

**March 22, 2016
Regular Meeting**

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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD MARCH 22, 2016

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, March 22, 2016, at 6:00 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
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:00 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

MOTION TO APPROVE AGENDA

A motion was made by Councilor Walton, and seconded by Councilor Gore to approve the March 22, 2016 agenda. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Agenda Approved

CLOSED MEETING

A motion was made by Councilor Walton, and seconded by Councilor Gore to go into closed meeting for: (I) discussion of specific appointees of City Council (Board of Equalization, John Tyler Community College Board and Hopewell Redevelopment Housing Authority); (II) discussion or

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consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; (III) discussion and consideration of the investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the city would be adversely affected; and (IV) consultation with legal counsel employed or retained by city council regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code Section 2.2-3711 (A) (1) (3) (6) & (7), respectively. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Approved

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

Vote Result: 7-0 Yes

REGULAR MEETING

ROLL CALL

Mayor Pelham opened the regular meeting at 7:43 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

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

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

REGULAR MEETING

CONSENT AGENDA

Motion was made by Councilor Walton, and seconded by Councilor Gore, to approve the Consent Agenda, Minutes: None; Pending; Pending List: Updated provided March 15, 2016; Information for Council Review – None; Personnel Change Report/Financial Report – NONE; Public Hearing Announcement – April 12, 2016 – Proposed Real Property Tax; Work Session – None; Ordinances on second and final reading – Adopt Ordinance 2016-3-22A Revising The City Code, Chapter 2a, Article I And Revising The City’s Procurement Policy, And Allow By Inclusion, The Written Procedures For Design-Build and/or Construction Management Contracts, As Outlined In §2.2-4318 Of The Virginia Public Procurement Act, Which Govern The Administration Steps, Selection, Evaluation And Award Of Design-Build And Construction Management Contracts; Adopt ORDINANCE 2016-3-22B Revising City Code Chapter 2a, Article I And Revising The City’s Procurement Policy, And Allow By Inclusion, The Additional Small Purchase Category Of Non-Transportation-Related Construction, If The Aggregate Or The Sum Of All Phases Is Not Expected To Exceed \$50,000 (Amount Per City Policy) As Outlined In §2.2-4303.G Of The Virginia Public Procurement Act, Which Allows For A Public Body To Establish “Small” Purchase Procedures Not Requiring Competitive Sealed Bids Or Competitive Negotiation; Adopt the release of the city easement located at 100 South Kippax Street, a Hopewell Redevelopment and Housing Authority property and authorize the City Attorney to prepare proper documentation to release the city's easement on the property and further authorize the signature of the City Manager on said documentation; Routine Grant Approval – NONE; Proclamations/Resolutions/Presentation - Proclamation in Honor of Virginia Organizing’s 20th Anniversary; Mayor & County Recognition Day for National Services. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Consent Agenda Approved

Proclamation

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation’s counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, participants in AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

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WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with city and county officials nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016.

THEREFORE, BE IT RESOLVED that I, Brenda S. Pelham, Mayor of the City of Hopewell, do hereby proclaim April 5, 2016, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community and thank those who serve; and to find ways to give back to their communities and I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 22nd day of March, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

Proclamation

WHEREAS, Virginia Organizing is a non-partisan statewide grassroots organization dedicated to challenging injustice by empowering people in local communities to address issues that affect the quality of their lives, and

WHEREAS, Virginia Organizing encourages the participation of those who have traditionally had little or no voice in our society, and

WHEREAS, the organization encourages individuals and groups throughout the Commonwealth and in local communities to bring about change by working together and building relationships, and

WHEREAS among Virginia Organizing's Statement of Beliefs is the belief that all people should be treated fairly and with dignity in all aspects of life, regardless of race, class, gender, religion, sexual orientation, age, ability or country of origin, and

WHEREAS, the organization also believes in the enhancement and celebration of diversity in our communities and in our state, and

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WHEREAS, Virginia Organizing believes that community, economic, social and environmental policy should be developed with the greatest input from the people it is meant to serve, and that policies should promote, celebrate and sustain the human and natural resources of Virginia, and

WHEREAS, leaders, members and staff of the organization work tirelessly to connect children, low-income residents, immigrants, veterans, retirees, people with disabilities and other under-represented groups to the resources that they deserve and need, and

WHEREAS, in August of 2015, Virginia Organizing is celebrating 20 years of grassroots organizing and bringing about real change for real people through countless campaigns to improve the quality of life for all Virginians,

NOW, THEREFORE, I, Brenda S. Pelham, do hereby recognize Virginia Organization on celebrating its 20th Anniversary in November 2015 and PROCLAIM that the 23rd day of March as VIRGINIA ORGANIZING DAY in the City of Hopewell and we encourage others to learn about and support this organization in its efforts.

I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 22ndth day of March, 2016

/s/ Brenda S. Pelham
Mayor, City of Hopewell

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COMMUNICATIONS FROM CITIZENS

Ms. Jeonine Commander with the Hopewell Food Pantry addressed Council and informed Council that they were having to vacate the current location of the Food Pantry by April 30th, 2016 due to the raise of rent by the owner. Mayor Pelham and Councilor Shornak requested the City Manager and Assistant City Manager to assist the Food Panty in finding a new location and to report back to Council.

Mr. Steve Romano addressed Council and found it offensive that Council had made another loan to the Beacon in the amount of \$95,000. Mr. Romano felt that the money loaned to the Beacon would be better off serving the needs on the citizens of Hopewell.

REGULAR BUSINESS

R-1 – Regular Business – Vacant Building Registry Presentation

Ms. Tevya Griffin, Director of Planning provide City Council will the overview of the implementation of the vacant property registry program. The City Council for the City of Hopewell passed the Vacant Building Registry Ordinance in March of 2015. The draft and approval of this ordinance was

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in accordance with the September 2014 Strategic Plan goal to enhance code enforcement ordinances and training to ensure higher levels of compliance and effective enforcement. The purpose of the program is as follows: (1) To keep an inventory of buildings in the City that might endanger the public's health, safety or welfare; (2) To ensure owners of vacant buildings are known to the City and other parties can be reached if necessary; (3) To ensure that owners of vacant buildings are aware of the obligations of ownership and; (4) To ensure owners meet minimum standards of maintenance. Ms. Griffin informed Council that in May 2016 the process would begin and that the initial registration fee would be \$100 and an Annual Registration fee of \$75 would be due within 15 days of the anniversary date of the building's initial registration. A failure to register your vacant building would result in a \$200 civil penalty or a \$400 civil penalty if the property was located within the designated historic area, conservation/rehabilitation district or blight area. Mayor Pelham and Council praised the work that had been done on the Vacant Building Registry.

R-2 – Regular Business – Request for Matching Funds for the 2016 Local Government Challenge Grant presented by the Virginia Commission for the Arts

Mr. Aaron Reidmiller, Director, Recreation and Parks explained to Council that each year, the Historic Hopewell Foundation offers a variety of programs and events for citizens that focus on arts and entertainment, while incorporating local history. These programs include the Summer Concert Series held at Weston Manor, the Lunch and Lecture Series, and an annual summer program for children. The Recreation and Parks Department has been awarded grant funding from the Virginia Commission for the Arts in past years to assist with these programs. The grant requires the City to match the \$5,000 provided by the Virginia Commission for Arts, totaling \$10,000 in support of the proposed programs. A motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Shornak to appropriate matching funds in the amount of \$5,000.00 for the local government challenge grant presented by the Virginia Commission for the Arts. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Appropriation Granted

R-3 – Regular Business – Citywide Cleanup Initiative Report for the 100th Anniversary

Assistant City Manager Charles Dane informed Council that over the next week a City wide cleanup would be taking place and that members of Keep Hopewell Beautiful, Fort Lee and other neighborhood organizations would be out in the neighborhoods picking up trash and that drop off locations had been setup for citizens to take the items that had been picked up during the cleanup and would be available for the next week.

R-4 - Regular Business - Cold Weather Warming Shelter Update

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Mr. Ray Spicer of the Department of Social Services reported to Council that the City's Cold Weather Warming Shelter has closed for the season. He thanked and welcomed the shelter workers and informed Council that the warming shelter had been open for 119 nights, most stayed 1-2 nights and that there were 30 regulars who stayed each night. Males stayed at the shelter the most and that the shelter had housed 3 Veterans and that some of the individuals were able to find jobs. Mr. Spicer reported that the warming shelter will continue next year at St. James Catholic School.

CLOSED MEETING

Council returned to the closed meeting for: (I) discussion of specific appointees of City Council (Board of Equalization, John Tyler Community College Board and Hopewell Redevelopment Housing Authority); (II) discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; (III) discussion and consideration of the investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the city would be adversely affected; and (IV) consultation with legal counsel employed or retained by city council regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code Section 2.2-3711 (A) (1) (3) (6) & (7), respectively.

RECONVENE OPEN MEETING

Certification pursuant to Virginia Code § 2.2-3712 (d): only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion were discussed in closed meeting. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Yes

ADJOURN

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

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

Vote Result: 7-0 Meeting Adjourned at 10:10 P.M.

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Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

March 28, 2016
Special Meeting-Work Session

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MINUTES OF THE CITY COUNCIL SPECIAL WORKSESSION MEETING HELD
MARCH 28, 2016

A Special Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Monday, March 28, 2016, at 6:00 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, 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
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:01 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (sick)
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

MOTION TO ADOPT AGENDA

A motion was made by Councilor Walton, and seconded by Councilor Gore to adopt the agenda of March 28, 2016. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Agenda Adopted

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

Prayer was led by Charles Dane, followed by the Pledge of Allegiance to the Flag of the United States of America.

March 28, 2016
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WORK SESSION

WS-1 – Work Session – Finance Committee Budget Recommendations

City Manager Mark Haley explained the Finance Committee recommendations and informed Council that the next Budget Meeting will be on April 4th, 2016 at 6:00 p.m. The 2016 budget includes the use of approximately \$1.3 million of non-recurring revenue for the \$649,000 in additional school operational funding and \$355,919 in additional school debt. Recurring Revenues increased in the 2017 proposed budget by more than \$1.4 million and the 2017 proposed Capital Budget is approximately \$479,000 less than last year. The 2017 proposed Budget will still need approximately \$655,110 in non-recurring revenue to balance due to the increased costs in non-department areas and that it does not include any of the City Council Funding Request.

The City Manager then briefed Council on the major budget changes. VRS Retirement Increase is \$259,000, Retirees Insurance is \$362,000, Employee COLA is \$350,000, Active Employee HC Savings \$140,000 for a total change of \$831,000. The current Budget Summary for Fiscal Year 2015-16 Revenues: Recurring \$47,701,100; Non-recurring \$1,316,000; Total: \$48,417,000. For Expenditures; Operating \$46,311,000; Capital \$2,106,000 for an overall total of \$48,417,000.

The City Manager then provided the proposed Fiscal Year 2016-17 Budget Summary that does not include the Councilors request: Revenues – Recurring \$48,582,618; Non-recurring \$0 for a total of \$48,582,618. Additional Paving Funds \$450,000; City Point Historic District Improvements \$50,000; Mallonee Gym Improvements \$250,000; Riverwalk Funds \$150,000; Street Lighting Upgrades \$30,000; .02 cents Tax Decrease \$260,000 for an overall total of \$840,000. City Manager Mark Haley then revealed the proposed Fiscal Year 2016-17 Budget Summary with Council request. Revenues - Recurring \$48,582,618; Non-recurring \$0; Total \$48,582,618. Expenditures – Operating \$46,791,928 Capital \$3,285,800; Total \$50,077,728 for a Balance \$1,495,110. Other Needs Not Funded In These Budgets - VDOT Required Matching Funds For Projects; New Positions In A Couple Of Departments Needed To Maintain The Increased Needs Of Our Citizens, Staffing Or Other Resources Needed To Accomplish Many Of The Strategic Plan Initiatives, Potential funding source for the Beacon Theater if the funds from the Last Will and Testament of recently deceased citizen are delayed or withheld. Also, the City Manager reported that within the budget the City employees would receive a \$1,000 raise.

Mayor Pelham questioned the City Manager as to the budget and was this the recommendation of the Finance Committee? The City Manager replied yes, this was the recommendation and endorsed by the Finance Committee. The Mayor also asked about the personal property tax of which the City Manager responded that the personal property tax for the Fiscal Year 2016-17 would remain the same and added that compared to the surrounding localities, the City of Hopewell was the only locality not to raise its personal property tax. The Mayor also asked when Council would be updated on the Mallonee Gym Improvements. The City Manager stated that he would email council with an update. Councilor Gore pointed out that the budget did include \$550,000 for neighborhood street improvements of which was one of City Councils request. Councilor Shornak asked the City Manager if the Department Heads were in favor of the proposed budget of which the City Manager replied yes. Councilor Shornak then asked about the Beacon funding proposed in the budget was something that had been done in the past? The City Manager replied no and that this item was placed in the budget just in case the funds dedicated to the Beacon from the Last Will and Testament of recently deceased citizen are delayed or withheld. Councilor Shornak replied that she was not in favor of the funding of the Beacon in the upcoming budget. Councilor Shornak also asked when the CAFR when be ready and Assistant City Manager Charles Dane replied that they hoped to have it from the auditors by the end of April 2016. Councilor Walton expressed his satisfaction with the proposed budget and commented on the fact that the City of Hopewell would have

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no tax increase for the first time. Councilor Gore commented and said that she was not sure that she could support the Beacon financing and requested the City Manager schedule a work session regarding the Beacon. Councilor Zevgolis asked if this was the Finance Committee's budget. Councilor Gore responded yes. Councilor Zevgolis commented that he would like to see the Beacon LLC applying for more grants instead of the City providing additional funding. Mayor Pelham and City Council members thanked staff for the work they had put into this proposed budget.

ADJOURN

At 8:20 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
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 6-0 Meeting Adjourned at 8:20 P.M.

Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

April 4, 2016
Special Meeting-Work Session

---DRAFT---

MINUTES OF THE CITY COUNCIL SPECIAL WORKSESSION MEETING HELD
APRIL 4, 2016

A Special Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Monday, April 4, 2016, at 6:00 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

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

Mark A. Haley, City Manager
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:05 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	-	absent (sick)

MOTION TO ADOPT AGENDA

A motion was made by Councilor Walton, and seconded by Councilor Gore to adopt the agenda of April 4, 2016. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Agenda Adopted

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

Prayer was led by Charles Dane, followed by the Pledge of Allegiance to the Flag of the United States of America.

April 4, 2016
Special Meeting-Work Session
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WORK SESSION

WS-1 – Work Session – Finance Committee Budget Recommendations & Tax Rate

Discussion

City Manager Mark Haley explained the Finance Committee recommendations and informed Council that the on May 3, 2016 the Personal Property Tax Public Hearing would be held. Mr. Haley continue and explained that John Tyler Community College would receive the amount requested from the City. It shows that a lot of our graduating students and citizens are attending John Tyler Community College to further their education. Mr. Haley informed Council that the Hopewell Downtown Partnership had requested an additional \$7,700 on top of the already allocated \$70,000 and would defer to Council as to allowing the additional funding request. City Staff has been working with The Food Pantry of Hopewell in locating a new location and they have requested an additional \$6,000 in funding. Mr. Haley recommends this additional funding because of the additional 12,000 citizens it serves each year. The Machinery and Tools tax rate is not recommended of which Vice Mayor Luman-Bailey and Councilor Walton commented that this could be looked at for next year's budget but were not in favor of this tax increase. Commissioner of Revenue Deborah K. Reason was asked by Mayor Pelham to address City Council regarding the Machinery and Tools tax. Ms. Reason explained that the Machinery and Tools tax had not been raised in years and that it was an additional source of income that would relieve the City from having to go out and borrow money. Ms. Reason explained that if the Machinery and Tools tax was raised by .10 cents it would bring in an additional \$251,000 a year. Councilor Zevgolis comments and agreed with Ms. Reason and was in favor of raising the Machinery and Tools tax. Mr. Haley went on to explain the addition of new positions with the first being a Grant Writer of which said position would serve the Department of Development and the Assistant City Manager and the EDA. Mayor Pelham commented that this position could start out as a part-time position to evaluate its necessity. Mr. Haley replied that this was a necessary position and that by hiring a grant writer would pay for itself within a year.

Mr. Haley reported that the COLA for the proposed Fiscal Year 2016-17 budget is \$350,000 and that each employee would be receiving a \$1,000 raise, the Compensation Board is giving 2% and Department of Social Services would be receiving 2%. Councilor Zevgolis commented that this year Senior Citizens would not be receiving a COLA increase therefore, they would benefit from a 2-3% tax decrease. Councilor Gore commented that this would be unrealistic to do and if a 2-3% tax decrease was implemented the City would then put themselves in a \$700,000 deficit. Councilor Walton commented and agreed with Councilor Gore and also agreed with the \$1,000 employee raise. Councilor Zevgolis commented that this budget is \$10 million dollars more this year than last. Vice Mayor Luman-Bailey asked the City Manager about the school budget and if they had asked for an increase, Mr. Haley replied no that in this year's budget the schools had a surplus therefore, no increase was requested. Councilor Zevgolis asked if the surplus from the schools should be reimbursed back to the City. Mr. Haley then concluded his presentation and asked Council if they had any further questions and having none Mr. Haley reported that Human Resource Director Gail Vance is leaving a Director of Human Resources and has taken a job with the Commonwealth of Virginia. All Council members wished her the best and thanked her for her service to the City of Hopewell. Mr. Haley announced that the next City Council meeting will be held on April 12, 2016. The City wide clean-up will also be ending on Saturday. Mayor Pelham announced that she had adopted High Street as her clean-up project and Councilor Holloway announced she had adopted Arlington Road.

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ADJOURN

At 7:30 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Walton. Upon the roll call, the vote resulted:

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

Vote Resulted: 6-0 Meeting Adjourned at 7:30 P.M.

Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

**April 12, 2016
Regular Meeting**

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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD APRIL 12, 2016

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, April 12, 2016, at 6:00 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
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Vice Mayor Luman-Bailey opened the meeting at 6:00 p.m. Roll call was taken as follows:

Mayor Pelham	-	absent (arrived @ 6:12 p.m.)
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

MOTION TO AMEND AGENDA

A motion was made by Councilor Walton, and seconded by Councilor Gore to amend the April 12, 2016 agenda and add under Regular Business R-6 – Budget Resolution to Amend Fiscal Year 2015-16 Budget. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Amended Agenda Approved

AMENDED CLOSED MEETING

A motion was made by Councilor Walton, and seconded by Councilor Shornak to amend the closed meeting and go into closed meeting for: (I) discussion of specific appointees of City Council (Board of Equalization, John Tyler Community College Board, Hopewell Redevelopment and Housing Authority,

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and City Clerk); (II) discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of city council; (III) discussion concerning a prospective business or the expansion of an existing business where no previous announcement has been made of the business' interest in locating or expanding its facilities in the community; (IV) consultation with legal counsel employed or retained by city council regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code § 2.2-3711 (a) (1) (3) (5) & (7), respectively. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Approved

RECONVENE - OPEN MEETING

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:

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

(* Mayor Pelham having arrived after the roll call was taken to go into closed meeting was aware of the amended closed meeting notice)

Vote Result: 7-0 YES

REGULAR MEETING

ROLL CALL

Mayor Pelham opened the regular meeting at 7:50 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

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

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

CONSENT AGENDA

Motion was made by Councilor Walton, and seconded by Councilor Gore, to approve the Consent Agenda, Minutes: January 2015 through April 2015; Pending; Pending List: Updated List Provided; Information for Council Review – NEW TBR & TBR Advertisement; April 26, 2016 - Wear Ties for the James House Child Abuse Awareness & Prevention Month & Sexual Assault Awareness Month; Personnel Change Report/Financial Report – HR Report & Financial Report Provided; Public Hearing Announcement – April 26, 2016 – Public Hearing – Proposed Real Property Tax Increase; Work Session March 28th & April 4th, 2016 Budget Work Sessions; Ordinances on second and final reading: NONE; Routine Grant Approval – NONE; Proclamations/Resolutions/Presentation: Proclamation in Honor of Animal Care and Control Appreciation Week; Child Abuse Prevention Month – Ray Spicer. . Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Consent Agenda Approved

Proclamation

WHEREAS, the City of Hopewell and The National Animal Care & Control Association is proud to endorse our annual effort to celebrate and promote professionalism within the Animal Care and Control field on the national stage. As with other events designed to promote specific groups, professions, and other important causes, the City of Hopewell and the NACA is pleased to provide all the necessary encouragement for all localities who would like to show their appreciation to all their Animal Care and Control personnel; and

WHEREAS, the week of April 10th through April 16th, 2016 is designed to give recognition to the hard-working men and women of Animal Care and Control who risk their lives and devote huge amounts of personal time and resources, while they serve the public like other public safety and law enforcement agencies empowered with the same duties; and

WHEREAS, this is the week that these hard working and dedicated Animal Care and Control employees should be honored by having the whole community say, "Thank You", for helping when no one else could, or would even know how to; and

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WHEREAS, Animal Care and Control personnel risk life and limb by going out into the public to protect the welfare of helpless animals and pets that are rescued from injury, disease, abuse, and starvation; and

WHEREAS, Animal Care and Control personnel provide the essential community functions of enforcing Animal Control laws, protecting the public from diseases such as rabies, and educating the public on the proper care of the community's pets.

NOW, THEREFORE, BE IT RESOLVED that I, Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, do hereby proclaim April 10th through April 16th, 2016, as:

“Animal Care and Control Appreciation Week”

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 12nd day of April, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

Proclamation

WHEREAS, preventing child abuse and neglect is a common problem that depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

NOW, THEREFORE, I, Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, do hereby proclaim April as:

“Child Abuse Prevention Month”

And call upon all Hopewell Citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 12th day of April, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

PUBLIC HEARINGS

PH-1 - Public Hearing - A request to amend the City Code, Chapter 34, Tax Abatement for Rehabilitation/Renovated or Replacement Structures, Section 34-180 (h) Procedures for qualifying; general provisions. The amendment, if approved, would allow rehabilitated or renovated property to utilize public grant funds and be eligible for tax abatement.

This was the night advertised for a public hearing to consider a request to amend the City Code, Chapter 34, Tax Abatement for Rehabilitation/Renovated or Replacement Structures, Section 34-180 (h) Procedures for qualifying; general provisions. The amendment, if approved, would allow rehabilitated or renovated property to utilize public grant funds and be eligible for tax abatement.

Ms. Tevya Griffin, Director of Planning addressed Council. The City Administration recommends that City Council consider citizen comments and vote on the recommendation by City Administration to approve the amendment to strike Section 180(h) of Chapter 36. Ms. Griffin stated that the City has several strategies to spur economic reinvestment. The tax abatement program, the downtown façade improvement grant, and historic tax credits are three programs that have proved to be successful in drawing developers interested in our revitalization efforts, especially in downtown. It has come to Administration’s attention that the language in Chapter 34, Tax Abatement, Section 34-180 (h), impedes reinvestment. This section requires a developer to use either the tax abatement program or a public grant. It does not allow the use of both incentives.

The public hearing was opened at 8:00 p.m. There being no speakers, the public hearing was closed at 8:01 p.m.

A motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to amend and adopt on first reading City Code, Chapter 34, Tax Abatement for Rehabilitation/Renovated or Replacement Structures, Section 34-180 (h) Procedures for qualifying; general provisions. Upon the roll call the vote resulted:

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

Vote Result: 7-0 City Code, Chapter 34 Amended and Adopted

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ARTICLE XI. TAX ABATEMENT FOR REHABILITATED/RENOVATED OR REPLACEMENT STRUCTURES

Sec. 34-176. Partial exemption from real estate taxation for certain rehabilitated/ renovated single-family residential structures.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying single-family residential property rehabilitated/renovated in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

(b) When deemed rehabilitated/renovated. For the purposes of this section, single-family residential real estate shall be deemed to be substantially rehabilitated/renovated when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than twenty-five (25) percent, but without increasing the total square footage of such structure by more than fifty (50) percent.

(c) Amount of exemption. The amount of the partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation of a single-family residential property.

(d) Length of exemption. Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five (5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation or renovation, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

City-wide Residential

Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

(e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-177. Partial exemption from real estate taxation for certain rehabilitated/ renovated multi-family residential structures.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying multi-family residential property rehabilitated/renovated in accordance with the criteria set out in Article X,

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Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

(b) When deemed rehabilitated/renovated. For the purposes of this section, multi-family residential real estate shall be deemed substantially rehabilitated/renovated when such a structure on the real estate, which is no less than twenty-five (25) years old, has been improved as to increase the base value of the structure by no less than forty (40) percent, but without increasing the square footage of such structure of more than fifty (50) percent.

(c) Amount of exemption. The amount of the partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation of a multi-family residential property.

(d) Prohibition against converting single-family residential structure to multi-family residential structure. No exemption may be used to convert a single-family residential structure to a multi-family residential structure.

(e) Length of exemption. Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five (5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation or renovation, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Multi-family

Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

(f) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-177.1. Partial exemption from taxation for certain rehabilitated, renovated or replacement multi-family residential structures located in the Enterprise Zone.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying residential property or the adaptive reuse of a property for residential use located in the Enterprise Zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

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(b) When deemed rehabilitated, renovated or replaced. For the purposes of this section, residential real estate in the Enterprise Zone shall be deemed substantially rehabilitated, renovated or replaced when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than fifty (50) percent, but without increasing the total square footage of such structure by more than fifty (50) percent. The replacement of a structure must increase the base value of the structure by no less than one hundred percent (100%) in order to be eligible for the exemption.

(c) Amount of exemption. The amount of partial exemption provided for in this section shall be equal to the increase in assessed value per the rehabilitation, renovation or replacement of a multi-family residential real estate structures within the Enterprise Zone.

(d) Length of exemption. Exemption from taxation of real property qualifying for the residential rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Multi-family in the Enterprise Zone

Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

(e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-178. Partial exemption from taxation for certain rehabilitated, renovated or replacement commercial/mixed use structures located in the Enterprise Zone or Revitalization Zone.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying commercial/mixed use property located in the Enterprise/Revitalization Zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

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(b) When deemed rehabilitated, renovated or replaced. For the purposes of this section, commercial/mixed use real estate in the Enterprise/Revitalization Zone shall be deemed substantially rehabilitated, renovated or replaced when such a structure on the real estate, which is no less than twenty-five (25) years old, has been so improved as to increase the base value of the structure by no less than fifty (50) percent, but without increasing the total square footage of such structure by more than fifty percent (50%). The replacement of a structure must increase the base value of the structure by no less than one hundred percent (100%) in order to be eligible for the exemption.

(c) Amount of exemption. The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the renovation, rehabilitation or replacement of a commercial/mixed use structures within the Enterprise/Revitalization Zone.

(d) Length of exemption. Exemption from taxation of real property qualifying for the commercial or mixed use rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Commercial/Mixed Use in Enterprise/Revitalization Zone

Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

(e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-178.1. Partial exemption from taxation for certain rehabilitation or renovation of the façade of commercial/mixed use structures located in the Downtown Façade Enhancement Area.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying commercial/mixed use property located in the Downtown Façade Enhancement Area, which is rehabilitated or renovated in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

(b) When deemed rehabilitated/renovated. For the purposes of this section, commercial/mixed use real estate in the Downtown Façade Enhancement Area shall be deemed substantially rehabilitated or

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renovated when such a structure on the real estate, which is no less than twenty-five (25) years old, and has been approved to participate in the City's Downtown Façade Improvement Program.

(c) Amount of exemption. The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the façade enhancement.

(d) Length of exemption. Exemption from taxation of real property qualifying for the commercial or mixed use rehabilitation or renovation exemption shall run with the land and for the benefit of any owner of such property during each of the ten (10) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a

result of the rehabilitation or renovation of the building facade, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Downtown Façade Enhancement Area

Year	Percent Value Exempt
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

(e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-179. Partial exemption from taxation for certain rehabilitated, renovated or replacement hotel or motel structures located in the Enterprise Zone.

(a) Exemption authorized. Partial exemption from real estate taxes is provided for qualifying hotel or motel property located within a designated enterprise zone which is rehabilitated, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1- 3221 of the Code of Virginia of 1950, as amended, if eligible according to the terms of the Constitution, the Code of Virginia and the provisions of this article.

(b) When deemed rehabilitated/renovated or replacement. For the purposes of this section, hotel or motel real estate located in a designated enterprise zone shall be deemed substantially rehabilitated, renovated or replaced when such structure on the real estate, which is no less than thirty-five (35) years

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old, has been so improved as to increase the base value of the real estate by no less than five million dollars (\$5,000,000.00).

(c) Amount of exemption. The amount of partial exemption provided for in this section shall be equal to the resulting increase in assessed value per the rehabilitation, renovation or replacement of hotel or motel structures within the enterprise zone.

(d) Length of exemption. Exemption from taxation of real property qualifying for the hotel or motel rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the five (5) years of exemption. The owner of the property shall be entitled to receive an exemption of one hundred percent (100%) of the increase in the assessed value of the real property as a result of the rehabilitation, renovation, or replacement, as determined by the real estate assessor, during the first year after completion. In subsequent years, the owner shall be entitled to receive partial exemption from taxation on a declining percentage factor as set out in the table below.

Hotel/Motel in Enterprise Zone

Year	Percent Value Exempt
1	100%
2	80%
3	60%
4	40%
5	20%

(e) When the construction of a new structure is achieved through demolition and replacement of an existing structure, this exemption shall not apply when any structure demolished is a registered Virginia landmark, is determined by the State to be eligible for historic designation or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Sec. 34-180. Procedures for qualifying; general provisions.

(a) Procedures. As a requisite for qualifying for partial tax exemption for the rehabilitation, renovation, or replacement of a structure, the owner of the real property

upon which the structure is located shall simultaneously with making application for a building permit to construct, rehabilitate, or renovate such structure, file with the real estate assessor, an application to qualify such structure for partial exemption from taxation. Upon receipt of an application for tax exemption, the real estate assessor shall determine the then assessed value of the structure prior to commencement of new construction, rehabilitation or, renovation, which shall serve as the base value for determining whether the new construction or the rehabilitation/renovation increases the assessed value of such structure by the minimum amount as provided in this article. The application to qualify for tax exemption shall be effective until December 31 of the second calendar year following the year in which the application is submitted. If by such expiration date, the new construction, rehabilitation or renovation has not progressed to such a point that the assessed value of the real estate is at least said minimum percentage greater than the base value of such structure, the approved application becomes null and void and no exemption shall be allowed. A new application to qualify for tax exemption may be filed, accompanied by a payment of an additional fee and the establishment of a new base value. The initial application to qualify for the rehabilitated, renovated or replacement real estate structure tax exemption, and any subsequent application, must be accompanied by payment of a nonrefundable fee in the sum of one hundred twenty-five (\$125.00), which fee shall be applied to offset the cost of processing such application, making required assessments, and making inspections to determine the progress of the work.

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During the period between the receipt of the application and the time at which the assessor shall ascertain that the real estate has increased in value by at least the minimum percentage, the real estate assessor shall, prior to December 31, make annual inspections of the progress of the rehabilitation, renovation or replacement undertaken, and the owner of the property shall be subject to taxation upon the full value of the improvements to the property. An owner may, at any time prior to November 1 of any calendar year in which rehabilitation, renovation or replacement of a structure is complete, submit a written request to the assessor to inspect the structure to determine if it then qualifies for the rehabilitated, renovated, or replacement property exemption. When it is determined that at least the minimum percentage increase in assessed value (base value is exceeded by the applicable percentage or more) has occurred within the qualifying period, the tax exemption shall become effective beginning on January 1 of the next calendar year.

(b) Credit. The owner of property qualifying for partial exemption of real estate taxes because of rehabilitation, renovation or replacement of a structure shall be issued a bill annually in the amount of the actual taxes based on assessed value reduced by the rehabilitated, renovated or replacement exemption credit allowed. The exemption credit shall be the difference in taxes computed upon the base value, and the taxes that are computed on the initial value of the rehabilitated, renovated, or replacement structure once it qualifies for the exemption. An increase in assessment occurring after the first year of such rehabilitated, renovated or replacement structure shall not qualify for an increase in such exemption. No portion of any credit (partial exemption) shall be allowed in any year for any real estate when such portion of a credit would reduce the tax below what it would be for the base value of the real estate. No portion of any unused or unavailable credit may be used in any subsequent year.

(c) Exemption runs with land. Exemption from taxation of real property qualifying for the rehabilitation, renovation or replacement exemption shall run with the land and for the benefit of any owner of such property during each of the years of exemption as defined in the appropriate table.

(d) Improvements on vacant land. No improvements made upon vacant land defined in the Zoning Ordinance for single or multi-family purpose use shall be eligible for partial exemption from real estate taxation.

(e) New detached real estate shall not qualify for exemption.

(f) Methods of determining base value. In determining the base value of a structure and if the rehabilitation, renovation, or replacement results in the necessary minimum increase over such base value, the assessor shall employ usual and customary methods of assessing real estate.

(g) No property which is already subject to any tax abatement shall be eligible for further abatement under this article.

(h) No property rehabilitated or renovated utilizing any public grant funds shall be eligible for abatement under this article.

(i) Only property listed as a permissible use, as of the application date, in the zoning ordinance in the district it occupies shall be eligible for abatement under this article.

Sec. 34-181. Real property tax payment prerequisite to exemption.

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In order to qualify for any partial exemption under this article, neither the real property which is the subject of the exemption application, nor the owner of said property, may be delinquent in any then due real property tax payments.

Sec. 34-182. Failure to pay nonexempt real estate taxes; penalty on exempt taxes; forfeiture of exemption.

Whenever the owner of real property which has qualified for partial exemption from real estate taxation under this article shall fail to timely pay the non-exempted amount of real estate taxes on the property of any tax year, the partial exemption from real property taxation shall be forfeited for the remainder of the exemption period and late penalty shall be added for that tax year of ten (10) percent of the real estate taxes which were claimed for exemption. However, if the failure to pay the real estate tax was not in any way the fault of the taxpayer, the treasurer may waive any penalty and interest and the assessor may reinstate any tax credit.

The partial exemption from real property taxation provided for in this article shall also be forfeited if a single-family residential structure afforded a partial exemption is used for, or converted into, a multi-family residential structure.

Sec. 34-183. Assessor; rehabilitated, renovated or replacement real estate; special coding in computer master file; application forms; rules and regulations.

(a) Nothing in this article shall be construed as to permit the assessor to list upon the land book any reduced value due to the exemption provided.

(b) When the tax exemption becomes effective, the property shall be so coded and identified by the assessor in the computer master file for the term of the exemption period. The bill previously referred to in the "credit" section of this article will be prepared based on this Code as will all other necessary administrative procedures, reports and analysis.

(c) The real estate assessor shall cause to be prepared and shall have for distribution in the real estate assessor's office, in the office of the building code official, and in the department of development, forms for use by property owners who propose to construct/rehabilitate/renovate or replace residential or qualifying commercial structures. Application forms shall be completed in duplicate and shall be delivered by the owner to the real estate assessor at the same time that the owner applies for a building permit to undertake such rehabilitation, renovation or replacement real estate improvement, at which time the base value of the real property will be determined.

(d) The real estate assessor may prescribe such rules and regulations as deemed requisite for processing applications for exemption for rehabilitated, renovated or replacement property and exempting same and a copy of any such rules and regulations shall be available in the office of the real estate assessor, the building code official, and the department of development, as well as in the office of the city clerk.

Sec. 34-184. Effective date for tax abatement program rehabilitated, renovated or replacement real estate.

This ordinance shall be effective January 31, 2010 and shall be applied to all qualifying applications for the tax year 2010 and all subsequent tax years. Any construction and/or renovation project which was begun in 2009 and which will be completed in 2010 will be eligible for this tax abatement program as if

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the project had been started under the program, so long as the real estate assessor is able to make an accurate determination of the assessed value of the structure prior to commencement of the new construction, rehabilitation or, renovation, which can serve as the base value pursuant to §34-180. Any person or entity desiring to include a project begun in 2009 must file the application described in §34-180.

PH-2 - Public Hearing - Proposed Fiscal Year 2016/2017 City Budget

This was the night advertised for the first of two public hearing regarding the proposed City of Hopewell Fiscal Year 2016/2017 City Budget. The public hearing was opened at 8:05 p.m. There being no speakers, the public hearing was closed at 8:06 p.m. The Mayor announced that on April 26, 2016 at 7:30 p.m. Council will hold its first of two public hearings regarding the proposed real property tax. Mark Haley, Hopewell City Manager and Charles Dane, Hopewell Assistant City Manager did a quick review of the proposed budget and stated that Chapter 18 would be further explained at the final budget public hearing.

Councilor Gore commented on the use of funds for City Council members to provide mailings to the citizens and said funding to be increased within the budget. Councilor Walton commented that they had already discussed teaming up with the Commissioner of Revenue for when she does her mailing to the citizens. Councilor Gore stated that she wanted to see the money used for mailings out to individual Wards to announce Ward meetings. Vice Mayor Luman-Bailey and Councilor Shornak commented that this could be somethings that the City Manager, City Attorney and City Clerk could work on together and create a policy. Councilor Gore stated that she was not in favor of the City Manager, City Attorney and City Clerk in creating a policy. Councilor Zevgolis commented that he was not in favor of this type of funding for Councilors and would like to see the City Manager, City Attorney and City Clerk research this type of request. Councilor Walton stated that he thought this request was a little self-serving and would be satisfied with only one mailing being sent out each year. Mayor Pelham asked the Jerry Whitaker, the Finance Director if the current budget had such funds allocated for Council to use, Mr. Whitaker replied yes. Mayor Pelham asked Mr. Whitaker why it was not listed as a line item in the budget. Mr. Whitaker replied that it was just placed in the Council budget after having been approved during last year's budget. Mayor Pelham requested that the \$3,500 be divided up among the seven Council members and that a line item be listed for each Council member however, she would not be using this money of which was echoed by Councilors Zevgolis, Holloway, and Walton.

COMMUNICATIONS FROM CITIZENS

Mr. Johnny Partin addressed Council and informed them of a Spring Trash Cleanup being hosted by himself and John Eliades. Mr. Partin invited the City Council and staff to join them this Saturday April 16th from 8:00 A.M. to 10:00 A.M. at the Bluffs near Weston Manor. Mayor Pelham and Councilor Shornak thanked Mr. Partin for his community service work he has been providing.

REGULAR BUSINESS

R-1 – Regular Business – Healthcare Rates for Employees and Retirees Update

Ms. Gail Vance, Human Resource Director reported to Council that the City's Strategy was to encourage employees to be "good consumers" of their health care needs which lowers the utilization of services. Ms. Vance reported that this year's renewal came in with a 5.7% decrease for the upcoming year (approximately 220K). Decrease will be used as an offset to retiree increase Rates will be flat this year for active employees. With regards to the retirees Pre-65, the City currently has approximately 22 pre-65 retirees on plan and the costs to the City \$16,123.00 per month (\$193,476.00 annually). Ms. Vance reported currently the City reimburses 34 Retirees Costs the City \$9,065.22 per month (\$108,782.64 annually) City reimbursements range from \$50.20 – 871.76 per month. The Advantage 65 – 65 and over retirees, Currently

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the City has 14 Retirees on the plan. The plan Started in July 1, 2015 (Part of TLC – Active Group) Costs the City \$2,660.00 per month (\$31,920.00 annually). The AARP Medicare Supplement – 65 and Over Retirees currently the City has 99 Retirees on the plan (75 Retirees and 24 Spouses) Spouses were covered for pre 2004 retirees. Effective July 1, 2016 these retirees will transition to the Advantage 65 Plan (Part of TLC – Active Group) Costs the City \$17,651.96 per month (\$211,823.52 annually). The AARP Medicare RX – 65 and Over Retirees, currently the City has 96 Retirees on the plan (76 Retirees and 20 Spouses) Spouses were covered for pre 2004 retirees Costs the City \$5,761.40 per month (\$69,136.80 annually). Ms. Vance then reported that the cost for the City to provide Retiree coverage is approximately \$615,138.96 annually.

R-2 – Regular Business – Hopewell Downtown Partnership Presentation – Continued Funding Presentation

Mr. Evan Kaufman, Executive Director of the Hopewell Downtown Partnership (HDP) reported that the partnership was close to \$2.5 million invested into downtown Hopewell through direct and indirect efforts of the HDP. Mr. Kaufman played a video that summarized the efforts of the DHP and requested from Council to continue to support the HDP in an effort to keep the momentum and progress of downtown revitalization currently underway. Mr. Brad Butterworth, Chairman of the DHP reiterated what Mr. Kaufman had presented and shared.

R-3 – Regular Business – Approve Funding from the Youth Initiative Line Item to help Co-Sponsor the ImPower Youth Conference

Councilor Gore addressed her fellow Councilors and requested them to using the funds from the Youth Initiative line item to Co-Sponsor the ImPower Youth Conference. These monies will be used for Supplies and Lunch for the Attendees. The ImPower Youth Conference is listed as a 100th Anniversary event.

A motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey to approve sponsorship for the Impower Youth Conference and to allocate \$5,000.00 from the youth initiative line item to help with purchasing supplies and lunch for the attendees. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Financial Sponsorship Approved

R-4 - Regular Business- Discuss and Recommend changing monument size restrictions in the Appomattox Cemetery, and establish financial penalties for companies that violate established size restrictions

Mr. Edward Watson, Director of Public Works reported to Council that his department has received several emotional appeals to increase the size limitations on new markers being installed in the Appomattox Cemetery. The current Code requires the markers be limited to two thirds of the lot width. Staff has no issues with increasing the limitations to provide more space for larger and/or combined lots.

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The maximum width increase would occur on a double plot space (8 feet max) with one combined marker. The limitation in this situation would be increased from 5 foot, 4 inches to 7 feet. There would be no change for the smallest scenario of a single 3 foot wide lot. That limitation will be 2 foot wide under both the old and new rules. Mr. Watson also recommended that the City Code pertaining to new marker widths in the Appomattox Cemetery be modified to limit the total lot width of the marker to the lot width minus 6 inches on each side of the marker. Also it is recommended that the City Manager be granted the authority to make exceptions to size limitations in unique situations. Council upon the recommendation of the City Attorney, granted the City Manager to make the necessary policy changes since the code did not need to be amended.

R-5. - Regular Business - Budget Resolution to amend Fiscal Year 2015-16 Budget

A motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Zevgolis to appropriate \$15,000.00 from the Fiscal Year 2015-16 Budget for Court-Appointed Attorney fees. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Budget Resolution Passed

BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2015-2016

WHEREAS, at the meeting of the City Council of the City of Hopewell held on April 12, 2016, a budget amendment was introduced to appropriate funds for the FY 2015-2016 budget to provide funds for Court appointed attorney fees.

WHEREAS a budget amendment to appropriate funds in the amount of \$15,000 for Court-appointed attorney fees from the Unassigned Fund Balance for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective unassigned fund balance account,

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

Sec. 1 The following designated funds and accounts shall be appropriated for funds for Court appointed attorney fees from the Unassigned Fund Balances.

General Fund-011:

Resources:

Fund Balance	\$15,000
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Appropriations:

District Court Operations.....	\$ 15,000
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R.6 – Regular Business – Budget Resolution to Amend Fiscal Year 2015-16 Budget

A motion was made by Councilor Zevgolis, and seconded by Councilor Walton to appropriate \$25,000 in additional funding for the purchase of a home for economic development purposes. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Financial Appropriation Granted

**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2015-2016**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on April 12, 2016, a budget amendment was introduced to appropriate funds for the FY 2015-2016 budget to provide for funding to purchase a house for economic development purpose.

WHEREAS an budget amendment to appropriate funds in the amount of \$25,000 to the Capital Project Fund from the Unassigned Fund Balance for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective unassigned fund balance account,

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

Sec. 1 The following designated funds and accounts shall be appropriated for Economic Development from the Unassigned Fund Balance.

General Fund-011:

Resources:

Fund Balance \$25,000

Appropriations:

Transfer to Fund 071 \$25,000

Capital Projects Fund-071:

Resources:

Transfer from Fund 011 \$25,000

Appropriations:

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Capital Expenditure \$25,000

REPORTS OF THE CITY CLERK

A motion was made by Councilor Zevgolis, and seconded by Councilor Gore to reappoint Billie Glass, Roland Peacock, Kyle Davis and Allen Powell to the Board of Equalization and to reappoint Linda Hyslop and Greg Cuffey to the John Tyler Community College Board. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Appointments Approved

COUNCIL COMMUNICATIONS

Councilor Zevgolis Reported of the 55th Anniversary of Gateway.

Councilor Shornak: Thanked all the Department Heads for all the hard work they had done with regards to the FY 16-17 City Budget.

Vice Mayor Luman-Bailey: Stated that she would have a report on "Go Green" at the April 26th meeting.

Councilor Gore: Wanted to publicly thank Council and Staff for all the support she received for the Youth Conference and thanked the Beacon Theatre for providing a meeting location.

Mayor Pelham: Wished a Happy Birthday to her granddaughters.

Councilor Walton: Wished a Happy Birthday to his son.

ADJOURN

At 9:35 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Gore. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Meeting Adjourned at 9:35 P.M.

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Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

**April 26, 2016
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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD APRIL 26, 2016

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, April 26, 2016, at 6:00 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: 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
 Benjamin W. Emerson, Interim City Attorney*
 Ross A. Kearney III, City Clerk

(* Mr. Emerson filled in as Interim City Attorney for City Attorney Stefan M. Calos who was ill)

ROLL CALL

Vice Mayor Luman-Bailey opened the meeting at 6:02 p.m. Roll call was taken as follows:

Mayor Pelham	-	absent (Sick)
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	absent (arrived @ 6:11 p.m.)
Councilor Walton	-	present
Councilor Shornak	-	present

Motion To Adopt Agenda

A motion was made by Councilor Walton, and seconded by Councilor Shornak to adopt the City Council agenda for April 26, 2016. Upon the roll call, the vote resulted:

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

Vote Result: 5-0 Agenda Adopted

CLOSED MEETING

At 6:05 p.m. motion was made by Councilor Walton, and seconded by Councilor Shornak, to convene into Closed Meeting for (I) discussion of specific appointees of City Council (Board of Zoning Appeals and City Clerk); (II) discussion concerning a prospective business where no previous

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announcement has been made of the business' interest in locating or expanding its facilities in the community (III) consultation with legal counsel employed or retained by city council regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code Section 2.2-3711 (A) (1) (5) & (7), respectively. Upon the roll call, the vote resulted:

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

Vote Result: 5-0 Yes

RECONVENE - OPEN MEETING

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

(* Councilor Gore having arrived after the roll call was taken to go into closed meeting was aware of the closed meeting notice)

Vote Result: 6-0 YES

REGULAR MEETING

Vice Mayor Luman-Bailey opened the regular meeting at 7:31 p.m. Roll call was taken as follows:

Mayor Pelham	-	absent (Sick)
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

Prayer was offered by Chaplain Gregory Taylor, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

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Motion was made by Councilor Walton, and seconded by Councilor Shornak, to resolve to approve the Consent Agenda: Minutes: April 2015-June 2015; Pending List: Updated Pending List Provided; Information for Council Review: None; Personnel Change Report & Financial Report: None; Public Hearing Announcements: May 3, 2016 – 2nd Reading - Proposed Real Property Tax Rate & Proposed FY 2016-2017 City Budget (Summary of Funds). May 10, 2016 - A request to amend the City of Hopewell Zoning Ordinance, Article I, Definitions to add the definitions of Craft Beer/Tap Room, Microbrewery, and a Microbrewery/Restaurant in accordance with the City of Hopewell Zoning Ordinance, Article XXI, Amendments; A request to amend the City of Hopewell Zoning Ordinance, Article IX, Downtown Central Business District (B-1), Article X, Limited Commercial District (B-2), Article XI, Highway Commercial District (B-3), Article XI-A, Corridor Development District (B-4), Article XII, Limited Industrial District, (M-1), Article XIII, Intensive Industrial District, (M-2) Section A., Use Regulations, to add either a Craft Beer/Tap Room, a Microbrewery, and a Microbrewery/ Restaurant by right and by Conditional Use Permit in accordance with the City of Hopewell Zoning Ordinance, Article XXI, Amendments.; Routine Approval of Work Sessions: May 3, 2016 @ 6:00 p.m.; Ordinances on Second and Final Reading: None; Routine Grant Approvals; None; Proclamations/Resolutions/Presentations: Kids to Parks Day – Aaron Reidmiller; Sexual Assault Awareness Month – The James House; Hopewell High School Football & Men’s Basketball Teams. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Consent Agenda Approved

PROCLAMATION

WHEREAS, May 21st, 2016 is the sixth Kids to Parks Day organized and launched by the National Park Trust and supported by Hopewell Recreation and Parks; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit Hopewell’s parks and playgrounds; and

WHEREAS, children are encouraged to lead more active lifestyles to combat the issues of childhood obesity; and

WHEREAS, Kids to Parks Day is open to all children and adults to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children’s appreciation for physical activity and the outdoors; and

NOW, THEREFORE, BE IT RESOLVED, I, Mayor Brenda Pelham, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, do hereby proclaim to participate in Kids to Parks Day on Saturday, May 21st, 2016 and furthermore urge the Citizens of the City of Hopewell to make the time to take the children

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in their lives to a neighborhood, state or national park.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 26th day of April, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

PROCLAMATION

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

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

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

WHEREAS, Staff and volunteers of James House encourage every citizen of Hopewell to speak out when witnessing acts of violence however small; and

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

NOW, THEREFORE, BE IT RESOLVED that I Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, do hereby join the board, staff, and volunteers of James House in the belief that all community members must be part of the solution to end sexual violence and hereby proclaim April 2016 as:

“Sexual Assault Awareness Month”

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 26th day of April, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

RESOLUTION

**April 26, 2016
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WHEREAS, the Hopewell High School was established in 1925; and

WHEREAS, the 2015 Hopewell High School Football Team after starting two and two went on a nine game winning streak capturing the Central District Championship as well as the 3A East Region Championship and reached the 3A State Championship Semi-Finals; and

WHEREAS, the young men in this program put in the hard work and dedication of which began in January and throughout the summer to help reach this success not only on the field but also off the field by following this year's motto "We Build Student Athletes" of which rendered three college scholarships; seventeen players earned some type of recognition for All-Conference with six of them receiving First Team All-State Honors and ten players receiving All-Academic Honors; and

WHEREAS, the Hopewell Football Program strives to continue the success on and off the field by building discipline and character and valuable life lessons that go along with playing a team sport; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hopewell wishes to give formal recognition to the Hopewell High School Football Team and its Coaches, and by this resolution hereby recognizes and commends the 2015 Hopewell High School Football Team.

RESOLUTION PRESENTED THIS 26th DAY OF APRIL, 2016

* * * *

RESOLUTION

WHEREAS, the Hopewell High School was established in 1925; and

WHEREAS, the 2015-16 Hopewell High School Men's Basketball Team finished twenty-three and six and was the 3A State Runner-Up; and

WHEREAS, the Hopewell High School Men's Basketball Team was Conference 26 Champions, winners of the Bill Littlepage Tournament and finished the season ranked second in 3A Rivals State Poll; and

WHEREAS, the Hopewell Men's Basketball Team produced many award winners such as Deonte Jones who became a member of 1,000 point club, 2nd Team 3A All-State, 1st Team All-East Regional Team, 1st Team All-Conference 26, 1st Team All-Richmond-Metro, Malik Jefferson and Johnnie Jefferson 2nd Team All-Conference 26, and Coach Kurt Young Conference 26 Coach of the Year; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hopewell wishes to give formal recognition to the Hopewell High Men's Basketball Team and its Coaches, and by this resolution hereby recognizes and commends the 2015-16 Hopewell High School Men's Basketball Team.

RESOLUTION PRESENTED THIS 26th DAY OF APRIL, 2016

PUBLIC HEARINGS

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PH-1 - Public Hearing – Proposed Real Property Tax Rate

This was the night advertised for the first public hearing to consider a request to consider the proposed Real Property Tax Rate. Mr. Mark Haley, City Manager briefed Council that for the upcoming Fiscal Year the proposed Real Property Tax Rate would remain the same.

The public hearing was opened at 7:50 p.m. There being no speakers, the public hearing was closed at 7:51 p.m.

TAX RATES		
	2015	Proposed 2016
Real Estate	\$ 1.13	\$ 1.15
Personal Property	\$ 3.50	\$ 3.50
Business Personal Property	\$ 3.50	\$ 3.50
Machinery & Tools	\$ 3.05	\$ 3.05

PH-2 – Public Hearing - Proposed Fiscal Year 2016/2017 City Budget

This was the night advertised for the first public hearing to consider a request for the proposed Fiscal Year 2016-17 City Budget. Mr. Mark Haley, City Manager quickly reviewed the proposed Fiscal Year 2016-17 City Budget.

The public hearing was opened at 7:52 p.m. There being no speakers, the public hearing was closed at 7:53 p.m.

SUMMARY OF FUNDS BUDGETS				
	2015/16	2016/17		
	Adopted	PROPOSED	INCR	PERCENT
FUND	BUDGET	BUDGET	(DECR)	CHANGE
General Fund	\$48,032,000	\$49,930,358	\$1,898,358	3.80%
Recreation Fund	1,704,000	1,832,400	128,400	7.01%
Social Services Fund	3,884,402	4,210,772	326,370	7.75%
CSA Fund	3,684,000	3,280,473	(403,527)	(12.30%)
Self-Insurance Fund	500,000	500,000	-	0.00%
Cemetery Care Fund	35,000	35,000	-	0.00%
Anti-litter Fund	5,000	6,063	1,063	0.00%
Marina/Harbor Fund	14,400	14,400	-	0.00%
School Operating Fund	47,684,692	49,872,516	2,187,824	4.39%
School Textbook Fund	650,000	650,000	-	0.00%
School Cafeteria Fund	3,142,912	3,142,912	-	0.00%
Building & Bus Fund	702,950	1,354,679	651,729	48.11%
Solid Waste Fund	2,050,445	2,104,382	53,937	2.56%
Sewer Services Fund	8,601,130	8,479,425	(121,705)	(1.44%)
HRWTF Fund	48,346,067	49,428,727	1,082,660	2.19%
Stormwater Fund 1		3,359,330	3,359,330	100.00%
Stormwater Fund 2		250,000	250,000	100.00%
Capital Projects Fund	6,996,000	8,378,500	1,382,500	16.50%
Econ. Development Fund	-	38,440	38,440	100.00%
Healthy Families Fund	204,135	204,135	-	0.00%
	\$176,237,133	\$187,072,512	\$10,835,379	
Interfund Transfers	(20,897,582)	(19,714,267)	1,183,315	(6.00%)

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TOTALS	\$155,339,551	\$167,358,245	\$12,018,694	7.18%
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REGULAR BUSINESS

R-1 – Regular Business – Budget Resolution to Appropriate \$85,000 for the New Fire, Rescue & Suppression Boat

A motion was made by Councilor Zevgolis, and seconded by Councilor Walton to appropriate \$85,000 from the Fiscal Year 2015-16 Budget for the lease purchase of the Hopewell Fire Rescue & Suppression Boat. Upon the roll call, the vote resulted:

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

Vote Result: 6-0 Budget Resolution Appropriated

BUDGET AMENDMENT RESOLUTION
 FISCAL YEAR 2015-2016

WHEREAS, at the meeting of the City Council of the City of Hopewell held on April 26, 2016, a budget amendment was introduced to appropriate funds for the FY 2015-2016 budget to provide for funding to purchase a new fire, rescue, and suppression vessel.

WHEREAS a budget amendment to appropriate funds in the amount of \$85,000 to the Capital Project Fund from the Unassigned Fund Balance for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective unassigned fund balance accounts,

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

Sec. 1 The following designated funds and accounts shall be appropriated for the Fire Department from the Unassigned Fund Balance.

General Fund-011:

Resources:

Fund Balance	\$85,000
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Appropriations:

Transfer to Fund 071	\$85,000
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Capital Projects Fund-071:

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Resources:

Transfer from Fund 011 \$85,000

Appropriations:

Capital Expenditure \$85,000

R-2 – Regular Business – Appropriation of Grant Line Items - \$7,698 for Emergency Shelter Operation Supplies; \$42,540 for Technical Rescue Supplies; \$11,200 for Tri-Cities Communications and \$16,200 for a Fire Ballistic Vest Grants.

A motion was made by Councilor Shornak, and seconded by Councilor Gore to accept grants and appropriate \$7,698 for emergency shelter operation supplies, \$42,540 for technical rescue supplies, \$11,200 for Tri-Cities Communications and \$16,200 for Fire Ballistic vest grants to the Hopewell Fire Department, which will be reimbursed by the Virginia Department Homeland Security. Upon the roll call, the vote resulted.

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

Vote Result: 6-0 to Accept Grants and Appropriate

BUDGET AMENDMENT RESOLUTION
FISCAL YEAR 2015-2016

WHEREAS, at the meeting of the City Council of the City of Hopewell held on April 26, 2016, a budget amendment was introduced to approve Homeland Security Administration grants and appropriate funds for the FY 2015-2016 budget to provide for Fire Department funding for emergency shelter operation supplies, technical rescue supplies, tri-cities communications, and ballistic vests.

WHEREAS a budget amendment to approve Homeland Security Administration grants in the amount of \$87,638 and to appropriate funds in the amount of \$87,638 to the Hopewell Fire Department, was introduced,

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

Sec. 1 The following designated grant funds are accepted and shall be appropriated to the Hopewell Fire Department.

Homeland Security Administration Grant:

Resources:

Emergency Shelter Operation Supply Grant	\$7,698
Technical Rescue Supply Grant	\$42,540
Tri-Cities Communication Grant	\$11,200
Ballistic Vest Grant	\$16,200

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Appropriations:

Transfer to Fund

\$77,638

R-3 – Regular Business - Comprehensive Plan Study Update

Ms. Tevya Griffin, Director of Development, provided Council with the Comprehensive Plan Study Update. Ms. Griffin shared the following: Our Vision: “We endeavor to be a city, ever evolving, with a small hometown atmosphere, taking advantage of our regional location, riverfront assets, and abundant growth opportunities. We desire to cultivate a healthy and prosperous citizenry with good character, who work together, who seek to make the City dynamic, who look to the future, and who show great pride in our businesses, neighborhoods, schools, and homes.” Economic Development - The strength of the City’s economy is weak. Income for City residents is well below Virginia’s average and the rate of new employment is static. Many City residents (8,300+) are out-commuters for employment. In-commuters (6,700+) spend little non-work time and money in the City. Unemployment rates are high. The marketplace for goods and services is underperforming. The City has not adequately capitalized on its downtown, riverfront, and historic cultural and recreational assets. Housing and Neighborhoods - The City’s neighborhoods and housing stock have suffered over the past decade – ownership, maintenance, infrastructure, safety, livability, landscape, and rehabilitation are shortcomings. Since 2000, rental dwellings have increased by 11.7% while home ownership has decreased by 12.8%. Unoccupied housing represents 7.1% of the City’s total residential inventory, an increase of over 98% since 2000. Regionally, Hopewell has a poor reputation for housing quality. Public relations with Fort Lee and adjoining communities must be improved to overcome negativity. Develop more focused initiatives to create highly regarded, livable, safe, clean and attractive neighborhoods and housing stock that will enhance our societal, spiritual, and economic values. Land Use, Development, & Environment – Reality is poor quality neighborhoods, unattractive buildings, uncoordinated development, and neglected property maintenance have damaged Hopewell’s image in the Richmond Metropolitan area. A disproportionate percentage of low-income rental housing has contributed to urban neglect. Retail and business occupancy levels are the lowest in the region. Segments of the City’s major entrance corridors suffer from marginal uses and deterioration. Areas of the City have issues with environmental pollution. Our goal is to enact land use planning and development policies that respect the environmental and riverfront assets while stimulating a stronger marketplace for the revitalization, redevelopment, and repurposing of the City’s commercial, industrial and residential planning areas. Councilor Shornak and Vice Mayor Luman-Bailey thanked staff for all the hard work and encouraged them to continue. Councilor Zevgolis asked Ms. Griffin is she had the survey numbers and what were the percentages of where they had come from throughout the City? Ms. Griffin replied that 15% came from Ward 1; 3% from Ward 2; 38% from Ward 3; 12% from Ward4; 16% from Ward 5; 5% from Ward 6 and 4% from Ward 7.

R-4 – Regular Business - Right of Way Maintenance

A motion was made by Councilor Gore, and seconded by Councilor Shornak to amend City Code Section 18-2 Unlawful Accumulation of Growth Subsections (C) & (D). Upon the roll call, the vote resulted:

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

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Councilor Gore	-	yes
Councilor Walton	-	yes

Vote Result: 6-0 City Code Section 18.2 Sections (C) and (D) Amended

Sec 18-2. Nuisances

(A) Any weeds, grass, or other foreign vegetation growth upon any property within the city which is detrimental to the health, safety or welfare of the inhabitants of the city, are hereby declared a nuisance.

(B) Any weeds, shrubs, grass, or other vegetation growth upon any property within the city which is in excess of fourteen (14) inches in height are hereby declared a nuisance. This subsection shall not apply to wooded areas of land in their natural state.

(C) Any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street right-of-way line, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street, sidewalk or public alley, thereby endangering such persons or vehicles, or which would cause a traffic hazard as described in Article XVIII-A-10-c of the zoning ordinance are hereby declared a nuisance.

(D) Any grass, weeds, or other vegetable matter growing on any sidewalk, or between any sidewalk to the back of curb line and/or roadside drainage ditch to the paved surface of the street, and/or from the right-of-way line to the paved surface of the street or alley, are hereby declared a nuisance and it shall be the duty of the owner or occupant of any land or premises abutting upon such sidewalks or roadside drainage ditch or bordering right-of-way zone to keep such grass, weeds, and other vegetable matter cut at all times to prevent such space from becoming unsightly or offensive, or from constituting a hazard to the health, safety or welfare of the residents of the city.

R-5 – Regular Business - Budget Resolution to Amend Fiscal Year 2015-16 Budget

A motion was made by Councilor Zevgolis, and seconded by Councilor Shornak, to appropriate \$260,000 from the Fiscal Year 2015-16 Enterprise Fund Budget for dewatering expenses at the Hopewell Regional Wastewater Treatment Facility for rental of emergency dewatering equipment. Upon the roll call, the vote resulted:

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

Vote Resulted: 6-0 Appropriation Approved

BUDGET AMENDMENT RESOLUTION
FISCAL YEAR 2015-2016

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WHEREAS, at the meeting of the City Council of the City of Hopewell held on April 26, 2016, a budget amendment was introduced to appropriate funds for the FY 2015-2016 budget to provide for funding for the rental of emergency dewatering equipment at the Hopewell Regional Wastewater Treatment Facility.

WHEREAS a budget amendment to appropriate funds in the amount of \$260,000 to the HRWTF Maintenance Budget from the HRWTF Miscellaneous Revenue for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective Hopewell Regional Wastewater Facilities miscellaneous revenue fund,

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

Sec. 1 The following designated funds and accounts shall be appropriated from the Hopewell Regional Wastewater Facilities Miscellaneous Revenue Fund to Hopewell Regional wastewater Facilities Maintenance Account.

Hopewell Regional Wastewater Facilities Fund-032:

<u>Resources:</u>	
Miscellaneous Revenue	\$260,000
 <u>Appropriations:</u>	
HRWTF Operations.....	\$260,000

R-6 – Regular Business – Qualified Zone Academy Bonds (QZAB’s)

Mr. Mark Haley, City Manager reported that through the Qualified Zone Academy Bonds (QZAB) school districts with low-income populations can save on interest cost associated with financing school renovations and repairs. In addition, these benefits can be used for the following activities: Renovation and repairing buildings; Investing in equipment and up-to-date technology; Developing challenging curricula and training quality teachers. QZAB also encourage schools and business to cooperate in innovative ways that expand students’ learning opportunities and help schools prepare students with the kind of skills employers and our nation need to compete in the global economy.

A motion was made by Councilor Gore, and seconded by Councilor Shornak to authorize the City Manager to proceed with applying for the QZAB grants. Upon the roll call, the vote resulted:

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

Vote Resulted: 6-0 Approval Granted

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REPORTS OF THE CITY CLERK

A motion was made by Councilor Walton, and seconded by Councilor Shornak to appoint Ms. Christine M. Duclos to the Board of Zoning Appeals. Upon the roll call, the vote resulted:

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

Vote Resulted: 6-0 Ms. Duclos Appointed to the BZA

COUNCIL COMMUNICATIONS

Councilor Gore updated every one of the progress of the New City Website; requested from the City Manager the Man Power report and requested a Economic Development Report from Assistant City Manager Charles Dane.

Vice Mayor Luman-Bailey would be reporting at the next meeting on the HWTF Committee and the Go Green Committee meetings. The Vice Mayor also thanked the Woman's Club for the scholarships.

Councilor Shornak thanked Mr. Partin and Mr. Eliades for planting the bushes within the City.

Councilor Walton reminded everyone to attend Riverfest.

Councilor Holloway thanked everyone for all they do and for attending tonight's meeting.

ADJOURN

At 9:19 p.m. a motion was made by Councilor Walton, and seconded by Councilor Holloway, to adjourn the meeting. Upon the roll call, the vote resulted:

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

Christina J. Luman-Bailey, Vice Mayor

Ross A. Kearney III, City Clerk

**May 3, 2016
Special Meeting
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MINUTES OF THE CITY COUNCIL SPECIAL MEETING HELD MAY 3, 2016

A Special Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 3, 2016, at 7:00 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
 Stefan M. Calos, City Attorney
 Ross A. Kearney III City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:00 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	absent (arrived @ 7:07 p.m.)
Councilor Gore	-	absent (arrived @ 7:08 p.m.)
Councilor Walton	-	present
Councilor Shornak	-	present

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

Prayer was led by Charles Dane, followed by the Pledge of Allegiance to the Flag of the United States of America.

MOTION: TO AMEND/ADOPT AGENDA

A motion was made by Councilor Walton, and seconded by Vice Mayor Luman-Bailey to adopt the agenda for May 3, 2016. Upon the roll call, the vote resulted:

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

Vote Resulted: 5-0 Agenda Adopted

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WORK SESSION

WS-1 – Work Session - Briefing and Presentation on requests to amend the City of Hopewell Zoning Ordinance to address Craft Beer/Tap Room, Microbrewery, and Microbrewery/Restaurant uses in the following Articles: I. Definitions, IX. Downtown Central Business District (B-1), X. Limited Commercial District (B-2), XI. Highway Commercial District (B-3), XI-A. Corridor Development District (B-4), XII. Limited Industrial District (M-1), and XIII. Intensive Industrial District (M-2)

Ms. Tevya Griffin, Director of Development, addressed Council regarding the requests to amend the City of Hopewell Zoning Ordinance to address Craft Beer/Tap Room, Microbrewery, and Microbrewery/Restaurants uses in the following Articles: I. Definitions, IX. Downtown Central Business District (B-1), X. Limited Commercial District (B-2), XI. Highway Commercial District (B-3), XI-A. Corridor Development District (B-4), XII. Limited Industrial District (M-1), and XIII. Intensive Industrial District (M-2). Ms. Griffin provided the following example of the proposed amended zoning ordinance for Council to review before the May 10th Public Hearing.

ARTICLE I. DEFINITIONS

A. GENERAL USAGE:

For the purpose of this ordinance, certain words and terms are herein defined as follows:

1. Words used in the present tense include the future tense; words used in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
2. The word "shall" is mandatory; "may" is permissive.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
4. The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel".
5. The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".
6. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
7. The word "State" means the Commonwealth of Virginia.
8. The word "City" means the City of Hopewell, Virginia.
9. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. DEFINITIONS:

1. ABANDONED SIGN(S): A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive for period of ninety (90) consecutive days or longer; and/or a sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. ABUTTING/ADJACENT PROPERTY: Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a free way or principal arterial) from the subject property.
3. ACCESSORY USE: A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided on the same premises. Where a

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building is attached to the principal building, it shall be considered part thereof, and not an accessory building.

4. ACCOUNTING SERVICES: A business office that provides financial counseling, tax preparation, bookkeeping, financial planning services, and any similar service to the public. This shall not include gambling, betting or gaming services.
5. ACRE, GROSS: A measure of land equating to 43,560 square feet.
6. ACRE, NET: That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, easement or any right-of-way for any proposed streets or street widening.
7. ACREAGE: A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot or any recorded subdivision plat.
8. ADMINISTRATOR, THE: The official charged with the enforcement of this zoning ordinance.
9. ADULT BOOKSTORE: An establishment having as more than 25 percent of its stock and grade in books, films, videocassettes (whether for viewing off premises or on premises) or magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities and/or male or female anatomical areas.
10. ADULT CABARET: A cabaret that features seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
11. ADULT ENTERTAINMENT: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of specific male or female anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or similar entertainment service offered customers.
12. ADULT MOTION PICTURE THEATER: An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specific male or female anatomical areas for observation by patrons therein.
13. ADVERTISING & PUBLIC RELATIONS AGENCIES: A business office that provides expertise in marketing to include but not be limited to advertising, public relations, and public speaking
14. AGRICULTURAL ANIMALS: Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.
15. AGRICULTURE: The tilling of the soil, the raising of crops, the practicing of horticulture, forestry and gardening, including the keeping of animals and fowl.
16. AIRPORT: A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.
17. ALLEY: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
18. ALTERATIONS, STRUCTURAL: Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those of fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.
19. AMUSEMENT ENTERPRISE: A building or structure used to provide or stage public entertainment for which a charge is imposed in the form of an entrance fee or separate fees for the use of amusement devices therein.

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20. **ANTENNAS:** TV dish antenna in excess of three (3) feet in diameter and/or more than 54 inches in height, antenna tower, microwave antenna. A receiving or transmitting antenna for private, public, commercial or industrial use which for all practical purposes is considered an accessory structure as pertains to the Zoning Ordinance. Requires a Building Permit.
21. **ANIMAL SHELTER:** Any facility designated by the City of Hopewell for the purpose of impounding and caring for cats and dogs found running at large or otherwise subject to impoundment in accordance with the provision found in the City Code
22. **ANTIQUÉ STORE:** A premises used for the sale or trading of articles of which 80% or more are over 50 years old or have collectable value. An antique for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past as defined above. An antique store does not include a thrift store, a second hand store or a consignment store. All articles for sale shall be within a fully enclosed building, not unless otherwise authorized in the ordinance.
23. **APARTMENTS:** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.
24. **APPLIANCE STORES:** A store that sells equipment used for domestic functions, included but not limited to, televisions, washers, dryers, refrigerators, and stoves/ovens, and dishwashers, and other appliances not easily carried without assistance
25. **APPLICANT:** A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.
26. **ARCHITECT:** A person who, by reason of his/her knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the State regulatory board.
27. **ARCHITECTURAL TREATMENT:** The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material, and the type, design, and character of all windows, doors, and appurtenant elements.
28. **ART GALLERIES, FRAMING & SUPPLIES:** An establishment engaged in the sale, loan or display of art; paintings, sculptures, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.
29. **ASSEMBLY PLANT:** A structure used for the fitting together of parts or components to form a complete unit.
30. **ASSISTED LIVING FACILITY:** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
31. **AUTOMOBILE AND TRUCK SALES AND SERVICE ESTABLISHMENTS:** The use of any building or land area, for the display, sale, or lease of new or used automobiles, panel trucks or vans and including any warranty repair work and other repair services conducted as an accessory use.
32. **AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather upon which there are more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative.
33. **AUTOMOBILE RENTAL AGENCIES:** Rental of automobiles, light trucks, and vans, including incidental parking of vehicles for rent or lease.
34. **AUTOMOBILE REPAIR:** The use of a site for the repair of automobiles, noncommercial trucks, motorcycles. This includes muffler shops, wheel and brake shops, oil change and lubrication, tire service and sales, installation of CB radios, car alarms, stereo equipment, or cellular telephones. This does not include body and fender shops, paint and welding services.
35. **BAKERY:** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. Such use may include incidental food service.

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36. **BARBER SHOP:** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers as established by the State Board.
37. **BEAUTY PARLOR:** Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. It may include the training of apprentices under regulations of the State Board.
38. **BED & BREAKFAST:** A private, owner-occupied business with four to six rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.
39. **BERM:** A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, provide visual interest on a site, screen undesirable views, reduce noise or to control the direction of surface water flow.
40. **BIG BOX RETAIL:** A singular retail or wholesale- user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.
41. **BLACKSMITH SHOP:** A building usually equipped with a forge, used for the shaping and repair of iron and other metals.
42. **BOARD OF ARCHITECTURAL REVIEW:** A board authorized and appointed by the Hopewell City Council. The purpose of the Board is to study proposals and grant Certificates of Appropriateness for the erection, construction, alternation, restoration, demolition or removal of any structure within the City Point Historic District. It may also investigate and provide recommendations regarding other buildings, structures, places, or areas in the City having historic interest or value.
43. **BOARD OF ZONING APPEALS:** The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
44. **BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen persons.
45. **BOAT DOCK, PRIVATE:** A dock or wharf for private use to which a boat house or other structure is not attached.
46. **BOAT HOUSE:** A structure for not more than five (5) boats, designed and intended for use by boat owners in the general neighborhood, but with no commercial facilities.
47. **BOOKSTORE:** A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videos, music compact discs, computer software, or any other printed or electronically conveyed information or media, excluding "adult bookstore", "adult theater" or any other sexually oriented business.
48. **BUILDING:** A structure having one (1) or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.
49. **BUILDING CAPACITY:** The seating capacity of a structure or the total number of employees for which the structure was designed shall be the maximum which can be accommodated on the premises.
50. **BUILDING INSPECTOR:** An appointed official of the City of Hopewell, Virginia, who is responsible for certifying building inspections.
51. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
52. **BUILDING PERMIT:** A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.
53. **BUIDLING OFFICIAL:** The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in the City of Hopewell.
54. **BUILDING SITE:** A piece of land consisting of the minimum areas of required square footage of the zoning district where it is located where a permitted use or structure may be placed.

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55. **BULK STORAGE:** A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc. usually stored in large quantities.
56. **CAMERA AND PHOTO SUPPLY STORE:** A facility primarily engaged in the retail, sale, lease, and service of photography equipment and supplies, including on-site processing or development.
57. **CAMPER:** A rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled, or carried upon another vehicle; and which is not susceptible to permanent human habitation and which lacks permanent cooking, toilet or bathing facilities.
58. **CAMPGROUND:** An area upon which are located sites for two (2) or more trailers, campers and other camping facilities for seasonal or temporary recreational occupancy.
59. **CAMPING TRAILER:** A vehicular, portable structure mounted on wheels; constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.
60. **CANNERY:** A structure used for the processing and canning of foods.
61. **CAR WASH:** A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.
62. **CARPORT:** A roofed space having one (1) or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front yard. A carport cannot be used as storage.
63. **CASUAL AND FORMAL APPAREL STORES:** Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
64. **CELLAR:** The portion of a building partly underground, which has one-half (1/2) or more of its clear height below the average grade of the adjoining ground.
65. **CERTIFICATE OF APPROPRIATENESS:** A permit issued by the Board of Architectural Review granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.
66. **CERTIFICATE OF OCCUPANCY:** A document issued by the Building Official allowing the occupancy or use of a structure and certifying that the structure and /or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.
67. **CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
68. **CIRCUIT COURT:** The circuit court for the City of Hopewell, Virginia.
69. **CLUB, PRIVATE:** Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.
70. **CLUSTER DEVELOPMENT:** A type of development that allows the reduction of lot sizes below the zoning ordinances minimum requirements if the land thereby gained is preserved as a permanent open space for the community.
71. **COFFEE SHOP:** An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
72. **COMMERCIAL:** Any wholesale, retail or service business activity established to carry on trade for a profit.

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73. **COMMERCIAL BANKS AND FINANCIAL INSTITUTIONS:** A financial institution that is open to the public and engaged in fiduciary activities such as making loans, investments, deposit banking and is regulated by the Federal Deposit Insurance Corporation (FDIC)/federal. This shall not include pay day loan centers.
74. **COMMISSION, THE:** The Planning Commission of Hopewell, Virginia.
75. **COMMON OPEN SPACE:** All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designated portion of the planned development and not dedicated as public lands.
76. **COMMUNITY GARDENS:** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
77. **COMPREHENSIVE PLAN:** The Comprehensive Plan for Hopewell, Virginia.
78. **COMPUTER SALES AND SERVICE:** An establishment engaged in the sale, and repair of computers, lap tops, and their accessory parts such as, but not limited to, adapters, monitors, computer bags.
79. **CONDITIONAL USE:** A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. These uses which are described in this ordinance may be allowed to locate within a given designated district under the controls, limitations and regulations of a Conditional Use Permit.
80. **CONDITIONAL USE PERMIT:** A permit issued by the City Council for a use allowed as a conditional use in a designated district after evaluation of the impact and comparability of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will insure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.
81. **CONCRETE WORKS:** A structure or area used for the manufacture of concrete and concrete products.
82. **CONDOMINIUM:** Ownership of single units of a multiple-unit structure with common elements.
83. **CONSIGNMENT SHOP:** An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.
84. **CONVENIENCE STORE:** A single store with a floor area of four thousand (4,000) square feet, or less, which offers for sale general merchandise needed as a means of convenience to persons living or working nearby or persons passing by. Gasoline and oil may also be offered for sale but only as a secondary activity of the store.
85. **COURT:** An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky
- 86. CRAFTBEER/TAP ROOM: a business where the persons can purchase craft beers pre-packaged, on tap or in a growler to take off premises. Very limited seating is provided. Eating a meal is not a main purpose of business.**
87. **CREDIT UNION:** A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds and is regulated by the National Credit Union Administration (NCUA). This does not include pay day loan/lending establishments.
88. **DAIRY:** A commercial establishment for the manufacture, processing, and/or sale of dairy products.

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89. DANCE HALL: Any place open to the general public where dancing is permitted; provided, however, that a restaurant located in the city licensed under the Code of Virginia to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.
90. DANCE STUDIOS: A school where classes in dance are taught to four persons or more at a time.
91. DAY NURSERIES & CHILD CARE CENTER: An institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this chapter.
92. DELICATESSEN: An establishment where food is sold for consumption off premises and no counters or tables for on premises consumption of food are provided, but excludes groceries and supermarkets.
93. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
94. DISTRICT: A portion of the territory of the City of Hopewell, Virginia, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the adopted zoning ordinance.
95. DUMP HEAP (TRASH PILE): Any area where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary landfill.
96. DWELLING: A building or portion thereof, but not a manufactured home, designed or used for residential occupancy. The term dwelling shall not be construed to mean motel, rooming house, hospital or other accommodations used for more or less transient occupancy.
97. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
98. DWELLING, TWO-FAMILY (DUPLEX): A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
99. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
100. DWELLING, SINGLE-FAMILY: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.
101. EQUIPMENT, PENTHOUSE: A structure on the roof of a building containing necessary mechanical equipment, elevator equipment and/or stairways.
102. FACTORY OUTLET SHOPPING MALL: A building of at least 125,000 square feet in size, wherein there occurs the sale of merchandise and food and associated commercial structures in conjunction with the mall.
103. FAMILY: (1) One person; (2) Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (3) a group of not more than four persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (4) residential are home.
104. FAMILY DAY HOME: A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the providers' own children and any children who reside in the home, shall be licensed. No family day home shall care for more than four children under the age of two, including However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family

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day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Caring for five (5) or less children shall be considered babysitting as a home occupation.

105. FENCE: A free-standing structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

106. FIRE & RESCUE SQUAD STATIONS: A government facility that houses fire and rescue personnel and equipment.

107. FITNESS CENTER OR GYM: A building designed and equipped for the conduct of sports, exercise, leisure time activities, other customary and usual recreational activities. The activities shall be conducted entirely within an enclosed building. This shall not include government owned recreational buildings.

108. FLOOD: A general and temporary inundation of normally dry land areas.

109. FLOOD, ONE HUNDRED YEAR: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

110. FLOODPLAIN: A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

111. FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.

112. FLOODWAY: The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

113. FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

114. FLORIST: Retail business whose principal activity is the sale of non-illegal plants which may or may not be grown on the site and conducting business within an enclosed building.

115. FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.

116. GARAGE APARTMENT: A second subsidiary dwelling unit located in an accessory building.

117. GARAGE, PRIVATE: Accessory building designed or used for the storage of private automobiles owned and used by the occupant of the building to which it is accessory.

118. GARAGE, PARKING: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.

119. GASOLINE FILLING STATION: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil, and minor accessories for such vehicles, and the sale of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, where establishment may or may not include facilities for lubricating, washing, minor repairs, or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or major repair work.

120. GENERAL STORE: A single store, the ground floor of which is four thousand (4,000) square feet or less, which offers for sale general merchandise. Gasoline and oil may also be offered for sale but only as a secondary activity of a general store.

121. GIFT, STATIONARY, AND CARD SHOPS: Retail store where items such as stationary, novelty items, jewelry, and notions are sold. This does not include antique shops, consignment shops, pawn shops or thrift stores.

122. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

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123. **GOLF DRIVING RANGE:** A limited area on which golf players do not walk but into which they drive golf balls from a central driving tee.

124. **GOLF, MINIATURE:** A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.

125. **GOVERNING BODY:** The City Council of the City of Hopewell, Virginia.

126. **GROCERY STORE:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

127. **GROUP HOUSING:** For the purpose of this ordinance, group housing is defined as publicly-funded housing which is provided by a public authority, limited partnership, or non-profit sponsors, and is designed and used as a dwelling for the elderly and/or hand-icapped, whether it is one (1) dwelling or a series of dwelling units in one (1) structure.

128. **HEALTH OFFICIAL:** The legally-designated health authority of the Department of Health, Commonwealth of Virginia, for the City of Hopewell, or his authorized representative.

129. **HEIGHT:** The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. Where build-ings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.

130. **HISTORIC AREA:** An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the commu-nity, or of such significance as to warrant conservation and preservation, and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state or federal government agency.

131. **HOME DECORATING CENTER AND INTERIOR DESIGN SERVICES:** A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, tiles, carpet and paint samples may be provided, and or sold.

132. **HOME HEALTH CARE SERVICES:** An office establishment that schedules nurses and practitioners to make visits to patients that call in for health care services.

133. **HOME OCCUPATION:** Any occupation, profession, enterprise or activity carried on by the resident of the dwelling, with no one employed other than members of the family; who are also residing on the premises which is incidental and secon-dary to the use of the premises including but not limited to handicrafts, dressmak-ing, millinery, laundering, preserving, home cooking, personal service of beauty culture offered in a limited way by appointment and not to the general public, the home office of a member of a recognized or licensed profession such as attorney-at-law, physician, dentist, musician, artist, professional engineer, or real estate salesman; provided that such occupation shall not require external alterations or the use of equipment or machinery which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises; and provided that no traffic shall be generat-ed by such home occupa-tion in greater volume that would normally be expected in a residential neighborhood. Home occupations shall not be in-terpreted to include: massage parlors, nursing homes, convales-cent homes, rest homes, motels, motor courts, tourist homes, animal hospitals or kennels, day care centers, motor vehicle repairs and mainte-nance, or similar establishments offering services to the general public.

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134. **HOSPITAL:** An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupation" if they comply with the definitions herein.)
135. **HOTEL:** A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
136. **INDIVIDUAL AND FAMILY CONSULTING SERVICE:** An establishment where professionals trained in counseling, psychology, or any other similar science offers counseling to individuals or groups. This shall not include psychic or fortune-telling businesses.
137. **INN:** An establishment, consisting of one or more buildings and associated grounds, for the temporary/permanent lodging of people, with or without meals and with or without private cooking facilities in the lodging rooms; and the establishment may provide customary private open-to-the-public accessory services of an inn, such as meeting facilities, dining rooms, banquet rooms, ball-room, the sale of incidental items, etc.
138. **INSTITUTIONS OF HIGHER EDUCATION:** Any institution accredited by the State Department of Education and/or authorized by the State Council of Higher Education to award degrees; and including all uses customarily associated with an institution of higher education, such as dormitories, classrooms buildings, athletic fields, libraries, etc.
139. **INSURANCE AGENCY:** An office establishment that sells, advises persons on insurance whether for home, rental, automobiles, businesses, etc.
140. **INTERNET CAFÉ:** An establishment where patrons participate in gaming or gambling activities on-line through a computer or arcade game. On-line time or air time is purchased and can be placed into an account or a debit type card. Winners are awarded with more air time or a cash prize. Also referred to as internet sweepstakes.
141. **JEWELRY SALES AND REPAIR:** A retail establishment that sells jewelry and, repair jewelry, within an enclosed building. This does not include a pawn shop.
142. **JUNK YARD:** An establishment or place of business, or an area which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. The term shall include dump heaps and sanitary landfills.
143. **KENNEL:** A place prepared to house, board, breed, handle or otherwise keep or care for dogs and cats for sale or in return for compensation.
144. **KINDERGARTENS AND DAY CARE CENTERS:** Any institution maintained for the purpose of received children for full-time care, maintenance, protection and guidance separated from their parents or guardians. This shall not include primary or secondary educational facilities or summer camps.
145. **LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
146. **LAUNDRY AND DRY CLEANING/DRY CLEANERS:** An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or were articles are dropped off, sorted, and picked up by but where laundering or cleaning is done elsewhere.
147. **LIMITED (LIGHT) INDUSTRY:** Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumber yards, ware-houses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication plants.
148. **LOADING SPACE:** A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while transferring, loading, or unloading goods,

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merchandise, or products or while performing services. Such space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height.

149. LODGE, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as businesses.

150. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

151. LOT, CORNER: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

152. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

153. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

154. LOT, INTERIOR: Any lot other than a corner lot.

155. LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.

156. LOT OF RECORD: A lot, a plat, or description of such which has been recorded in the clerk's office of the circuit court.

157. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials or products, or both of them into articles or substances of different character, or for use for a different purpose.

158. MANUFACTURED HOME PARK/SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.

159. MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins

160. MARINA, COMMERCIAL OR CLUB TYPE: Boating facilities designed and operated for profit, or operated by any club or organized group, where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal service, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

161. MARINA, PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs

162. MASTER PLAN: A long-term, general outline for projected development.

163. MARQUEE: A roof-like structure or awning projecting over an entrance, for example, a theater.

164. MANUFACTURED HOME: A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or non-expandable, or non-expandable in accordance with USA - A110.1 Standard for manufactured Homes 1972 currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundations, connections to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a manufactured home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia. This definition shall not apply to travel trailers used for recreational camping purposes.

165. MANUFACTURED HOME LOT: Any area or tract of land used by design to accommodate one (1) manufactured home.

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166. **MANUFACTURED HOME PARK:** A parcel of land divided into two (2) or more lots for rent for which the facilities for servicing the manufactured home have been constructed, and which is completed before the effective date of this ordinance.
167. **MEDICAL WASTE:** Waste produced as a routine result of medical or veterinary treatment, excluding any radioactive material.
168. **MEMBER OWNED RECREATIONAL FACILITY:** Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; country clubs (golf courses separately defined); labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.
169. **MICROBREWERY:** a facility that manufacturers craft beer on site. This is the main function of the facility. Provides tours and tastings. Food distribution is not a main function of the facility but can be provided. Food distribution can be a small percentage of the business or provided by outside patrons such as food trucks.
170. **MICROBREWERY/RESTAURANT - a sit down/dine in/or take out restaurant that provides an array of craft beers for consumption on site. A tour of facility could be provided with minor manufacturing on site. Small distribution is allowed from patrons of the restaurant.**
171. **MIXED USE/STRUCTURE:** A building containing a combination of two or more uses different principal uses.
172. **MODULAR HOME:** A dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
173. **MONUMENTAL STONE WORKS:** a facility that processes stone to be used for various uses for consumers.
174. **MOTEL:** One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
175. **MOTION PICTURES THEATER, EXCLUDING DRIVE-IN THEATERS:** Complex: structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall.
176. **MUNICIPAL UTILITIES:** Utilities that are subject to city acceptance for operation and maintenance. For purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component part(s) thereof.
177. **MUNICIPAL WASTE:** Waste which is normally composed of residential, commercial and institutional solid waste, excluding any waste which is otherwise regulated, such as infectious waste, hazardous waste, nuclear waste, etc.
178. **MUSEUM:** A building servicing as a repository for a collection of natural, scientific, or literary curiosities or objects or interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
179. **MUSIC STORE:** An establishment set aside for the sell of musical instruments, disco jock equipment, speakers, sheet music, accessory equipment, lessons and music software.

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180. NEIGHBORHOOD STORE: A single store with a floor area of four thousand (4,000) square feet or less, which offers for sale general merchandise to the people of the area for their day-to-day needs.

181. NEWSPAPER OF GENERAL CIRCULATION: A publication published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended for primarily members of a particular professional or occupation group, a newspaper whose primary function it to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

182. NIGHT CLUB: See "Dance Hall"

183. NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

184. NONCONFORMING LOT: A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements for the district in which it is located.

185. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

186. OFFICE BUILDING: A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

187. OFFICIAL ZONING MAP: The map or maps, together with all subsequent amendments thereto, which are adopted by reference as part of this ordinance and which delineate the zoning district boundaries in the City of Hopewell,

188. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.

189. OPEN SPACE: Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

190. PARKING LOT: An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.

191. PARKING SPACE: A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, except that off-street parking facilities containing any parking spaces may use twenty (20) percent of the total spaces as "compact car" spaces with a minimum size of seven and one-half (7 1/2) feet in width and fifteen (15) feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only".

192. PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and

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possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and landscaping requirements.

193. PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each large animal shall not be regarded as a pen.

194. PERFORMING ARTS CENTER: A facility used to view and practice the performing arts such as dance, acting, and music.

195. PET SHOP: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

196. PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, personal hygiene items and related supplies

197. PHILANTHROPIC & CHARITABLE INSTITUTIONS: Any entity which: (1) has been certified as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue code, and (2) has religious or charitable or is a religious or charitable organization. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons, and which thereby lessens the burdens of government.

198. PHOTOGRAPHIC STUDIO: A building used exclusively by a professional photographer to take photos for persons for a fee.

199. PLANNED UNIT DEVELOPMENT: An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.

200. PLAYGROUND: A small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.

201. PORCH: The term "porch" shall include any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

202. PORTABLE STORAGE UNIT: Also known as a POD, a portable on demand storage unit. A large container used for temporary storage. It is hauled to a property, loaded with items, hauled from the property and either stored in a storage yard or unloaded.

203. POST OFFICE: A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

204. PRINT SHOP: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

205. PRIVATE UTILITIES: Utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.

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206. PROFESSIONAL OFFICE: The office, studio or professional room of a doctor, architect, artist, musician, lawyer or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.
207. PUBLIC LIBRARIES: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
208. PUBLIC PARK : A publically owned recreational area with play apparatus and/or fields.
209. PUBLIC WATER AND SEWER SYSTEMS: A water or sewer system owned and operated for public use by a municipality, or county, or by a private individual, corporation or association.
210. RECREATION AND FITNESS CENTER: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.
211. RECREATIONAL EQUIPMENT, MAJOR: Travel trailers, pickup campers, motorized trailers, houseboats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.
212. REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.
213. RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.
214. REST HOME, CONVALESCENT HOME: Any place containing beds for two (2) or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded mental, epileptic, alcoholic patients, or drug addicts.
215. RETAIL SPACE: Space within a building designated by the Building Official as retail used for the sell of goods, wares, or merchandise directly to the consumer.
216. REZONING: A request to City Council to change the zoning of land from one zoning district to a different zoning district.
217. ROOMING HOUSE: A dwelling in which, for compensation, lodging is furnished to three (3) or more, but not exceeding nine (9) guests; a boarding house.
218. SAWMILL: A sawmill, located on public or private property, for the processing of timber.
219. SAWMILL, PORTABLE: A portable sawmill for cutting timber grown primarily on the premises.
220. SCHOOL: A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, it may also include a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious or other special subjects.
221. SCRAP YARD: Any land or building used for the abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles, or other vehicles not in running condition, or parts thereof.
222. SCREENING: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.
223. SECURITY BROKERS AND DEALERS: An office facility whose function is to provide clients with security services. Detective services may also be provided.
224. SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet temporary storage needs.
225. SETBACK: The minimum distance by which any building or structure must be separated from the front, side or rear lot line.

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226. **SEXUALLY ORIENTED BUSINESS:** Any premises which the public patronizes or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, directly or indirectly. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult cabarets, adult entertainment studios or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. No sexually oriented business shall be located within 1,000 feet of certain places. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of a preexisting: 1) Public or private school; 2) Licensed day care; 3) Public Park; 4) Religious institution; 5) Boundary of a residential district; 6) Another sexually oriented business.
227. **SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and manmade-and, depending on requirements, the location of proposed utility lines.
228. **SITE TRIANGLE:** The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines.
229. **SHOPPING CENTER:** Five (5) or more buildings or establishments located on the same lot or parcel of ground or two (2) or more buildings or establishments located on the same lot or parcel of ground with a combined floor area of forty thousand (40,000) square feet or more.
230. **SIGN:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, but any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.
231. **SIGN, AREA:** The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports, or uprights on which the sign is placed. On double-faced signs, whose sign faces are parallel and are at no point more than two (2) feet from one another, only one (1) display face shall be measured in computing total sign area.
232. **SIGN, BUSINESS:** A sign which directs attention to a product, commodity or service available on the premises.
233. **SIGN, DIRECTIONAL:** A sign (one end of which may be pointed, or on which an arrow may be pointed, indicating the direction to which attention is called) giving the name and approximate location only of the farm, or business, responsible for the erection of same.
234. **SIGN, FREESTANDING:** Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.
235. **SIGN, GENERAL ADVERTISING:** A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.
236. **SIGN, GRAND OPENING:** A sign which is used for the introduction, promotion, or announcement of a new business, store, shopping center, office, or the announcement, introduction, or promotion of a new establishment.
237. **SIGN, IDENTIFICATION:** A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.
238. **SIGN MAINTENANCE:** The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the re-printing of existing copy without changing the wording.

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239. SIGN, OUTDOOR ADVERTISING: A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.
240. SIGN, PROJECTING: A sign attached to the building wall or suspended from roof overhang in such fashion as to extend perpendicular from the building wall.
241. SIGN, ROOF: A sign erected on the roof of a structure.
242. SIGN, ROOF LINE: A sign erected either on the edge of the roof or on top of the parapet wall, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
243. SIGN STRUCTURE: Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.
244. SIGN, TEMPORARY: A sign, either a banner, pennant, poster or advertising display constructed of cloth, plastic sheet, cardboard wall board, etc., applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.
245. SIGN, WALL: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
246. SITE AREA: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.
247. SPECIAL EXCEPTION: A use that is permitted by right when authorized by this ordinance, after the Board of Zoning Appeals has issued a permit stating under what conditions the use may operate.
248. SPECIAL USE PERMIT: A permit issued by the Board of Zoning Appeals, for selective specified reasons; used only for that particular reason and only under the conditions specified in the ordinance.
249. SPORTING GOODS: The sale of goods, equipment, and uniforms used during sports activities.
250. STANDING SPACE: A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented service including, but not limited to, drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
251. STORY: That portion of a building, other than the cellar, including between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
252. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished for use.
253. STREET, ROAD: A public thoroughfare.
254. STREET LINE: The dividing line between a street or road right of way and the contiguous property.
255. STRUCTURE: Anything constructed or erected, the use of which required location on the ground, or attachment to something having a permanent location on the ground, except utility poles.
256. SUBSTANTIAL COMPLETION: The point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:
- (1) Necessary final approval by the Hopewell Code Enforcement Department has been given (if required);
 - (2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable;
 - (3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
 - (4) Any work remaining on the project is minor or "punch list" in nature.

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Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

257. **TAILOR SHOP:** An establishment that provides alteration and sewing of clothing for men's and women's apparel. This use is interchangeable with a seamstress shop.

258. **TANNING SALON:** Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

259. **TAX PREPARATION SERVICES:** An office use that primarily provides tax preparation and may provide book keeping services.

260. **THRIFT STORE:** A nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated.

261. **TOWNHOUSE:** A single family dwelling unit, being one (1) of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

262. **TOYS, GAMES, AND CRAFTS SHOP:** Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

263. **TRAVEL TRAILER:** A vehicular, portable structure designed in accordance with USA Standards for Travel Trailers (A119-2) currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation or vacation uses; its design and type shall be clearly identified by the manufacturer by visible identification seal or plate of a permanent nature as a travel trailer; and its specification for travelling over the streets and highways of Virginia shall be in accordance with the Virginia Motor Vehicle Code, with a maximum width of eight (8) feet and a maximum length of thirty five (35) feet.

264. **TRAVEL TRAILER PARK - TRAVEL TRAILER CAMP:** Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

265. **TRUCK CAMPER:** A portable structure designed to be loaded or fixed to the bed or chassis of a truck.

266. **UPHOLSTERY SHOP:** A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

267. **VARIANCE:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal endorsement of the ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

268. **VETERINARY HOSPITAL:** A building or group of buildings providing surgical or medical treatment to animals, and dispensing and sales of veterinary-related products; provided that all work rooms, cages, pens, or kennels be maintained within a completely soundproof building and that such use be operated in such a way as to produce no objectionable noise or odors outside its walls.

269. **VIDEO RENTAL STORE:** An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses. This does not include adult video establishments.

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270. **WASTEWATER TREATMENT FACILITY:** A public or private facility which treats wastewater from residences, businesses, institutions, industries and other sources with effluent to enter a public sewer in accordance with the City Code provisions for sewers and sewage disposal or to be discharged under an applicable state or federal permit.
271. **WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET:** Any structure or land used for the sale of agricultural or marine produce.
272. **WHOLESALE BUSINESS:** A place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial or retail use.
273. **YACHT CLUB:** An area and/or structures established for the purpose of water oriented recreation to include only one wharf or dock, the sale of gas and oil, club houses, and other social facilities for club members and their guests; and shall exclude maintenance facilities and any commercial establishment for the sale of food and lodging.
274. **YARD:** An open space on a lot other than a court occupied and unobstructed from the ground upward by structures except as otherwise provided herein.
275. **YARD, FRONT:** An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
276. **YARD, REAR:** An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
277. **YARD, SIDE:** An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.
278. **ZERO LOT LINE:** A common lot line on which a wall of a structure may be constructed.

Council thanked Ms. Griffin on the update and her hard work.

PUBLIC HEARING

PH-1 - Public Hearing - Proposed FY 2016/2017 City Budget

This was the night advertised for the second public hearing to consider a request for the proposed Fiscal Year 2016-17 City Budget. Mr. Mark Haley, City Manager quickly reviewed the proposed Fiscal Year 2016-17 City Budget.

The public hearing was opened at 7:33 p.m. There being no speakers, the public hearing was closed at 7:34 p.m.

REGULAR BUSINESS

R-1. - Regular Business – Approve & Adopt the FY 2016/2017 Real Property Tax Rate

A motion was made by Councilor Shornak, and seconded by Vice Mayor Luman-Bailey to to approve and adopt the real property real estate tax rate at \$1.13 per \$100.00 of assessed value; \$3.50 per \$100.00 for personal property, business personal property and \$3.05 per \$100.00 on machinery and tools for fiscal year 2016-17. Upon the roll call, the vote resulted:

Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes

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Councilor Zevgolis	-	no
Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Resulted: 6-1 - FY 16-17 Real Property Tax Rate Approved and Adopted

R-2 - Regular Business – Approve & Adopt the FY 2016/2017 City Budget Resolution

A motion was made by Councilor Zevgolis to postpone the approval and adoption of the FY 2016-17 Budget Resolution until May 10, 2016. Having there no second to the motion, the motion died.

A motion was made by Councilor Gore, and seconded by Vice Mayor Luman-Bailey to to approve and adopt the City Budget Resolution in the amount of \$167,358,245.00 for the Fiscal Year 2016-17. Upon the roll call, the vote resulted:

Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	no
Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	abstained *
Councilor Shornak	-	yes

(*Mayor Pelham being employed by the Hopewell City Schools filed her Conflict of Interest Form therefore abstained by voting on this resolution)

Vote Result: 5-1 - FY 2016-17 City Budget Resolution Approved and Adopted

ADJOURN

At 7:50 p.m., motion was made by Councilor Walton, and seconded by Councilor Gore to adjourn. Upon the roll call, the vote resulted:

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

Vote Resulted: 7-0 Meeting Adjourned at 7:50 p.m.

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Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD MAY 10, 2016

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 10, 2016, at 6:00 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
 Arlene Holloway, Councilor
 Anthony J. Zevgolis, Councilor
 K. Wayne Walton, Councilor
 Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:00 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (sick)
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	absent (sick)
Councilor Walton	-	present
Councilor Shornak	-	present

MOTION TO AMEND AGENDA

A motion was made by Councilor Zevgolis, and seconded by Councilor Walton to amend the May 10, 2016 agenda and add under closed meeting Virginia Code Section 2.2-3711 (5) Economic Development. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Result: 5-0 Amended Agenda Approved

AMENDED CLOSED MEETING

A motion was made by Councilor Zevgolis, and seconded by Councilor Walton to go into closed meeting for: (I) discussion of specific appointees of City Council (City Building Official, John Tyler Policy Board for VASAP, City Manager, City attorney and City Clerk); (II) discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (III) consultation related thereto and regarding other specific legal matters (related to boards and commissions and rules and procedures) requiring the provision of legal advice by legal

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counsel retained by city council, in accordance with Virginia Code Section 2.2-3711 (a) (1) (5) & (7), respectively. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Result: 5-0 Approved

RECONVENE - OPEN MEETING

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 Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	no
Mayor Pelham	-	yes
Councilor Shornak	-	no

Vote Result: 3-2 YES

REGULAR MEETING

ROLL CALL

Mayor Pelham opened the regular meeting at 7:35 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (sick)
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	absent (sick)
Councilor Walton	-	present
Councilor Shornak	-	present

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

Prayer was led by Father Chris Hess, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

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Motion was made by Councilor Walton, and seconded by Councilor Holloway, to approve the Consent Agenda, Minutes: None; Pending; Pending List: Updated List Provided; Information for Council Review – May 14th Wonder City Craft Beer Festival; 2016 Honoring the City of Hopewell as a 2016 Playful City USA Community; Stand By Me Hopewell Students; WARD 4 Meeting Announcement; Personnel Change Report/Financial Report – HR Report & Financial Report Provided; Public Hearing Announcement – Community Development Block Grant; Work Sessions May 24, 2016 – Council Requested – Pending List Work Session.; Ordinances on second and final reading: To Amend City Code Section 18-2 Unlawful Accumulation Of Growth - Subsections (C) & (D); Routine Grant Approval – None; Proclamations/Resolutions/Presentation: None: Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Result: 5-0 Consent Agenda Approved

Sec 18-2. Nuisances

- (a) Any weeds, grass, or other foreign vegetation growth upon any property within the city which is detrimental to the health, safety or welfare of the inhabitants of the city, are hereby declared a nuisance.
- (b) Any weeds, shrubs, grass, or other vegetation growth upon any property within the city which is in excess of fourteen (14) inches in height are hereby declared a nuisance. This subsection shall not apply to wooded areas of land in their natural state.
- (c) Any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street right-of-way line, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street, sidewalk or public alley, thereby endangering such persons or vehicles, or which would cause a traffic hazard as described in Article XVIII-A-10-c of the zoning ordinance are hereby declared a nuisance.
- (d) Any grass, weeds, or other vegetable matter growing on any sidewalk, or between any sidewalk to the back of curb line and/or roadside drainage ditch to the paved surface of the street, and/or from the right-of-way line to the paved surface of the street or alley, are hereby declared a nuisance and it shall be the duty of the owner or occupant of any land or premises abutting upon such sidewalks or roadside drainage ditch or bordering right-of-way zone to keep such grass, weeds, and other vegetable matter cut at all times to prevent such space from becoming unsightly or offensive, or from constituting a hazard to the health, safety or welfare of the residents of the city.

PUBLIC HEARING

PH-1 - Public Hearing - Requests to amend the City of Hopewell Zoning Ordinance to address Craft Beer/Tap Room, Microbrewery, and Microbrewery/Restaurant uses in the following Articles: I. Definitions, IX. Downtown Central Business District (B-1), X. Limited Commercial District (B-2), XI. Highway Commercial District (B-3), XI-A. Corridor Development District (B-4), XII. Limited Industrial District (M-1), and XIII. Intensive Industrial District (M-2).

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This was the night advertised for a public hearing to consider a request to amend and adopt the City of Hopewell Zoning Ordinance to address Craft Beer/Tap Room, Microbrewery, and Microbrewery/Restaurant uses in the following Articles: I. Definitions, IX. Downtown Central Business District (B-1), X. Limited Commercial District (B-2), XI. Highway Commercial District (B-3), XI-A. Corridor Development District (B-4), XII. Limited Industrial District (M-1), and XIII. Intensive Industrial District (M-2).

Ms. Tevya Griffin, Director of Planning addressed Council recommending the addition of three types of craft Microbrewery establishments (craft beer/tap room, microbrewery/restaurant, and microbrewery) in various zoning districts within the City. The City Administration recommends that City Council consider citizen comments and vote on the recommendation by City Administration to approve.

The public hearing was opened at 7:42 p.m. There being no speakers, the public hearing was closed at 7:43 p.m.

A motion was made by Councilor Walton, and seconded by Councilor Shornak, to amend and adopt on first reading City of Hopewell Zoning Ordinance to permit (1) Craft Beer/Tap Room, Microbrewery (with a conditional use permit), and Microbrewery/Restaurant uses in the Downtown Central Business District (B-1) and the Highway Commercial District (B-3), (2) Craft Beer/Tap Room and Microbrewery/Restaurant uses in the Limited Commercial District (B-2) and the Corridor Development District (B-4), (3) Microbrewery and Microbrewery/Restaurant uses in the Limited Industrial District (M-1), and (4) Microbrewery uses in the Intensive Industrial District (M-2) . Upon the roll call the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	no
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Result: 4-1 Zoning Ordinance Amended and Adopted

Ordinance No. 2016-3-10A

An Ordinance amending and reenacting Article I, Definitions, Section A. General Usage, of the Zoning Ordinance of the City of Hopewell

ARTICLE I.
DEFINITIONS

A. GENERAL USAGE:

For the purpose of this ordinance, certain words and terms are herein defined as follows:

1. Words used in the present tense include the future tense; words used in the singular number include the plural number; and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
2. The word "shall" is mandatory; "may" is permissive.
3. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

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4. The word "building" includes the word "structure"; the word "lot" includes the words "plots" and "parcel".
5. The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".
6. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building".
7. The word "State" means the Commonwealth of Virginia.
8. The word "City" means the City of Hopewell, Virginia.
9. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. DEFINITIONS:

1. **ABANDONED SIGN(S):** A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive for period of ninety (90) consecutive days or longer; and/or a sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. **ABUTTING/ADJACENT PROPERTY:** Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a free way or principal arterial) from the subject property.
3. **ACCESSORY USE:** A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided on the same premises. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.
4. **ACCOUNTING SERVICES:** A business office that provides financial counseling, tax preparation, bookkeeping, financial planning services, and any similar service to the public. This shall not include gambling, betting or gaming services.
5. **ACRE, GROSS:** A measure of land equating to 43,560 square feet.
6. **ACRE, NET:** That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, easement or any right-of-way for any proposed streets or street widening.
7. **ACREAGE:** A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot or any recorded subdivision plat.
8. **ADMINISTRATOR, THE:** The official charged with the enforcement of this zoning ordinance.
9. **ADULT BOOKSTORE:** An establishment having as more than 25 percent of its stock and grade in books, films, videocassettes (whether for viewing off premises or on premises) or magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities and/or male or female anatomical areas.
10. **ADULT CABARET:** A cabaret that features seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
11. **ADULT ENTERTAINMENT:** Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of specific male or female anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or similar entertainment service offered customers.
12. **ADULT MOTION PICTURE THEATER:** An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis

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on matter depicting, describing, or relating to sexual activities or specific male or female anatomical areas for observation by patrons therein.

13. **ADVERTISING & PUBLIC RELATIONS AGENCIES:** A business office that provides expertise in marketing to include but not be limited to advertising, public relations, and public speaking
14. **AGRICULTURAL ANIMALS:** Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.
15. **AGRICULTURE:** The tilling of the soil, the raising of crops, the practicing of horticulture, forestry and gardening, including the keeping of animals and fowl.
16. **AIRPORT:** A facility for the landing and takeoff of air-craft, together with servicing facilities including service to patrons, from which revenue is derived.
17. **ALLEY:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
18. **ALTERATIONS, STRUCTURAL:** Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those of fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.
19. **AMUSEMENT ENTERPRISE:** A building or structure used to provide or stage public entertainment for which a charge is imposed in the form of an entrance fee or separate fees for the use of amusement devices therein.
20. **ANTENNAS:** TV dish antenna in excess of three (3) feet in diameter and/or more than 54 inches in height, antenna tower, microwave antenna. A receiving or transmitting antenna for private, public, commercial or industrial use which for all practical purposes is considered an accessory structure as pertains to the Zoning Ordinance. Requires a Building Permit.
21. **ANIMAL SHELTER:** Any facility designated by the City of Hopewell for the purpose of impounding and caring for cats and dogs found running at large or otherwise subject to impoundment in accordance with the provision found in the City Code
22. **ANTIQUÉ STORE:** A premises used for the sale or trading of articles of which 80% or more are over 50 years old or have collectable value. An antique for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past as defined above. An antique store does not include a thrift store, a second hand store or a consignment store. All articles for sale shall be within a fully enclosed building, not unless otherwise authorized in the ordinance.
23. **APARTMENTS:** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.
24. **APPLIANCE STORES:** A store that sells equipment used for domestic functions, included but not limited to, televisions, washers, dryers, refrigerators, and stoves/ovens, and dishwashers, and other appliances not easily carried without assistance
25. **APPLICANT:** A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.
26. **ARCHITECT:** A person who, by reason of his/her knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the State regulatory board.
27. **ARCHITECTURAL TREATMENT:** The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material, and the type, design, and character of all windows, doors, and appurtenant elements.
28. **ART GALLERIES, FRAMING & SUPPLIES:** An establishment engaged in the sale, loan or display of art; paintings, sculptures, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.

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29. **ASSEMBLY PLANT:** A structure used for the fitting together of parts or components to form a complete unit.
30. **ASSISTED LIVING FACILITY:** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
31. **AUTOMOBILE AND TRUCK SALES AND SERVICE ESTABLISHMENTS:** The use of any building or land area, for the display, sale, or lease of new or used automobiles, panel trucks or vans and including any warranty repair work and other repair services conducted as an accessory use.
32. **AUTOMOBILE GRAVEYARD:** Any lot or place which is exposed to the weather upon which there are more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative.
33. **AUTOMOBILE RENTAL AGENCIES:** Rental of automobiles, light trucks, and vans, including incidental parking of vehicles for rent or lease.
34. **AUTOMOBILE REPAIR:** The use of a site for the repair of automobiles, noncommercial trucks, motorcycles. This includes muffler shops, wheel and brake shops, oil change and lubrication, tire service and sales, installation of CB radios, car alarms, stereo equipment, or cellular telephones. This does not include body and fender shops, paint and welding services.
35. **BAKERY:** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. Such use may include incidental food service.
36. **BARBER SHOP:** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers as established by the State Board.
37. **BEAUTY PARLOR:** Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. It may include the training of apprentices under regulations of the State Board.
38. **BED & BREAKFAST:** A private, owner-occupied business with four to six rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.
39. **BERM:** A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, provide visual interest on a site, screen undesirable views, reduce noise or to control the direction of surface water flow.
40. **BIG BOX RETAIL:** A singular retail or wholesale user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.
41. **BLACKSMITH SHOP:** A building usually equipped with a forge, used for the shaping and repair of iron and other metals.
42. **BOARD OF ARCHITECTURAL REVIEW:** A board authorized and appointed by the Hopewell City Council. The purpose of the Board is to study proposals and grant Certificates of Appropriateness for the erection, construction, alternation, restoration, demolition or removal of any structure within the City Point Historic District. It may also investigate and provide recommendations regarding other buildings, structures, places, or areas in the City having historic interest or value.
43. **BOARD OF ZONING APPEALS:** The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
44. **BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen persons.
45. **BOAT DOCK, PRIVATE:** A dock or wharf for private use to which a boat house or other structure is not attached.

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46. BOAT HOUSE: A structure for not more than five (5) boats, designed and intended for use by boat owners in the general neighborhood, but with no commercial facilities.
47. BOOKSTORE: A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videos, music compact discs, computer software, or any other printed or electronically conveyed information or media, excluding "adult bookstore", "adult theater" or any other sexually oriented business.
48. BUILDING: A structure having one (1) or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.
49. BUILDING CAPACITY: The seating capacity of a structure or the total number of employees for which the structure was designed shall be the maximum which can be accommodated on the premises.
50. BUILDING INSPECTOR: An appointed official of the City of Hopewell, Virginia, who is responsible for certifying building inspections.
51. BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
52. BUILDING PERMIT: A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.
53. BUILDING OFFICIAL: The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in the City of Hopewell.
54. BUILDING SITE: A piece of land consisting of the minimum areas of required square footage of the zoning district where it is located where a permitted use or structure may be placed.
55. BULK STORAGE: A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc. usually stored in large quantities.
56. CAMERA AND PHOTO SUPPLY STORE: A facility primarily engaged in the retail, sale, lease, and service of photography equipment and supplies, including on-site processing or development.
57. CAMPER: A rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled, or carried upon another vehicle; and which is not susceptible to permanent human habitation and which lacks permanent cooking, toilet or bathing facilities.
58. CAMPGROUND: An area upon which are located sites for two (2) or more trailers, campers and other camping facilities for seasonal or temporary recreational occupancy.
59. CAMPING TRAILER: A vehicular, portable structure mounted on wheels; constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.
60. CANNERY: A structure used for the processing and canning of foods.
61. CAR WASH: A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.
62. CARPORT: A roofed space having one (1) or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front yard. A carport cannot be used as storage.
63. CASUAL AND FORMAL APPAREL STORES: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
64. CELLAR: The portion of a building partly underground, which has one-half (1/2) or more of its clear height below the average grade of the adjoining ground.
65. CERTIFICATE OF APPROPRIATENESS: A permit issued by the Board of Architectural Review granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new

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construction of contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.

66. **CERTIFICATE OF OCCUPANCY:** A document issued by the Building Official allowing the occupancy or use of a structure and certifying that the structure and /or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.

67. **CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

68. **CIRCUIT COURT:** The circuit court for the City of Hopewell, Virginia.

69. **CLUB, PRIVATE:** Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

70. **CLUSTER DEVELOPMENT:** A type of development that allows the reduction of lot sizes below the zoning ordinances minimum requirements if the land thereby gained is preserved as a permanent open space for the community.

71. **COFFEE SHOP:** An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

72. **COMMERCIAL:** Any wholesale, retail or service business activity established to carry on trade for a profit.

73. **COMMERCIAL BANKS AND FINANCIAL INSTITUTIONS:** A financial institution that is open to the public and engaged in fiduciary activities such as making loans, investments, deposit banking and is regulated by the Federal Deposit Insurance Corporation (FDIC)/federal. This shall not include pay day loan centers.

74. **COMMISSION, THE:** The Planning Commission of Hopewell, Virginia.

75. **COMMON OPEN SPACE:** All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designed portion of the planned development and not dedicated as public lands.

76. **COMMUNITY GARDENS:** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

77. **COMPREHENSIVE PLAN:** The Comprehensive Plan for Hopewell, Virginia.

78. **COMPUTER SALES AND SERVICE:** An establishment engaged in the sale, and repair of computers, lap tops, and their accessory parts such as, but not limited to, adapters, monitors, computer bags.

79. **CONDITIONAL USE:** A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. These uses which are described in this ordinance may be allowed to locate within a given designated district under the controls, limitations and regulations of a Conditional Use Permit.

80. **CONDITIONAL USE PERMIT:** A permit issued by the City Council for a use allowed as a conditional use in a designated district after evaluation of the impact and comparability of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will insure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

81. **CONCRETE WORKS:** A structure or area used for the manufacture of concrete and concrete products.

82. **CONDOMINIUM:** Ownership of single units of a multiple-unit structure with common elements.

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83. CONSIGNMENT SHOP: An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.
84. CONVENIENCE STORE: A single store with a floor area of four thousand (4,000) square feet, or less, which offers for sale general merchandise needed as a means of convenience to persons living or working nearby or persons passing by. Gasoline and oil may also be offered for sale but only as a secondary activity of the store.
85. COURT: An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky
86. CRAFTBEER/TAP ROOM: a business where the persons can purchase craft beers pre-packaged, on tap or in a growler to take off premises. Very limited seating is provided. Eating a meal is not a main purpose of business.
87. CREDIT UNION: A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds and is regulated by the National Credit Union Administration (NCUA). This does not include pay day loan/lending establishments.
88. DAIRY: A commercial establishment for the manufacture, processing, and/or sale of dairy products.
89. DANCE HALL: Any place open to the general public where dancing is permitted; provided, however, that a restaurant located in the city licensed under the Code of Virginia to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.
90. DANCE STUDIOS: A school where classes in dance are taught to four persons or more at a time.
91. DAY NURSERIES & CHILD CARE CENTER: An institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this chapter.
92. DELICATESSEN: An establishment where food is sold for consumption off premises and no counters or tables for on premises consumption of food are provided, but excludes groceries and supermarkets.
93. DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
94. DISTRICT: A portion of the territory of the City of Hopewell, Virginia, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the adopted zoning ordinance.
95. DUMP HEAP (TRASH PILE): Any area where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary landfill.
96. DWELLING: A building or portion thereof, but not a manufactured home, designed or used for residential occupancy. The term dwelling shall not be construed to mean motel, rooming house, hospital or other accommodations used for more or less transient occupancy.
97. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
98. DWELLING, TWO-FAMILY (DUPLEX): A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

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99. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
100. DWELLING, SINGLE-FAMILY: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.
101. EQUIPMENT, PENTHOUSE: A structure on the roof of a building containing necessary mechanical equipment, elevator equipment and/or stairways.
102. FACTORY OUTLET SHOPPING MALL: A building of at least 125,000 square feet in size, wherein there occurs the sale of merchandise and food and associated commercial structures in conjunction with the mall.
103. FAMILY: (1) One person; (2) Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (3) a group of not more than four persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (4) residential care home.
104. FAMILY DAY HOME: A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the providers' own children and any children who reside in the home, shall be licensed. No family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Caring for five (5) or less children shall be considered babysitting as a home occupation.
105. FENCE: A free-standing structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.
106. FIRE & RESCUE SQUAD STATIONS: A government facility that houses fire and rescue personnel and equipment.
107. FITNESS CENTER OR GYM: A building designed and equipped for the conduct of sports, exercise, leisure time activities, other customary and usual recreational activities. The activities shall be conducted entirely within an enclosed building. This shall not include government owned recreational buildings.
108. FLOOD: A general and temporary inundation of normally dry land areas.
109. FLOOD, ONE HUNDRED YEAR: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
110. FLOODPLAIN: A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.
111. FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.
112. FLOODWAY: The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.
113. FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
114. FLORIST: Retail business whose principal activity is the sale of non-illegal plants which may or may not be grown on the site and conducting business within an enclosed building.

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115. FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.
116. GARAGE APARTMENT: A second subsidiary dwelling unit located in an accessory building.
117. GARAGE, PRIVATE: Accessory building designed or used for the storage of private automobiles owned and used by the occupant of the building to which it is accessory.
118. GARAGE, PARKING: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.
119. GASOLINE FILLING STATION: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil, and minor accessories for such vehicles, and the sale of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, where establishment may or may not include facilities for lubricating, washing, minor repairs, or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or major repair work.
120. GENERAL STORE: A single store, the ground floor of which is four thousand (4,000) square feet or less, which offers for sale general merchandise. Gasoline and oil may also be offered for sale but only as a secondary activity of a general store.
121. GIFT, STATIONARY, AND CARD SHOPS: Retail store where items such as stationary, novelty items, jewelry, and notions are sold. This does not include antique shops, consignment shops, pawn shops or thrift stores.
122. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
123. GOLF DRIVING RANGE: A limited area on which golf players do not walk but into which they drive golf balls from a central driving tee.
124. GOLF, MINIATURE: A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.
125. GOVERNING BODY: The City Council of the City of Hopewell, Virginia.
126. GROCERY STORE: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.
127. GROUP HOUSING: For the purpose of this ordinance, group housing is defined as publicly-funded housing which is provided by a public authority, limited partnership, or non-profit sponsors, and is designed and used as a dwelling for the elderly and/or hand-icapped, whether it is one (1) dwelling or a series of dwelling units in one (1) structure.
128. HEALTH OFFICIAL: The legally-designated health authority of the Department of Health, Commonwealth of Virginia, for the City of Hopewell, or his authorized representative.
129. HEIGHT: The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.
130. HISTORIC AREA: An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the community, or of such significance as to warrant conservation and preservation,

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and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state or federal government agency.

131. HOME DECORATING CENTER AND INTERIOR DESIGN SERVICES: A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, tiles, carpet and paint samples may be provided, and or sold.

132. HOME HEALTH CARE SERVICES: An office establishment that schedules nurses and practitioners to make visits to patients that call in for health care services.

133. HOME OCCUPATION: Any occupation, profession, enterprise or activity carried on by the resident of the dwelling, with no one employed other than members of the family; who are also residing on the premises which is incidental and secondary to the use of the premises including but not limited to handicrafts, dressmaking, millinery, laundering, preserving, home cooking, personal service of beauty culture offered in a limited way by appointment and not to the general public, the home office of a member of a recognized or licensed profession such as attorney-at-law, physician, dentist, musician, artist, professional engineer, or real estate salesman; provided that such occupation shall not require external alterations or the use of equipment or machinery which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises; and provided that no traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood. Home occupations shall not be interpreted to include: massage parlors, nursing homes, convalescent homes, rest homes, motels, motor courts, tourist homes, animal hospitals or kennels, day care centers, motor vehicle repairs and maintenance, or similar establishments offering services to the general public.

134. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupation" if they comply with the definitions herein.)

135. HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

136. INDIVIDUAL AND FAMILY CONSULTING SERVICE: An establishment where professionals trained in counseling, psychology, or any other similar science offers counseling to individuals or groups. This shall not include psychic or fortune-telling businesses.

137. INN: An establishment, consisting of one or more buildings and associated grounds, for the temporary/permanent lodging of people, with or without meals and with or without private cooking facilities in the lodging rooms; and the establishment may provide customary private open-to-the-public accessory services of an inn, such as meeting facilities, dining rooms, banquet rooms, ball-room, the sale of incidental items, etc.

138. INSTITUTIONS OF HIGHER EDUCATION: Any institution accredited by the State Department of Education and/or authorized by the State Council of Higher Education to award degrees; and including all uses customarily associated with an institution of higher education, such as dormitories, classrooms buildings, athletic fields, libraries, etc.

139. INSURANCE AGENCY: An office establishment that sells, advises persons on insurance whether for home, rental, automobiles, businesses, etc.

140. INTERNET CAFÉ: An establishment where patrons participate in gaming or gambling activities on-line through a computer or arcade game. On-line time or air time is purchased and can be placed into an account or a debit type card. Winners are awarded with more air time or a cash prize. Also referred to as internet sweepstakes.

141. JEWELRY SALES AND REPAIR: A retail establishment that sells jewelry and, repair jewelry, within an enclosed building. This does not include a pawn shop.

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142. **JUNK YARD:** An establishment or place of business, or an area which is main-tained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. The term shall include dump heaps and sanitary landfills.
143. **KENNEL:** A place prepared to house, board, breed, handle or otherwise keep or care for dogs and cats for sale or in return for compensation.
144. **KINDERGARTENS AND DAY CARE CENTERS:** Any institution maintained for the purpose of received children for full-time care, maintenance, protection and guidance separated from their parents or guardians. This shall not include primary or secondary educational facilities or summer camps.
145. **LANDSCAPING:** The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
146. **LAUNDRY AND DRY CLEANING/DRY CLEANERS:** An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or were articles are dropped off, sorted, and picked up by but where laundering or cleaning is done elsewhere.
147. **LIMITED (LIGHT) INDUSTRY:** Includes warehousing and light manufac-turing uses which produce some noise, traffic conges-tion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumber yards, ware-houses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contrac-tors' storage yards, steel or metal fabrication plants.
148. **LOADING SPACE:** A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while transferr-ing, loading, or unload-ing goods, merchandise, or products or while perform-ing services. Such space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height.
149. **LODGE, PRIVATE:** Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as businesses.
150. **LOT:** A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory struc-tures, together with such yards, open space, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
151. **LOT, CORNER:** A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.
152. **LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines.
153. **LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) streets.
154. **LOT, INTERIOR:** Any lot other than a corner lot.
155. **LOT, WIDTH OF:** The horizontal distance between side lot lines at the setback line.
156. **LOT OF RECORD:** A lot, a plat, or description of such which has been recorded in the clerk's office of the circuit court.
157. **MANUFACTURE AND/OR MANUFACTURING:** The processing and/or convert-ing of raw, unfinished materials or products, or both of them into articles or substances of different character, or for use for a different purpose.
158. **MANUFACTURED HOME PARK/SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.
159. **MANUFACTURING:** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins
160. **MARINA, COMMERCIAL OR CLUB TYPE:** Boating facilities designed and operated for profit, or operated by any club or organized group, where hull and engine repairs, boat and accessory

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sales, packaged food sales, restaurants, personal service, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

161. **MARINA, PRIVATE NONCOMMERCIAL:** A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs

162. **MASTER PLAN:** A long-term, general outline for projected development.

163. **MARQUEE:** A roof-like structure or awning projecting over an entrance, for example, a theater.

164. **MANUFACTURED HOME:** A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or nonexpandable, or non-expandable in accordance with USA - A110.1 Standard for manufactured Homes 1972 currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundations, connections to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a manufactured home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia. This definition shall not apply to travel trailers used for recreational camping purposes.

165. **MANUFACTURED HOME LOT:** Any area or tract of land used by design to accommodate one (1) manufactured home.

166. **MANUFACTURED HOME PARK:** A parcel of land divided into two (2) or more lots for rent for which the facilities for servicing the manufactured home have been constructed, and which is completed before the effective date of this ordinance.

167. **MEDICAL WASTE:** Waste produced as a routine result of medical or veterinary treatment, excluding any radioactive material.

168. **MEMBER OWNED RECREATIONAL FACILITY:** Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; country clubs (golf courses separately defined); labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.

169. **MICROBREWERY:** a facility that manufacturers craft beer on site. This is the main function of the facility. Provides tours and tastings. Food distribution is not a main function of the facility but can be provided. Food distribution can be a small percentage of the business or provided by outside patrons such as food trucks.

170. **MICROBREWERY/RESTAURANT** - a sit down/dine in/or take out restaurant that provides an array of craft beers for consumption on site. A tour of facility could be provided with minor manufacturing on site. Small distribution is allowed from patrons of the restaurant.

171. **MIXED USE/STRUCTURE:** A building containing a combination of two or more uses different principal uses.

172. **MODULAR HOME:** A dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

173. **MONUMENTAL STONE WORKS:** a facility that processes stone to be used for various uses for consumers.

174. **MOTEL:** One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

175. **MOTION PICTURES THEATER, EXCLUDING DRIVE-IN THEATERS:** Complex: structures with multiple movie theaters, each theater capable of providing performances independent of the others in

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the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall.

176. **MUNICIPAL UTILITIES:** Utilities that are subject to city acceptance for operation and maintenance. For purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component part(s) thereof.

177. **MUNICIPAL WASTE:** Waste which is normally composed of residential, commercial and institutional solid waste, excluding any waste which is otherwise regulated, such as infectious waste, hazardous waste, nuclear waste, etc.

178. **MUSEUM:** A building servicing as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

179. **MUSIC STORE:** An establishment set aside for the sell of musical instruments, disco jock equipment, speakers, sheet music, accessory equipment, lessons and music software.

180. **NEIGHBORHOOD STORE:** A single store with a floor area of four thousand (4,000) square feet or less, which offers for sale general merchandise to the people of the area for their day-to-day needs.

181. **NEWSPAPER OF GENERAL CIRCULATION:** A publication published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended for primarily members of a particular professional or occupation group, a newspaper whose primary function it to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

182. **NIGHT CLUB:** See "Dance Hall"

183. **NONCONFORMING ACTIVITY:** The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

184. **NONCONFORMING LOT:** A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements for the district in which it is located.

185. **NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

186. **OFFICE BUILDING:** A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

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187. OFFICIAL ZONING MAP: The map or maps, together with all subsequent amendments thereto, which are adopted by reference as part of this ordinance and which delineate the zoning district boundaries in the City of Hopewell,
188. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.
189. OPEN SPACE: Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.
190. PARKING LOT: An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.
191. PARKING SPACE: A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, except that off-street parking facilities containing any parking spaces may use twenty (20) percent of the total spaces as "compact car" spaces with a minimum size of seven and one-half (7 1/2) feet in width and fifteen (15) feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only".
192. PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and landscaping requirements.
193. PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each large animal shall not be regarded as a pen.
194. PERFORMING ARTS CENTER: A facility used to view and practice the performing arts such as dance, acting, and music.
195. PET SHOP: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.
196. PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, personal hygiene items and related supplies
197. PHILANTHROPIC & CHARITABLE INSTITUTIONS: Any entity which: (1) has been certified as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue code, and (2) has religious or charitable or is a religious or charitable organization. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons, and which thereby lessens the burdens of government.
198. PHOTOGRAPHIC STUDIO: A building used exclusively by a professional photographer to take photos for persons for a fee.

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199. **PLANNED UNIT DEVELOPMENT:** An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.
200. **PLAYGROUND:** A small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.
201. **PORCH:** The term "porch" shall include any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.
202. **PORTABLE STORAGE UNIT:** Also known as a POD, a portable on demand storage unit. A large container used for temporary storage. It is hauled to a property, loaded with items, hauled from the property and either stored in a storage yard or unloaded.
203. **POST OFFICE:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
204. **PRINT SHOP:** A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.
205. **PRIVATE UTILITIES:** Utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.
206. **PROFESSIONAL OFFICE:** The office, studio or professional room of a doctor, architect, artist, musician, lawyer or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.
207. **PUBLIC LIBRARIES:** A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
208. **PUBLIC PARK :** A publically owned recreational area with play apparatus and/or fields.
209. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system owned and operated for public use by a municipality, or county, or by a private individual, corporation or association.
210. **RECREATION AND FITNESS CENTER:** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.
211. **RECREATIONAL EQUIPMENT, MAJOR:** Travel trailers, pickup campers, motorized trailers, houseboats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.
212. **REQUIRED OPEN SPACE:** Any space required in any front, side or rear yard.
213. **RESTAURANT:** Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.
214. **REST HOME, CONVALESCENT HOME:** Any place containing beds for two (2) or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded mental, epileptic, alcoholic patients, or drug addicts.
215. **RETAIL SPACE:** Space within a building designated by the Building Official as retail used for the sell of goods, wares, or merchandise directly to the consumer.
216. **REZONING:** A request to City Council to change the zoning of land from one zoning district to a different zoning district.

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217. ROOMING HOUSE: A dwelling in which, for compensation, lodging is furnished to three (3) or more, but not exceeding nine (9) guests; a boarding house.
218. SAWMILL: A sawmill, located on public or private property, for the processing of timber.
219. SAWMILL, PORTABLE: A portable sawmill for cutting timber grown primarily on the premises.
220. SCHOOL: A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, it may also include a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious or other special subjects.
221. SCRAP YARD: Any land or building used for the abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles, or other vehicles not in running condition, or parts thereof.
222. SCREENING: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.
223. SECURITY BROKERS AND DEALERS: An office facility whose function is to provide clients with security services. Detective services may also be provided.
224. SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet temporary storage needs.
225. SETBACK: The minimum distance by which any building or structure must be separated from the front, side or rear lot line.
226. SEXUALLY ORIENTED BUSINESS: Any premises which the public patronizes or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, directly or indirectly. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult cabarets, adult entertainment studios or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. No sexually oriented business shall be located within 1,000 feet of certain places. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of a preexisting: 1) Public or private school; 2) Licensed day care; 3) Public Park; 4) Religious institution; 5) Boundary of a residential district; 6) Another sexually oriented business.
227. SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and manmade-and, depending on requirements, the location of proposed utility lines.
228. SITE TRIANGLE: The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines.
229. SHOPPING CENTER: Five (5) or more buildings or establishments located on the same lot or parcel of ground or two (2) or more buildings or establishments located on the same lot or parcel of ground with a combined floor area of forty thousand (40,000) square feet or more.
230. SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, but any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

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231. SIGN, AREA: The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports, or uprights on which the sign is placed. On double-faced signs, whose sign faces are parallel and are at no point more than two (2) feet from one another, only one (1) display face shall be measured in computing total sign area.
232. SIGN, BUSINESS: A sign which directs attention to a product, commodity or service available on the premises.
233. SIGN, DIRECTIONAL: A sign (one end of which may be pointed, or on which an arrow may be pointed, indicating the direction to which attention is called) giving the name and approximate location only of the farm, or business, responsible for the erection of same.
234. SIGN, FREESTANDING: Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.
235. SIGN, GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.
236. SIGN, GRAND OPENING: A sign which is used for the introduction, promotion, or announcement of a new business, store, shopping center, office, or the announcement, introduction, or promotion of a new establishment.
237. SIGN, IDENTIFICATION: A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.
238. SIGN MAINTENANCE: The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the re-printing of existing copy without changing the wording.
239. SIGN, OUTDOOR ADVERTISING: A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.
240. SIGN, PROJECTING: A sign attached to the building wall or suspended from roof overhang in such fashion as to extend perpendicular from the building wall.
241. SIGN, ROOF: A sign erected on the roof of a structure.
242. SIGN, ROOF LINE: A sign erected either on the edge of the roof or on top of the parapet wall, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
243. SIGN STRUCTURE: Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.
244. SIGN, TEMPORARY: A sign, either a banner, pennant, poster or advertising display constructed of cloth, plastic sheet, cardboard wall board, etc., applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.
245. SIGN, WALL: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
246. SITE AREA: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.
247. SPECIAL EXCEPTION: A use that is permitted by right when authorized by this ordinance, after the Board of Zoning Appeals has issued a permit stating under what conditions the use may operate.
248. SPECIAL USE PERMIT: A permit issued by the Board of Zoning Appeals, for selective specified reasons; used only for that particular reason and only under the conditions specified in the ordinance.
249. SPORTING GOODS: The sale of goods, equipment, and uniforms used during sports activities.

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250. **STANDING SPACE:** A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented service including, but not limited to, drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
251. **STORY:** That portion of a building, other than the cellar, including between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
252. **STORY, HALF:** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two thirds (2/3) of the floor area is finished for use.
253. **STREET, ROAD:** A public thoroughfare.
254. **STREET LINE:** The dividing line between a street or road right of way and the contiguous property.
255. **STRUCTURE:** Anything constructed or erected, the use of which required location on the ground, or attachment to something having a permanent location on the ground, except utility poles.
256. **SUBSTANTIAL COMPLETION:** The point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:
- (1) Necessary final approval by the Hopewell Code Enforcement Department has been given (if required);
 - (2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable;
 - (3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
 - (4) Any work remaining on the project is minor or "punch list" in nature.
- Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.
257. **TAILOR SHOP:** An establishment that provides alteration and sewing of clothing for men's and women's apparel. This use is interchangeable with a seamstress shop.
258. **TANNING SALON:** Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.
259. **TAX PREPARATION SERVICES:** An office use that primarily provides tax preparation and may provide book keeping services.
260. **THRIFT STORE:** A nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated.
261. **TOWNHOUSE:** A single family dwelling unit, being one (1) of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.
262. **TOYS, GAMES, AND CRAFTS SHOP:** Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.
263. **TRAVEL TRAILER:** A vehicular, portable structure designed in accordance with USA Standards for Travel Trailers (A119-2) currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation or vacation uses; its design and type shall be clearly identified by the manufacturer by visible identification seal or plate of a permanent nature as a travel trailer; and its specification for travelling over the streets and highways of Virginia shall be in accordance

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with the Virginia Motor Vehicle Code, with a maximum width of eight (8) feet and a maximum length of thirty five (35) feet.

264. TRAVEL TRAILER PARK - TRAVEL TRAILER CAMP: Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.

265. TRUCK CAMPER: A portable structure designed to be loaded or fixed to the bed or chassis of a truck.

266. UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

267. VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal endorsement of the ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

268. VETERINARY HOSPITAL: A building or group of buildings providing surgical or medical treatment to animals, and dispensing and sales of veterinary-related products; provided that all work rooms, cages, pens, or kennels be maintained within a completely soundproof building and that such use be operated in such a way as to produce no objectionable noise or odors outside its walls.

269. VIDEO RENTAL STORE: An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses. This does not include adult video establishments.

270. WASTEWATER TREATMENT FACILITY: A public or private facility which treats wastewater from residences, businesses, institutions, industries and other sources with effluent to enter a public sewer in accordance with the City Code provisions for sewers and sewage disposal or to be discharged under an applicable state or federal permit.

271. WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET: Any structure or land used for the sale of agricultural or marine produce.

272. WHOLESALE BUSINESS: A place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial or retail use.

273. YACHT CLUB: An area and/or structures established for the purpose of water oriented recreation to include only one wharf or dock, the sale of gas and oil, club houses, and other social facilities for club members and their guests; and shall exclude maintenance facilities and any commercial establishment for the sale of food and lodging.

274. YARD: An open space on a lot other than a court occupied and unobstructed from the ground upward by structures except as otherwise provided herein.

275. YARD, FRONT: An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

276. YARD, REAR: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

277. YARD, SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excepting steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

278. ZERO LOT LINE: A common lot line on which a wall of a structure may be constructed.

In accordance with Section 7, Effective date of ordinances and resolution; emergency measures, of Chapter 4 of the City Charter, this ordinance shall become effective after thirty (30) days from the date of

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its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

R-1 – Regular Business - To appoint a Building Official for the City of Hopewell to succeed the Interim Building Official

A motion was made by Councilor Shornak, and seconded by Councilor Holloway to appoint Lynn Underwood as the Building Official of the City of Hopewell effective immediately. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Resulted: 5-0 Mr. Underwood Appointed and City of Hopewell Building Official

R-2 – Regular Business – 100th Anniversary Update

Mr. Charles Dane, Assistant City Manager, updated Council that on Saturday May 14th the Wonder City Craft Beer Festival will be taking place in Downtown Hopewell from 12:00 p.m. to 6:00 p.m.

REPORTS OF THE CITY CLERK

A motion was made by Councilor Walton, and seconded by Councilor Zevgolis to appoint Anthony Sylvester to the John Tyler Policy Board for ASAP. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Resulted: 5-0 Mr. Sylvester Appointed

COUNCIL COMMUNICATIONS

Councilor Shornak reported on behalf of Councilor Gore a reminded everyone of Councilor Gore's WARD 4 meeting tomorrow night at 6:00 p.m. here in the City Council Chambers.

Mayor Pelham reminded the public to please submit their Talent Bank Resumes if anyone was interested in applying for the Hopewell City School Board.

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Council returned to the closed meeting for (I) discussion of specific appointees of City Council (City Building Official, John Tyler Policy Board for VASAP, City Manager, City attorney and City Clerk); (II) discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (III) consultation related thereto and regarding other specific legal matters (related to boards and commissions and rules and procedures) requiring the provision of legal advice by legal counsel retained by city council, in accordance with Virginia Code Section 2.2-3711 (a) (1) (5) & (7), respectively.

RECONVENE OPEN MEETING

Certification pursuant to Virginia Code § 2.2-3712 (d): only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion were discussed in closed meeting. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	no
Mayor Pelham	-	yes
Councilor Shornak	-	no

Vote Result: 3-2 Yes

ADJOURN

At 8:55 p.m. a motion was made by Councilor Walton, and seconded by Councilor Zevgolis to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes

Vote Result: 5-0 Meeting Adjourned at 8:55 P.M.

Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk

**May 24, 2016
Regular Meeting**

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MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD MAY 24, 2016

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 24, 2016, at 6:00 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
Stefan M. Calos, City Attorney
Ross A. Kearney III, City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 6:00 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (arrived @ 6:10 p.m.)
Councilor Holloway	-	present
Councilor Zevgolis	-	absent (arrived @ 6:06 p.m.)
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	absent (arrived @ 6:06 p.m.)

MOTION TO APPROVE AGENDA

A motion was made by Councilor Walton, and seconded by Councilor Gore to adopt the May 24, 2016 agenda. Upon the roll call, the vote resulted:

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

Vote Result: 4-0 Agenda Adopted

WORK SESSION

WS-1 – Work Session - Overview of the City Council Pending List

Mark Haley, City Manager began the briefing on the City Council Pending List. Mr. Haley noted many of the items had been accomplished and were marked off on the current list. Mr. Haley reported that as of May 20, 2016 two responses had been received for the Beacon RFP and that interviews were being

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mad during the current month and that a final decision would be made in June 2016. Ross A. Kearney III City Clerk reported on the updated Talent Bank Resume (TBR) and that it had been uploaded to the City Website. Councilor Gore requested that the Youth Commission be added to the TBR however, the City Manager, City Attorney and City Clerk explained that it would be best to hold off on adding the Youth Commission until after the Director has been hired, Council agreed. The City Clerk also reported that the pool of TBR's was very low and that not enough citizens were applying to fill all the boards and commissions. Mayor Pelham requested that the TBR's once filed be kept on file for two years instead of one, Council agreed. City Clerk recommended that City Council members may want to look at the City Charter and amend to allow City Council members to also serve on the boards and commissions, Council took that recommendation under advisement. Council instructed all the current boards and commissions to file their annual reports and to supply the City Clerk with all the meeting minutes. Council also requested that the City Manager merge some of the items on the pending list due to the repetitive items that appeared. Mr. Haley informed Council that the Food Pantry was again in the process of looking for a new location due to the fact that the owner Mr. Jones had pulled out of his agreement. Mr. Haley informed Council that Assistant City Manager Charles Dane was in the process of assisting them on finding a new location.

REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:35 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

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

Prayer was led by Father Chris Hess, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Walton, and seconded by Vice Mayor Luman-Bailey, to approve the Consent Agenda, Minutes: May 2015 through September 2015; Pending; Pending List: Updated during work session; Information for Council Review – Work Session with the EDA in July (Tentative); Appomattox Cemetery Policy; Personnel Change Report/Financial Report – NONE; Public Hearing Announcement: None; Routine Approval of Work Session – None; Ordinances on second and final reading: None; Routine Grant Approval: None; Proclamations/Resolutions/Presentation: St. James Catholic Church 100th Anniversary Recognition Proclamation – Father Chris Hess; Hopewell Police Department Proclamation – Chief Keohane; Building Safety Month Proclamation – Tevya Griffin. Upon the roll call, the vote resulted:

Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes

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

Vote Result: 7-0 Consent Agenda Approved

Proclamation

WHEREAS, on a mountain in Galilee over nineteen hundred years ago Our Devine Savior, Jesus Christ commissioned His apostles, one of whom was Saint James, our beloved patron; and

WHEREAS, dearth of recorded facts regarding the Catholic Church in Hopewell and City Point necessitated reliance upon the oldest residents of Hopewell and City Point and the members of the parish who have been associated with Saint James since its infancy for much of the data prior to 1916; and

WHEREAS, during the early part of 1916 the DuPont de Nemours & Company granted to each established church in Hopewell property on which to build a church and through the solicitation of Father Haier and the generosity of DuPont a lot at the corner of City Point Road and Sixth Avenue became the property of the Catholic Church, the same year the cornerstone for the church was laid; and

WHEREAS, the following notation found in the oldest announcement book of the parish dated July 30, 1916 reads, "Name of new church, Saint James. Completion as soon as Possible"; and

WHEREAS, on Sunday October 15, 1916, at 10:30 a.m. the first Saint James Church was dedicated by Reverend Denis J. O'Connell, D. D., Bishop of Richmond, who pontificated at the Mass; and

WHEREAS, the City of Hopewell and Saint James the Greater Catholic Church are celebrating their 100th Anniversary.

NOW THEREFORE, BE IT RESOLVED that I, Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, , and on behalf of the City Council, wishes to give formal recognition to Saint James the Greater Catholic Church and joins in their celebration of their 100th Anniversary.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 24th day of May, 2016.

/s/ Brenda S. Pelham

Mayor, City of Hopewell

* * * *

Proclamation

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of the City of Hopewell play an essential role in safeguarding the rights and freedoms of the citizens of the City of Hopewell; and

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WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of the City of Hopewell has grown to be a modern and accredited law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE BE IT RESOLVED, I, Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, call upon all citizens of the City of Hopewell and upon all patriotic, civil, and educational organizations to observe the week of May 10 through 16, 2015, as Police Week with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 24th day of May, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

* * * *

Proclamation

WHEREAS, our The City of Hopewell, Virginia continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play; and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings; and

**May 24, 2016
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WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE BE IT RESOLVED, I, Brenda S. Pelham, Mayor of the City of Hopewell, Virginia, and on behalf of the City Council, encourage our citizens of our Fair City to join with their communities in participation, and do hereby proclaim the month Of May 2016 as:

“Building Safety Month”

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 24th day of May, 2016.

/s/ Brenda S. Pelham
Mayor, City of Hopewell

REGULAR BUSINESS

R-1 – Regular Business – Approval of Amendment of the City’s FY 2015-16 Budget to transfer and re-appropriate \$700,000 from Fund 040-Sewer Operation to Fund 41- Sewer Main

A motion was made by Councilor Walton, and seconded by Vice Mayor Luman-Bailey to transfer and re-appropriate from the fiscal year 2015-16 budget \$700,000 from Fund 040-Sewer Operation to Fund 41 – Sewer Main. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Transfer and Re-Appropriation Approved

**BUDGET AMENDMENT RESOLUTION
FISCAL YEAR 2015-2016**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on May 24, 2016, a budget amendment was introduced to transfer and appropriate funds for the FY 2015-2016 budget to provide for funding to continue the payment of the City’s share of wastewater treatment operational expenses.

WHEREAS a budget amendment to appropriate funds in the amount of \$700,000 to the Sewer Operation Fund from the Sewer Main Fund for the FY 2015-2016 budget, was introduced and,

WHEREAS, sufficient funds exist in the respective unassigned Fund 40 fund balance account,

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

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Sec. 1 The following designated funds and accounts shall be appropriated for the City's share of wastewater treatment operational expenses.

Sewer Operation Fund 040:

Resources:

Fund Balance \$700,000

Appropriations:

Transfer to Fund 041 \$700,000

Sewer Main Fund-041:

Resources:

Transfer from Fund 040..... \$700,000

Appropriations:

Sewer Operations \$700,000

R-2 – Regular Business – Community Development Block Grant (CDBG) Presentation

Bill Dore', Housing and Grants Coordinator for the City of Hopewell reported to Council that it was time to approve the second year annual action plan with the appropriations and authorize the City Manager after the June 14, 2016 Community Development Block Grant Public Hearing to submit for the said grant.

R-3 – Regular Business – FOLAR's Presentation

Mr. Johnny Butler appeared before Council to provide a Semi Annual FOLAR presentation. Mr. Butler stated the mission of FOLAR is to enhance, preserve, and encourage the wise use of the Lower Appomattox River. It was reported that in 2015 FOLAR removed over 2000lbs of trash from the river Removed over 200 Tires from the river, established a Finance Committee, Established a Fund Development Committee, Received the Cleveland A. Wright Award for Outstanding Community Service from the Cameron Foundation. Hosted our Inaugural "RiverFest" and took over 200 students from Hopewell and Petersburg Public Schools on an environmental. With regards to FOLAR's Environmental Service projects, Mansion Hills Ravine Clean Up removed roughly 750lbs of trash, Regional River Clean Up removed roughly 4,700lbs of trash, Bluffs Clean Up removed roughly 2,200lbs of trash. FOLAR over the past six months had raised over \$250,000.00. Council congratulated and thanked Mr. Partin and the members of FOLAR and wished them continued success.

R-4 - Regular Business - Keep Hopewell Beautiful (KHB) Meeting Date Change

Horace Wade with the Development Department informed Council and the citizens that the Keep Hopewell Beautiful Committee has changed its meeting date to the second Wednesday of each month starting at 6:00 p.m.

CITIZENS/COUNCILOR REQUESTS

CCR-1: Councilor Gore – Review and Discussion of SecureView.

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CCR-2: Councilor Gore - Replant flowers on I-295 for the 100th Anniversary events to improve 1st impressions for visitors entering the City of Hopewell.

ADJOURN

At 9:40 p.m., motion was made by Councilor Walton, and seconded by Councilor Gore to adjourn. Upon the roll call, the vote resulted:

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

Vote Result: 7-0 Meeting Adjourned at 9:40 P.M.

Brenda S. Pelham, Mayor

Ross A. Kearney III, City Clerk