

**March 14, 2022
Regular Meeting**

MINUTES OF THE SPECIAL CITY COUNCIL MEETING

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, March 14, 2022, at 5:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Patience Bennett, Mayor (Ward 7)
Deborah Randolph, Councilor (Ward 1)
Arlene Holloway, Councilor (Ward 2) - (via Zoom)
Jasmine Gore, Councilor (Ward 4) - (via Zoom)
Brenda S. Pelham, Councilor (Ward 6) - (via Zoom)
Janice B. Denton, Councilor (Ward 5)

Staff: John M Altman, City Manager
Cynthia Hudson, Interim City Attorney
Mollie P. Bess, City Clerk

City Clerk ask Councilor Holloway to state the reason that she is joining virtually, her response was medical. Vote is taken to allow/deny Councilor Holloway to join virtually.

Roll Call: Mayor Bennett yes
Councilor Randolph yes
Vice Mayor Partin yes
Councilor Denton yes

Motion Passes: 4 - Ayes
0 - No

City Clerk ask Councilor Pelham to state the reason that she is joining virtually, her response was personal. Vote is taken to allow/deny Councilor Holloway to join virtually.

Roll Call: Mayor Bennett yes
Councilor Randolph no
Vice Mayor Partin yes
Councilor Denton no

Motion Failed: 2- Ayes
2 -No

City Clerk asked Councilor Gore to state the reason that she is joining virtually, her response was she is in route to the meeting. Vote is taken to allow/deny Councilor Gore to join virtually.

Roll Call: Mayor Bennett yes
Councilor Randolph yes
Vice Mayor Partin yes
Councilor Denton yes

Motion Passes: 4 - Ayes
0 - No

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ROLL CALL

Mayor Bennett opened the meeting at 5:30 p.m. Roll call was taken as follows:

Mayor Bennett	present
Vice Mayor Partin	present
Councilor Randolph	present
Councilor Holloway	present -(via Zoom)
Councilor Gore	present -(via Zoom)
Councilor Denton	present
Councilor Pelham	present -(via Zoom)

Moved to go into Closed Session by Vice Mayor Partin and seconded by Councilor Randolph pursuant to Va. Code Section §2.2-3711 (A)(1) for discussion of personnel matters pertaining to specific council appointee terms of employment and to interview prospective candidates for employment to the School Board; and pursuant to Va. Code Section §2.2-3711 (A)(6) for the purpose of discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the city would be adversely affected.

Roll Call:	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 6 – Ayes
0 -Nays

Councilor Gore arrived at the meeting at 6:40 p.m.

CLOSED SESSION

Motion to come out of closed by Vice Mayor Partin and seconded by Councilor Pelham.

Roll Call:	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 6-Ayes
0 -No

CERTIFICATION

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Certification pursuant to Virginia Code 2.2-3712(D) were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call:	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 6- Ayes
0 -No

Mayor Bennett opened the meeting with roll call:

Councilor Pelham	yes
Mayor Bennett	yes
Councilor Randolph	yes
Councilor Holloway	yes
Vice Mayor Partin	yes
Councilor Gore	yes

Mayor Bennett then welcomed visitors and turned the meeting over to Tevya Griffin for the Work Session.

WORK SESSION

Director Griffin stated that the work session was to introduce four Unconditional Use Permit cases that will come before City Council at a Public Hearing at the March 8, 2022 meeting. The first case of 214 South 16th Avenue, which is located in Ward 1, which is R2, our residential medium density district. This property has 6,194 square feet. The applicant is requesting to build a single family detached home on a non-conforming parcel. In the R2 district you are required to have 7500 square feet and at least 75 for the frontage. He has to come to City Council in order to build this home. The property has 38 feet of frontage. The home he wants to build is 112 x 17, he would have a parking area, a driveway and he would meet all the setbacks for the R2 district. The average home size in this neighborhood is 1,423 square feet, average number of bedroom is 3, there are 1.5 baths and 1.5 stories is the average stories in this particular neighborhood. The architectural style of most of the home is bungalow and Cape Cod. The applicant is proposing to build a 200 square foot studio, he will provide a brick porch and foundation, it is a studio home with a bath, kitchen and living area. The Planning Commission has voted 3-0 to recommend denial of this permit because the applicant did not meet the criteria! 4 outlined in Article XXI, Section D, Approval Criteria. Councilor Randolph asked he was planning to live and Director Griffin stated yes, it is for him to live in.

The second case is 1404 Roanoke Avenue, it is located in Ward 7 (Councilor corrected Ms. Griffin stating that is Ward 6), the applicant is requesting a six foot fence be placed in the front yard, the fence was placed without a permit, so his next step was to come before the Planning Commission and City

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Council to request to keep fence in the front yard. Our ordinance requires a four foot fence for safety reasons. The fire department and police have been out and looked at the safety of the location of the fence, normally they have asked that fences be no higher than 4 feet, in this instance, both the police and fire departments have no issues with this fence, because it is not obstructing the entrance to the home. The Planning Commission did add a condition that the fence be screened with shrubbery and vegetation and the applicants have agreed to that, the Planning Commission voted to approve with the condition to plant shrubbery within two years to obscure the bottom three feet of the fence in its entirety.

The third case is located on Maryland Avenue in Ward 1. It is zoned R2 with same requirements as above. The parcel frontage size is 61 ft. and it has to be 75 ft. so therefore they (the Edwards) are coming to the Planning Commission and City Council to request a conditional use permit. This home has been built before in the area. The Planning Commission voted 3-0 to approve this permit with conditions. The condition is that the owner must work with the Dept. of Development to provide brick front porch and foundation. And to provide a front building facade with varying architectural elements. Vice Mayor Partin requested they put overhang on the front of the house to help with preserving the foundation. The last case is sub-parcel #024-0305, which is also for the Edwards and is in Ward I. They are proposing the same house and the Planning Commission has requested the same conditions. On that particular property there is a fence that encroaching that property The Planning Commission has required that the fence be removed before a building permit is allowed and the applicants have agreed to that.

Mayor Bennett called the meeting to order.

ROLL CALL: Mayor Bennett opened the meeting with roll call:

Councilor Pelham	yes
Mayor Bennett	yes
Councilor Randolph	yes
Councilor Holloway	yes
Vice Mayor Partin	yes
Councilor Gore	yes
Councilor Denton	yes

Prayer by Vice Mayor Partin, followed by the Pledge of Allegiance to the Flag of the United States of America led by Mayor Bennett

Motion by Vice Mayor Partin and seconded by Councilor Denton to amend the agenda to add R3 Residency Requirements to the agenda.

Point of Information by Councilor Randolph to amend the agenda to add a section to request the attorney to provide information on Residency which not provided by previous attorney.

Point of Information by Councilor Gore asking what is the actual ask for Councilor Randolph. Councilor Gore stated it would be more proper to put this on the agenda as an R item so that we can have a discussion.

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ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 7-0

Motion made by Vice Mayor Partin and seconded by Councilor Pelham to adopt the consent agenda.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 7-0

Mr. Terry is having technical difficulties so we are moving on to Vice Mayor Partin's HWR Commission report and will circle back to Mr. Terry after Vice Mayor Partin.

HWR Commission Report

Vice Mayor Partin stated it had been about 5-6 months since the last update and he wanted to provide an update to Council. No action needed, just an informational update. At the end of 2021, they operated slightly under budget. There have been 8 separate sanitary overflows in the year 2021, these overflows were the result of increased rain storms and rain intensity that we had over the year. We were treating the influx of stormwater and wastewater which did result in overflows, which is an issues that is being seen across the Commonwealth of Virginia. The Commission has been working on I & I projects, the inflow and infiltration where we had stormwater getting into the wastewater system and then wastewater getting into the stormwater system. So the Commission approved about a \$1.45 million list of projects to help address this issue. This list of projects for Council approval will be brought to Council at the next February meeting or the first meeting in March. The goal is to work toward reducing the stress on our wastewater treatment plant. With all the matches it is about \$3.6 million in overall projects.

Moving on to items No. 4, we are still anticipating that we're going to have to make a massive major capital investment in phosphorus removal by lowering our overall total phosphorus amount from an average of 1.06 milligrams per liter to 0.2 milligrams per liter and it can be anywhere from \$75 million to \$120 million depending on technology, labor shortages. Good news is our nitrogen permit was set at a little over 1.8 million pounds per year and we reported out less than 900,000 pounds being discharged which means we were able to sell \$200,000 in excess nitrogen credits. Unfortunately we did have our phosphorus permit lowered from a little over 76,000 pounds per year to just under 62,000 pounds per year and last year we reported out almost 69,000 pounds discharged, so we ended up purchasing 62,000 pounds in phosphorus credits. When putting them together we still came out on the positive side. Recently formed a capital budget subcommittee for the commission to help with staff and bring in some additional expertise to develop a more comprehensive and aggressive capital budget and the goal is not

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just to eliminate backlog of maintenance capital projects dating back to 2011, but want to focus on getting ahead of schedule and being proactive.

Financial Report

Mr. Terry presented his financial report stating that this report starts covering a period of July 1, 2021 through the end of January 2022. It will cover the external reporting, the budget and the internal. It was reported that FY16 is done, FY 17 is done and the single audit for FY18 is completed and will be uploaded to federal website clearing house and will make sure to get hard copies to Councilors, Dr. Hackney, and the School Board. The single audit is complete, it is a good report, no negative, a clean report. Called attention to FY 19, the City issued a (RFP) Request for Proposal for financial audit services for the City, for our audit firm to perform audits for 2019, FY2020, FY 2021, FY2022, Robinson, Farmer, Cox Associates was the selected firm from staff and staff has requested City Council to approve RFC & Assoc. and you have done so and have authorized the City Manager authority in creating a contract for Council to review and approve. City is current on State Board Reporting. We are now reporting that we have completed our compliance filing on the CARES Report. FEMA new system, we did another step to upload the grant that was covered by emergency services, if we are awarded the grant, it is about \$275,000. Munis training was done for staff. The Tyler Open Finance implementation, in process now where it is being rolled out. We had a target date for March but we are looking at some software issues that need to be fixed, the goal is to have this operative and out for citizens to look at by June 30, 2022. Arbitrage calculation, we are in compliance with that. VDOT, was a little difficult, because we did not have FY 19 or FY20 annual report, but were able to supply them with sufficient amount of information and documentation that they were able to determine that we knew our numbers, and our numbers agreed with their numbers. Until we can get the audits done, they were satisfied that they met their compliance requirements. Budget development for 2022/2023, we are on track. There were no cross fund transfers made by the City Manager.

REGULAR BUSINESS

R-1 - Appropriate Funds to the Downtown Facade Program

Mr. Altman opened by stating that this is a request for Council to consider approving \$40,000 to reimburse four developers that's work has been completed on their facades. Mrs. Griffin then took over the presentation to state that this grant started in 2012 and at that time Council provided \$250,000 into this fund for downtown facades. To date, \$194,000 has gone to the Fa9ade Grant Program, the remaining \$56,000, the EDA was given \$36,000 and the Hopewell Downtown Partnership was given \$20,000 out of that fund. The balance now is \$5,877.29. In 2020, there were four businesses that moved forward to rehab their buildings. An update on the total amount spent on the buildings. At 256 W. Broadway, the building was purchased by the developer for \$175,000, the rehab was \$92,000 and the tenant up-fit of the Silva Yoga, that's on the first floor was \$24,000. So, to date spent on this building is \$291,000. The facade grant program requires a property owner to put in at least half and they are able to get back up to \$10,000 for the work that is completed and this property owner has requested the \$10,000 for the work that was completed. The next building is 201 E. Broadway at the corner of Randolph and Broadway. This property owner purchased for \$155,000 and to date has put in \$90,000, this does not include things they did not come to the city for. The approximate total invested for this property is \$245,000, this property owner has put in over \$20,000 and is requesting the \$10,000 of reimbursement. The next is 222 E. Broadway, the rehab is \$20,000 and the tenant up-fit is \$29,400, the approximate total is \$49,400 and they are asking for the reimbursement of \$10,000 for the facade. Next is 106 N. Main Street, this property was purchased for \$120,000, the total building up-fit was \$700,000 and that was all the interior and the glass work on the outside as well as the windows to the front facade and interior work. There are

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five apartments on the second floor. So the interior \$700,000 and the total \$820,000, they are also requesting the \$10,000 reimbursement.

The request of \$40,000 for these four properties, is for the work that was done in 2020. There are several other property owners that are waiting for the grant to be replenished and that was a request of the Downtown Hopewell Partnership, also through the Dept. of Development, the same request was put in as we have some folks that are awaiting to do some investment knowing that this grant is just at the \$5,000 mark. This is to help those that have already put in the funding to be able to provide them with the \$40,000, \$10,000 each for each property owner. The Dept. of Development never promised these property owners anything, it is being brought to you know because these developers have requested this. It is endorsed because they did put in the funding. Grants are approved individually by the Downtown Design Review Committee.

Motion made by Councilor Gore and seconded by that we approve the request for \$40,000 to provide the Fa9ade Improvement Grants from the Unassigned Funds and for the City Manager to incorporate recommendations in the upcoming fiscal year budget to reinstate the program July 1, 2022.

Motion made by Councilor Gore and seconded by Vice Mayor Partin to appropriate \$40,000 for the Fa9ade Improvement Grant to award it to the applicants presented tonight from the Unassigned Funds.

Friendly amend made by Councilor Pelham and agreed to by Councilor Gore and Vice Mayor Partin. The motion now reads:

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion made by Councilor Gore and seconded by Vice Mayor Pattin to appropriate \$40,000 from the American Rescue Plan Funds Act to reimburse the applicants presented tonight.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 7 – 0

Motion made by Councilor Gore and seconded by Mayor Bennett to waive the rules to allow Mr. Eliades to speak to this issue.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes

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Mayor Bennett	yes
Councilor Randolph	yes
Councilor Holloway	yes
Vice Mayor Pattin	yes
Councilor Gore	yes

Motion Passes: 7-0

Mr. Eliades then spoke as a member of the EDA and Planning Commission. He stated that they write the rules for these grants and the grants that were done for the most recent awards, they didn't have non-profits. So the question is, are you telling them to do something or to look into something because the rules of these grants are written by the EDA, which is a separate body from the Council. The EDA gets the money from Council, but then Council typically says that the EDA needs to figure out what the rules should be. But if you are saying we want you to change the rules to "ABC" then the EDA just needs to be clear that when the motion is completed are you directing the EDA to do something specific or are you asking them to investigate and make their best judgement when we do the next grant cycle?

Councilor Gore answered and stated the motion was for Mr. Altman to work with Director Griffin to look at it and give recommendations to Council. To answer the second part of your question, when we give the grant monies, we can designate who will execute them and when we did the Legacy Business Grant, we gave the EDA the money to execute, but when these recommendations come back, the recommendation may be another approach. So, it was for Director Griffin and Mr. Altman to look at it and give us the best recommendations and they can work with EDA.

Motion made by Councilor Gore and seconded by Vice Mayor Partin for the City Manager to work with Director Griffin to provide recommendations on how to fund the Façade Improvement Program in the upcoming budget cycle and to also expand that way to the other enterprise areas and to provide alternatives for the legacy program, to include non-profits.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	no
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 6-1

R-2-2023 Citywide Real Estate Assessment

City Manager Mr. Altman began by stating that this item is dealing with the 2023 state real estate assessment. The City is required by Virginia Code Section 58.1 3250, to conduct a general re-assessment of real estate every two years. Staff is requested that Council amend the FY22 budget by budgeting and appropriating \$130,000 from the Unassigned Fund Balance to begin work on the citywide general reassessment and authorize the City Manager to take the necessary actions to begin the general re-assessment. The plan was to conduct the general re-assessment in house, due to two untimely departures from the real estate office and not having the staff to go out in the field and do the re-assessment work. In order to complete the re-assessment January 1, 2023, we need to begin now. That is the reason for the request coming to Council this evening. There is \$6,391,737 available in the Unassigned Fund Balance to move forward with this request. We are looking at total to fund the re-assessment in the next budget year,

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what will ask for in the FY23 budget will be approximately \$275,000 to complete the amount but we currently only need the \$130,000 to get the project moving forward so that we can get started.

Motion made by Vice Mayor Partin and seconded Councilor Randolph by that City Council amend the 2022 budget and appropriate \$130,000 from the Unassigned Fund Balance to begin work on the citywide general re-assessment of real estate and to authorize the City Manager to take the necessary actions to begin the 2023 general re-assessment of real estate.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	no

Motion Passes: 6 – 1

Councilor Gore asked is this to hire a firm to come in and help like was done before, Mr. Altman stated yes. Will this be done with an RFP process, Mr. Altman -we will look an RFP, will also look at any firms listed under state contracts that are already contracted that we can utilize through the state procurement system. Gore would like recommendation brought back to Council. Councilor Gore brought up Board of Equalization and said we need to diversify this board. Ask was for City Clerk to bring back information on Board of Equalization, as in who are members, when they expire, term limits, when they need to be meeting, etc. In terms of the office, where are we at with the technology to start moving to a table format? Mr. Altman stated he would check with her on the status, we have not purchased the tablets yet. Maybe get in in house for 2025 assessment. Gore – If Council is amenable to having that group come in and having the assessor present to Council whatever the recommendation for that group at the same time, could she give us a small snapshot of if she thinks it is feasible.

R-3 - Residency Requirements

Added by Councilor Randolph. Council had asked the Interim City Attorney at that time, while we were looking at Residency Requirements and requested him to give us information about what state law says and other factors and we still have the outstanding what we are or are not going to do. Choices are keep it the way it is or if we changed it who we could change it for. So this is to give Council a chance to direct our current interim City Attorney to care for what the previous interim attorney did not handle.

Motion made by Councilor Randolph and seconded Vice Mayor Partin by to have the current Interim City Attorney to investigate residency requirements and whether Council can dictate employee's residency in Hopewell and report back to Council via email.

ROLL CALL:	Councilor Denton	yes
	Councilor Pelham	yes
	Mayor Bennett	yes
	Councilor Randolph	yes
	Councilor Holloway	yes
	Vice Mayor Partin	yes
	Councilor Gore	yes

Motion Passes: 7 – 0

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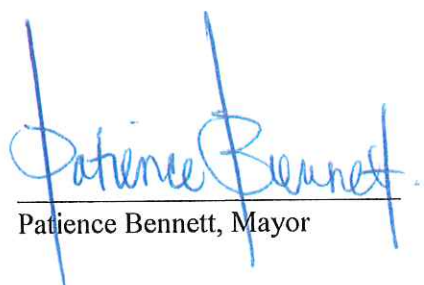
Councilor Gore stated that City Council has in our Charter, Residency Requirements for City Clerk, City Attorney, and City Manager. Additionally, we have an Ordinance that provides additional guidelines for Directors and the Assistant City Manager. Our Ordinance says that if a Director is hired and lives outside of the City at the time of hire, he/she can remain there. But if he/she decides to move during the time of employment, he/she would have to move to the City of Hopewell. Part of that Ordinance says that if you want to get waived from that requirement, you would need to get permission from Council.

Motion by Vice Mayor Partin and seconded by Councilor Denton to adjourn.

ROLL CALL:	Councilor Denton	-	yes
	Councilor Pelham	-	yes
	Mayor Bennett	-	yes
	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes

Motion passes 7-0

Meeting Adjourned



Patience Bennett, Mayor

/s/ Mollie P. Bess
Mollie P. Bess, City Clerk