

**September 14, 2021  
Regular Meeting**

**MINUTES OF THE CITY COUNCIL MEETING**

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, September 14, 2021, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT:                   Patience Bennett, Mayor  
                                  Johnny Partin, Vice Mayor  
                                  Deborah Randolph, Councilor  
                                  Arlene Holloway, Councilor  
                                  Janice Denton, Councilor  
                                  Brenda Pelham, Councilor

LATE ARRIVAL           Councilor Gore

STAFF:                    J. March Altman, Jr., City Manager  
                                  Sandra Robinson, City Attorney  
                                  Mollie P. Bess, City Clerk

**ROLL CALL**

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

Mayor Bennett	-	present
Vice Mayor Partin	-	present
Councilor Randolph	-	present
Councilor Pelham	-	present

Moved to go into Closed Session by Vice Mayor Partin and seconded by Councilor Pelham pursuant to Va. Code Section 2.2-3711 (A)(3) to discuss or consider the disposal of publicly-held real property where discussion in open meeting would adversely affect the negotiating and bargaining strategy of the City.

Roll Call:	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	Yes
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 6 – Ayes  
                      0 – No

Councilor Pelham asked Mayor Bennett to address the audience about the most recent events. Mayor Bennett proceeded to explain that we had a recent loss of a member of our School Board, Mr. Nelson G. Cuffey, once City Council returns from Closed Session we will pay tribute to Mr. Cuffey.

Councilor Gore arrived to the meeting.

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Motion made by Vice Mayor Partin and seconded by Councilor Pelham to come out of Closed Session.

Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	Yes
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 7 –Ayes  
0 - Ayes

**CERTIFICATION**

Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	Yes
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Mayor Bennett stated that she was not a part of the entire closed.

Motion Passes: 7 –Ayes  
0 - Ayes

**WORK SESSIONS**

**WS-1 – Conditional Use Permit for 1216 1<sup>st</sup> Avenue** – Applicant has withdrawn their application so moving on to WS-2.

**WS-2 – Rezoning request at 303 North 3<sup>rd</sup> Avenue from B-2 (Limited Commercial) to RO-4 (High Density Offices)** Planning Director Tevya Griffin stated that the applicants are Andrew & Larry Spivey and they are asking to rezone 303 North 3<sup>rd</sup> Avenue, also known as sub-parcel 011-0620 and to amend the official zoning map from the Business Limited Commercial District (B-2) to Residential High Density Offices (RO-4). The Spivey’s own the DaVita Dialysis Center and they have been using this structure as an office. One of the brothers is retiring and the other would like to sell this property as residential. The Planning Commission has reviewed the application and had a Work Session to discuss. The property is in Ward 1, the use is commercial it was built in 1920 and the original square footage is 1,076. At the October 2 Planning Commission meeting the Commission voted to deny this request and there were 3 reasons given – 1) To continue continuity of commercial zoning along West Broadway; 2) Current zoning is in keeping with Comprehensive Plan; and 3) There was no indication by the applicant that there was an

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attempt to jointly list this property with corner property (which is empty as a joint business property. This will come up a public hearing sometime in October.

Councilor Pelham inquired if this was spot zoning and how is it different from spot zoning. Director Griffin stated that if this was approved the Planning Commission and staff would see this as spot zoning, which is another reasons that Planning Commission thought he should ask the adjoining property owner to rezone. Right next to is RO4, so he is asking to join the RO4. Councilor Randolph stated that there seems to have been no provision made to change that and that Council's in the past had not wanted business in housing and that would be what we would be doing. She understands the concept but wants to know how we are transitioning to that. Director Griffin stated that the Planning Commission has discussed what should be done with the zoning in the B village, the Commission wants it to be consistent with the Comprehensive Plan, they have asked to have work sessions put on their agenda to tackle it, but it has not happened yet. However, they realize that it is an issue. Director Griffin was directed by the Planning Commission to go out to this corridor and look at all of the current uses. Director Griffith specifically looked at the second property to see how many of those were offices and how many were residential. There were only three that were residential and the rest were offices. A thorough analysis was done to be sure this really be residential or should be commercial. They recognize that this has to be a conversation that has to happen with the RO4 district and that has not happened yet. The RO4 zoning district allows for offices and allows for residential, so it was residential at some point, just in the last decade it has been used as an office. The Planning Commission had a public hearing and a work session to come to their decision.

Council Meeting went into recess until 7:30 p.m.

At 7:30 p.m. Mayor Bennett called the meeting to order. She asked everyone to stand – Our City has lost a member, a former Vice Mayor, a member of City Council, at this time the Mayor asked for a moment of silence.

Mayor Bennett welcomed everyone to the Regular Meeting and noted that we had a moment of silence for a dear friend of members on Council, Mr. Cuffey. Reverand Betty Hobbs provided the prayer and the Pledge of Allegiance was led by Councilor Holloway.

Roll Call:	Mayor Bennett	-	Here
	Vice Mayor Partin	-	Here
	Councilor Randolph	-	Here
	Councilor Holloway	-	Here
	Councilor Gore	-	Here
	Councilor Denton	-	Here
	Councilor Pelham	-	Here

**AMEND/ADOPT AGENDA**

Motion made by Vice Mayor Partin and seconded by Councilor Denton to adopt the regular meeting agenda.

Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes

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Mayor Bennett	-	Yes
Councilor Randolph	-	Yes
Councilor Holloway	-	Yes
Vice Mayor Partin	-	Yes

Motion Passes: 7 Ayes  
0 No

Motion made by Vice Mayor Partin and seconded by Councilor Denton to adopt the Consent Agenda.

Motion made by Councilor Pelham and seconded by Vice Mayor Partin to amend the Consent Agenda to move C9 Presentations.

Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	No
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	No
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 5 Ayes  
2 No

Moving on to the next order of business, the Financial Report by Mr. Terry, Finance Dept.. Mr. Terry addressed Council and noted that he was presenting today the Consolidated Progress Report. Noted the 7 sections that would be covered in the handouts provided to Council, with a report date of 7/1/21 to 8/31/21. Section One – the Implementation – Plan and Progress Report, under external reporting, will cover Closing Audit Report and Workflow, financial statements and will also touch on other. Going to Budget Development, will touch on budget development and internal reporting, will cover items related to transfers by the City Manager. On the CRAW report, bringing everyone current, for FY2016 the annual financial report, the audit of public accounts report and the single audit have all been completed. The single audit for FY2016 was completed and issued to the federal government in January, second which is FY2017 – have completed the annual financial report, the auditor of public accounts report and the single audit, the single audit was completed as of August 16, 2021. The third section related to FY2018, there is a lot of detailed information, however, the summary states the auditor has forwarded to the City Management for discussion and review, the draft auditors opinion, the draft internal control and compliance report and draft findings. The auditor is reviewing and finalizing his review of the City financial statements.

Motion was made by Councilor Pelham to suspend Rule 407 to allow for questions to be asked during the presentation. The motion died for lack of a second.

Mr. Terry continued. The single audit for 2018, the auditor has initiated a request to schools for information. The last CRAW, 2019, is just beginning to be worked on. Moving on to the next section called “Other”. Will highlight key items for Council and Public to know about. Corona Virus State and Local Fiscal Recovery Fund – import to notate the finance staff participated in receiving and recording funds that were allocated to the City according to what is called the ARPA or the State and Local Fiscal

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Relief Fund. Week of virtual training with the governmental fiscal officer, aka, GOFA and from that received a detail of compliance and reporting guidance, US Treasury evidence and evaluation and an introduction to the American Relief Public Assistance Act for the water bill assistance. Extensive process of qualifying for the US Treasury portal security. City of Hopewell met its compliance on August 31. Rating Agency – finance provided fiscal and budgetary information to rating agencies and that was coordinated by Devenport, all was done by the end of August. FY15 reporting period has no key activity. Moving on to Budget Development – only addressing budget development for FY22. Key here is that the finance dept. is preparing the draft financial report, this is the final process, 65% complete. Goal is to post it on the website so that is available for everyone by September 30 or the first week in October. Moving to Internal Reporting – most significant item for this period July 1 through end of 31<sup>st</sup> of August, there were no transfers made by the City Manager during this period. Section 2 – update of Single Audit – the City of Hopewell, Single Audit was submitted to the Federal Audit Clearing House and that included the data collection information. On August 17, 2021, the City received confirmation that the single audit was accepted. Outcome of report was, page 1 is the independent auditor's opinion and he has stated that the expenditure and federal awards can matched up with single audit. Page 2, auditor's opinion as far as statement goes is that the financial statements were presented fairly in all material aspect for the single audit. Page 3, is where the auditor has his independent audit report on internal controls and compliance, there was one finding in 2017 – which was the schools documents being destroyed. CFDA – the one child nutrition cluster that had a finding on is the one in which the auditor was concerned about and listed as a disclaimer. There is an unmodified opinion, which is a good or clean opinion. There was the only one item that was a disclaimer. Section 3 simply says that the draft financial statements that were provided to Council and the city has not received any changes and nothing has been submitted to the auditor. Section 4 is dealing with the 2018 draft financial report, the auditor's draft opinion is "the auditor has proposed to issue a disclaimer, due to, they have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion". There were material differences between the Treasurer's Office, the City and School Board as it relates to adjusted general ledger and financial statements as it relates to reconciliation.

Councilor Gore had a request for clerk to put on the agenda to separate out the finance department and the auditing team and ask for recommendations on how to do that. Councilor Gore stated that in 2019 City Council voted to move forward with getting the quote on a risk assessment and compliance audit and that motion did pass, but Council has yet to get that data.

Motion made by Councilor Gore and seconded by Councilor Pelham to have a quote to move forward with a risk assessment and compliance audit that was approved in 2019 and for the cost incurred thus far with completing the audits 2016 to current by next Friday, September 24.

For the Record (Gore): This is for any amount of money; contracts, third party, MOU, MOA, third party vendor, external staff, any cost incurred to generate the audit.

Friendly amended to change the motion from 2016 to current to 2015 to current. Councilor Gore and Pelham agreed to the friendly amendment.

Motion now reads:

Motion made by Councilor Gore and seconded by Councilor Pelham to have a quote to move forward with a risk assessment and compliance audit that was approved in 2019 and for the cost incurred thus far with completing the audits 2015 to current by next Friday, September 24.

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Friendly amendment by Councilor Gore and agreed to by Councilor Pelham to remove the 2019 for the current motion.

Motion now reads:

Motion made by Councilor Gore and seconded by Councilor Pelham to have a quote to move forward with a risk assessment and compliance audit that was approved and for the cost incurred thus far with completing the audits 2015 to current by next Friday, September 24. Motion made by Councilor Gore and seconded by Councilor Pelham to have a quote to move forward with a risk assessment and compliance audit that was approved in 2019 and for the cost incurred thus far with completing the audits 2015 to current by next Friday, September 24.

ROLL CALL: Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	No
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	Yes
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 6 Ayes  
1 No

City Manager March Altman stated that in Section 7 of Mr. Terry's report there is recommendation for City Council to consider

Motion made by Councilor Pelham and seconded by Mayor Bennett that Council move into Closed Session to discuss personnel performance.

ROLL CALL: Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	No
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	No
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	No

Motion Passes: 4 Ayes  
3 No

Motion made by Councilor Pelham and seconded by Councilor Gore to come out of Closed Session with the intention of going back into Closed after this open session.

ROLL CALL:	Councilor Gore	-	Yes
	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes

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Mayor Bennett	-	Yes
Councilor Randolph	-	Yes
Councilor Holloway	-	Yes
Vice Mayor Partin	-	Yes

Motion Passes: 7 Ayes  
0 No

**CERTIFICATION**

ROLL CALL: Roll Call:	Councilor Gore	-	Yes
	Councilor Denton	-	Yes
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	No
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 6 Ayes  
1 No

Motion made by Councilor Pelham and seconded by Councilor Gore to extend the meeting and to allow citizen comment before Council goes back into closed.

City Attorney Robinson stated that the Agenda would need to be amended in order to move an item to another area of the agenda.

Motion made by

ROLL CALL:	Councilor Gore	-	Yes
	Councilor Denton	-	No
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	No
	Councilor Holloway	-	Yes
	Vice Mayor Partin	-	Yes

Motion Passes: 5 Ayes  
2 No

Motion made by Councilor Gore and seconded by Councilor Pelham to amend the agenda in the order of Communications from Citizens, Public Hearings and Closed Session.

ROLL CALL:	Councilor Gore	-	Yes
	Councilor Denton	-	No
	Councilor Pelham	-	Yes
	Mayor Bennett	-	Yes
	Councilor Randolph	-	Yes

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Councilor Holloway	-	Yes
Vice Mayor Partin	-	Yes

Motion Passes: 6 Ayes  
1 No


**Communications from Citizens**

Citizen Bruce Ayala, Ward 6 approached the podium and spoke on the need for neighborhood watch to be reenacted in his neighborhood and in Hopewell in general. He feels that he has a drug problem across the street from his home, he has talked to the police and the owner of the home, have talked to his Councilor and now wants to address the mayor and vice-mayor. He is pleading for help to please have a neighborhood watch established.

Councilor Pelham apologized to Mr. Ayana as she stated he did call her a couple of weeks ago and she was negligible to not have spoken with the Chief and the young man who was in charge of the neighborhood watch. She assured him she would get to it tomorrow and that it would be taken care of wanted to publically apologize. Mr. Ayana offered to be on the neighborhood watch.

The next citizen to speak was Mr. Gerald Bosch, lives in Midlothian, but owns commercial properties in Hopewell in Ward 1. He purchased the building at 320 Broadway commonly known as the Marks & Harrison bldg. Here specifically to talk about the Façade Improvement Program, which was an important part of what he did with that bldg. It lost its funding last year and he is seeking to get that funding again, as he has invested in another property right across the street from City Hall at 201 E. Broadway.

  
Patience Bennett, Mayor

  
Mollie Bess, City Clerk