered.

ADJOURNMENT

Motion was made by Vice Mayor Luman-Bailey, seconded by Councilor Zevgolis, and unanimously passed to adjourn the Work Session at 9:05 p.m.

REGULAR MEETING

The Regular Meeting was opened at 9:05 p.m.

**February 24, 2015
Regular Meeting
---DRAFT---**

CONSENT AGENDA

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Walton, to approve the Consent Agenda, minutes-none; Pending & Action List; Information for Council Review-none; Personnel Change Report & Financial Report-first of the month only; Public Hearing announcements-announced on February 10, 2015 for march; Routine Approval of Work Sessions; Ordinances on second and final reading-none; Routine Grant Approval-none; Proclamations/Resolutions/Presentations-none. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

COMMUNICATIONS FROM CITIZENS

Dorothy Flowers, Ward 2, presented a letter to the City Clerk to be copied. Her discussion was about high utility bills in Thomas Rolfe Apartments, Davisville, and Bland Court. She went to the HRHA office. She claims that Mr. Benham is not doing what he is supposed to do. Staff at the HRHA will not talk to residents. Mayor Pelham asked the City manager to make an appointment for Ms. Flowers with Mr. Benham.

Amarillio Uasai, homeless, presented Council with a letter regarding the plight of the homeless when the City's warming shelter is closed. The letter urged Council to consider keeping the shelter open longer hours, and perhaps year round. (Letter filed in the City Clerk's Office.)

REGULAR BUSINESS

R-1. BUDGET AMENDMENT FY 2014-2015 – HOPEWELL REGIONAL WASTEWATER TREATMENT FACILITY EMERGENCY REPAIR OF THE CENTRIFUGE EQUIPMENT

In December 2014, one of the HRWTF sludge dewatering centrifuges failed. The centrifuge equipment had to be sent to an equipment repair vendor at a cost of \$92,276.00. The maintenance budget did not contain funds to cover that unexpected emergency repair. Therefore, \$83,882 in funds from unappropriated miscellaneous revenues must be transferred to the HRWTF FY 2014-15 maintenance budget to cover the repair costs. The City Administration recommended approval of the amendment.

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to resolve to approve the Budget Amendment Fiscal Year 2014-2015 in the amount of \$83,882 for the emergency repair of the centrifuge equipment at the Hopewell Regional Wastewater Treatment Facility. Upon the roll call, the vote resulted:

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

February 24, 2015
Regular Meeting

---DRAFT---

Councilor Holloway - yes
Councilor Zevgolis - yes

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

WHEREAS at the meeting of the Council of the City of Hopewell held on Tuesday, February 24, 2015, an amendment was introduced to appropriate funds for the FY 2014-15 Budget to provide for the repair of the centrifuge equipment; and,

WHEREAS, a budget amendment to appropriate funds in the amount of \$83,882 for the repair of the centrifuge equipment from the un-appropriated miscellaneous revenues for the FY 2014-2015 budget, was introduced; and,

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

Sec. 1. The following designated funds shall be appropriated:

HRWTF Fund-032:

Resources:

Miscellaneous Revenues..... \$83,882

Appropriations:

Equipment maintenance..... \$83,882

REPORT OF THE CITY CLERK

The City Clerk announced vacancies on boards, commissions and authorities: Board of Architectural Review-2 vacancies-no TBRs on file; Dock Commission-1 vacancy-no TBRs on file; Virginia's Gateway Region-1 vacancy (2-28-2015); Keep Hopewell Beautiful-1vacancy-1 TBR on file; Recreation Commission-1 vacancy (1 student, rising junior); Senior Citizen Advisory Commission-3 vacancies-no TBRs on file; Social Services Advisory Board-3 vacancies-4 TBRs on file.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Gore announced the Crime Awareness Summit Town Hall Meeting on Thursday, at 6:00 p.m. at the Sunlight Elks Lodge on High Avenue, Hopewell. She thanked the City Manager for helping to organize the meeting.

Councilor Shornak thanked Ray Spicer, Mr. Haley, Mr. Dane, Pastor Boggs, and others, who have helped with the homeless warming center at the Mallonee Gym. People have benefitted from it. She spoke with Mr. Spicer this weekend. She will coordinate taking a meal to the site. Anyone who wants to help is encouraged to do so. Many churches are bringing food.

Councilor Zevgolis reported on the Crater Planning District Commission's discussion of Route #460 expansion and improvements. The General Assembly has been very slow to react. The CPDC decided to push that issue strongly.

February 24, 2015
Regular Meeting
---DRAFT---

Councilor Gore reported on an MPO meeting. The main part of the meeting was to vote on upcoming projects. The Cedar Level Road Project is still on the books and something that will be worked on. As far as other projects, the bridge replacement and half of the extension for Mesa Drive is also on their part at the end. That is something that did not have funding. Something that Council will have to look at to see what we can do because as it stands, half of the projects will be done, but the other half is going to need funding. There was a monorail study about this area getting a high speed train. Hopewell was one of the localities that might be a site for that. We did not make the cut, but we were one of the finalists.

Vice Mayor Luman-Bailey reported that it was good that we were considered for the high speed train station. We did qualify for the public transportation and that Council continues to support. Even though the grant money is running out, Council has decided to support the bus transit. That shows that we are a community that cares about public transportation. The Vice Mayor reminded everyone of the partnership between VCU, the Department of Development, and the Architectural Review Board. We have graduate students working on a survey of the City Point Historic District. They are asking for everyone to turn in their surveys by tomorrow. They should have come in the mail. This is a great opportunity to get some help from VCU. It will maximize on our historic district. The time is perfect especially with the Sesquicentennial coming up. It will maximize on our tourism opportunities.

The Calendar of Events for the Sesquicentennial has been published. It begins on March 19. There will be a play at the Beacon Theatre on March 19 and March 20, entitled, "Soldier Come Home." All activities on the schedule are free to the public. There will be two bands; the Federal Brass Band, playing period music; and the Ft. Lee Band.

Mayor Pelham addressed the homeless issue. She did go down to the warming center on Friday evening and Saturday morning. She thanked Mr. Haley for starting the project. She specified that it is not a homeless shelter, but a warming center. Pastor Boggs of First Baptist Church and his Sunday school members coordinated volunteers to sit there every night. They give the homeless a \$5 Hardee's gift certificate when they leave. Anyone who would like to contribute individually should contact Pastor Boggs, or The Organization of Citizens and Churches, Ruth Johnson. On Friday evenings the Fountain of Life Outreach Church provides a hot meal.

There will be a Pancake Breakfast at First Baptist Church to benefit the Food Pantry. It is being sponsored by the homeless population. If you cannot participate, consider making a donation.

CCR-1.CITIZEN/COUNCILOR REQUEST – MAYOR PELHAM – PRESENTATION FROM JOHN RANDOLPH FOUNDATION CONCERNING THEIR YOUTH INITIATIVE PROJECT

This issue was postponed. The City Manager asked Council to look at dates in the last week of March/first week of April. Keep in mind that that Sunday is Easter Sunday. It will be a busy week.

COUNCIL COMMUNICATIONS

Councilor Walton thanked Ray Spicer. He was able to relocate a woman and her husband out of deplorable living conditions, into a nursing home. Also, there will be an important vote on that train station coming up. They have pared it down to four or five places.

Mayor Pelham sadly reported that the girls' basketball team lost 53/47.

February 24, 2015
Regular Meeting
--DRAFT--

ADJOURN

At 9:32 p.m., motion was made by Councilor Shornak, and seconded by Councilor Zevgolis. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Brenda S. Pelham, Mayor

Cynthia Y. Ames, City Clerk