

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

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CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3

Jasmine E. Gore, Vice Mayor, Ward #4

Rita Joyner, Councilor, Ward #1

Michael B. Harris, Councilor, Ward #2

Janice B. Denton, Councilor, Ward #5

Brenda S. Pelham, Councilor, Ward #6

Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, City Manager

Danielle Smith, City Attorney

Brittani Williams, City Clerk

Bridetta Williams, Deputy Clerk

March 26, 2024

REGULAR MEETING

Closed Meeting- 6:00 PM

Regular Meeting-7:30pm

6:00 p.m.

Call to order, roll call, and welcome to visitors

CLOSED MEETING

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Section §2.2-3711 (A) (1) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and VA. Code section §2.2-3711 (a)(29) for discussion of the award of public contract involving the expenditure of public funds, including interviews of bidders, offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and to the extent such discussion will be aided thereby, and to the extent such discussion will be aided thereby.

Roll Call

RECONVENE OPEN MEETING

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?

REGULAR MEETING

7:30 p.m.

Call to order, roll call, and welcome to visitors

Prayer by Pastor Collier, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Holloway.

SUGGESTED MOTION: To amend/adopt Regular Meeting Agenda Roll Call

CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

- C-1 Minutes: 3-12-2024, 3-14-24**
- C-2 Pending List: December 14, 2023**
- C-3 Information for Council Review: Old minutes for years 2019, 2020, 2021, 2023**
- C-4 Personnel Change Report & Financial Report:**
- C-5 Public Hearing Announcements:**
- C-6 Routine Approval of Work Sessions:**
- C-7 Ordinances on Second & Final Reading:**
- C-8 Routine Grant Approval:**

SUGGESTED MOTION: To amend/adopt consent agenda

INFORMATION/PRESENTATIONS

- 1. City's Access to Credit – James Sanderson, Financial Advisor**

COMMUNICATIONS FROM CITIZENS

CITY CLERK: A Communication from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to three minutes. No one is permitted to speak on any item scheduled for consideration on regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the presiding officer. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council (See Rules 405 and 406)

PUBLIC HEARING

CITY CLERK: All persons addressing Council shall step to the microphone, give name and if they reside in Hopewell, their ward number, and limit comments to three minutes. No one may address council more than once per meeting, unless granted permission by the presiding officer. Speakers address council as a body, not individual councilors. Questions are asked of councilors and staff

through the presiding officer. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in the council chamber may be reprimanded by the presiding officer, and removed from the meeting upon a majority vote of councilors present, excluding any councilor who is the subject of the motion. (See Rules 405 and 406)

PH1 – Zoning Ordinance Amendment Article I (Definitions), IX-A (Downtown Central Business District, B-1), and XIV-B (Tourist/Historic District, TH-1), and add Article XXIII (Historic Preservation) 2nd Reading – Chris Ward, Director of Development

REGULAR BUSINESS

R1 – Proposed Towing Ordinance – Chief Taylor, Chief of Police

R2 - Strategic Economic Development Plan Request – Charles Bennett, Economic Development Director

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Councilors Pending Request

CR1 - Protection of Legitimate Political Activities of Employees and Restrictions – Councilor Pelham

CR2 - Finance Committee Expansion – Mayor Partin

Presentations from Boards and Commission

Other Council Communications

BOARD/COMMISSION VACANCIES

Architectural Review Board – 3 Vacancies

Downtown Design Review – 2 Vacancies

Board of Building Code and Fire Prevention Code Appeals – 5 Vacancies

Keep Hopewell Beautiful – 1 Vacancy

Recreation and Parks – 4 Vacancies

Library Board – 1 Vacancies

DSS – 7 Vacancies

Healthy Families – 3 Vacancies (3 pending applications)

District 19 – 2 Vacancies

Towing Advisory Board – 4 Vacancies (3 Tow Operators, 1 Civilian)

Adjournment

CLOSED MEETING

RECONVENE OPEN MEETING

REGULAR MEETING

CONSENT AGENDA

C-1

MINUTES OF THE March 12, 2024 CITY COUNCIL REGULAR MEETING

A REGULAR meeting of the Hopewell City Council was held on Tuesday March 12, 2024 at 6:00 p.m.

PRESENT:

John B. Partin, Mayor (Absent)
Jasmine Gore, Vice Mayor (Late 6:05)
Rita Joyner, Councilor
Michael Harris, Councilor
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

Councilor Joyner makes a motion to allow Councilor Harris to participate remotely. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Absent
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Abstain
Mayor Partin-	(Absent)

Motion Passes 4-0

CLOSED MEETING:

Councilor Joyner makes a motion to go into closed meeting pursuant to Va. Code Section §2.2-3711 (A) (I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and VA. Code section §2.2-3711 (a)(29) for discussion of the award of public contract involving the expenditure of public funds, including interviews of bidders, offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and to the extent such discussion will be aided thereby, and to the extent such discussion will be aided thereby, Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

Reconvene Open Meeting

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes

Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

CERTIFICATION:

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?

Councilor Joyner makes a motion to reconvene open meeting. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

Councilor Pelham makes the motion to extend the meeting to complete regular business. Vice Mayor Gore seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

Councilor Holloway makes the motion to approve the contract modification agreements for the Robert Bobb Group for the project management and audit services financial remediation services for FY2024 appropriated and FY2025 budget allocation in the amount of \$495,000.00. Councilor Pelham seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

REGULAR MEETING

Vice Mayor Gore calls the Regular Meeting to order 8:29 pm

Prayer by Pastor Collier, followed by the Pledge of Allegiance led by Councilor Joyner.

Councilor Joyner makes a motion to adopt the Regular meeting Agenda. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

CONSENT AGENDA

Councilor Joyner makes a motion to adopt the Consent Agenda. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

INFORMATION/ PRESENTATIONS

1. **Finance Report- Robert Bobb Group Heather.** Ness presents the status of the progress to date and the recent Successes. Ms. Ness gives 2020 audit progress and information on the 2021 audit package submission. Ms. Ness talks about the order that will be followed for each audit year due and discusses next steps. She requests a 2-3 hour working session with everyone sometime in the near future, possibly in June, but before the modules all go into production.

COMMUNICATIONS FROM CITIZENS

1. **Ripley Ballou**-Reminds the audience or anyone watching or listening on line about the reports from the Robert Bobb Group. He gives his opinion of the reports and reads recommendations to the council.
2. **Sharah' Fuller**- Talks about a community walk coming up for the City of Hopewell. She states it would be great to see some of our leaders in attendance participating with the city and being present at City of Hopewell events.

PUBLIC HEARING

PH1- Right of Way Vacation 514 Monroe St- Chris Ward, Director of Development. Mr. Ward gives the order status of tonight's' reading. He outlines the location of the property in reference to the surrounding properties. He responds to a written comment and addresses concerns of access to a neighboring property. Mr. Ward talks about the findings from Water Renewal of two sanitary sewer lines running thru the right of way portion of the property. Water Renewal doesn't have a problem with the right of way as long as the city executes a deed of easement with Ms. Bolling allow the city to retain access to the sanitation sewer lines for any maintenance purposes. Staff recommends approval of the vacation request with

the requirement that a deed of easement be executed with the property owner and the city. Planning Commission also recommended with a 3-1 vote for that same recommendation.

Councilor Holloway makes a motion to approve the vacation as stated by Director Ward with the easement requirement. Councilor Joyner seconds the motion.

PH2- Conditional Use Permit 804 Kenwood Ave- Chris Ward, Director of Development. Mr. Ward states this was presented back on February 13th as a work session. This is technically a 1st reading and is asking for action. The applicant for the Conditional Use permit is for Waakeema Ahevonderae to allow the use of an accessory building on her property to be used as an accessory apartment. Mr. Ward gives the property's location. A CUP for this use was approved in June 2020 for a previous owner. Mr. Ward explains some confusion in terms of communication, when the property was sold to Ms. Ahevonderae. Mr. Ward talks about the details of the R2 ordinance. Mr. Ward states in the case of Ms. Ahevonderae and her aunt that lives in the accessory structure, the aunt does not drive and does not have a vehicle therefore do not have any parking concerns. Staff recommends the approval of this CUP request. Council approved this back in 2020 so this is a re-approval. Mr. Ward reads out the Conditional Use Permit requirements. Planning Commission recommended approval in the January 11 meeting with a 4- 0 vote.

Councilor Holloway makes a motion to approve the conditional use permit for 804 Kenwood as is. Councilor Joyner seconds the motion

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

REGULAR BUSINESS

R-1- School Zone Speed Limit Enforcement by Camera- Chief Greg Taylor, Chief of Police. The presentation is conducted today by Marty Plank, Vice President of Sales for Ultimate. Ultimate is an automated traffic enforcement company. Mr. Plank talks about some statistics for speed limits when being struck by a vehicle. He explains the details of school zone enforcement law. A speed study was conducted in Hopewell at four different locations and he goes over the results. Mr. Plank states there are Facebook posts, there is Instagram, they will let the parents know, they will let everyone know when the cameras go live.

Councilor Pelham makes the motion to approve the use of the school zone speed limit enforcement cameras and to authorize the manager to sign and execute the agreement. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

R-2- Towing Ordinance- Chief Greg Taylor, Chief of Police. Dr. Manker gives background information on the Towing ordinance. Hopewell City Council is required to create a Tow advisory Board and to adopt an ordinance which regulates towing services. An ordinance has been provided that the city attorney has drafted for your review. The police chief is asking for approval on that ordinance so he can move forward with towing contract services within the City of Hopewell.

Councilor Joyner makes a motion to table this item until the next Regular scheduled meeting. Councilor Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

R-3- Health Insurance Renewal- Yaosca Smith, Human Resource Director.

Dr. Manker introduces Yaosca Smith to present the Local Choice Health Care rates for upcoming FY2025 budget. Yaosca Smith hands the presentation to Mary Jones from One Digital to present the information on power point. She states the insurance increase comes in at 6.9 percent for active employees as well as retirees not yet 65 or pre-65. There are also Medicare eligible retirees who are on a separate plan. Their premiums will be increasing from \$211 to \$218 a month. Ms. Jones states after our assessment of the renewal and the claims data projected increase would come in at 10 percent and feels that the 6.9 percent from local choice is fair. There are two options on how to handle the increase, option A, to share the 6.9 percent with the employees. By doing that, the impact to the city would be \$266,124 and the impact to the employees would be \$63,756. The option B, reflects the city absorbing the entire increase of \$329,880 and the employees' premiums would remain flat, keeping the same plans that you have today. Ms. Jones also points out some enhancements to the plans effective July 1st. She goes over the increases associated with the individual plan options and notes that the change is dictated by the IRS. This is not something that the city is imposing or the TLC but this is an effort to remain compliant by offering a high deductible plan with that Health Savings Account. Ms. Jones discusses some changes, like additions and enhancements to the Health Coverage plans for the city. The recommendation is to continue with Local Choice with the three plans that you currently offer and we are recommending that the city absorb the increase and keep the employee premium flat.

Councilor Holloway makes a motion to approve the City's health insurance renewal with the city absorbing the cost of \$329,880.00 as stated in option B. Councilor Joyner seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

R-4- Harassment Policy Amendments-Yaosca Smith, Human Resource Director. Dr. Manker introduces Yaosca Smith to the podium to present the human resources policy and procedures manual with an introduction of a workplace harassment policy. Dr. Manker states she would like to propose a committee be set up with council members, HR director and myself to meet regularly to go over policies page by page because a lot of these policies require input from an attorney. Dr. Manker states reasons for bringing the information to the Regular council meetings. She states tonight's presentation has already been reviewed by an employment attorney. Ms. Smith requests updates on the harassment policy, which were updated by Sans Anderson in 2022. She walks thru the updates and changes and that all harassment claims and cases should come to human resources or the city manager, not department directors.

Councilor Pelham makes a motion we approve this part of the Human Resources Handbook, chapter 5 and chapter 6 consolidated workplace harassment policy. Also, to add an annual review of all employees will be done and updated on an annual basis. Councilor Joyner seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	(Excused)
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 5-0

R-5- Approval of Treasurers' MOU- Dr. Manker, City Manager. Presents before council the standing MOU between the Treasurer and the City of Hopewell. The finance department is centralizing all functions. Today, the City Staff is recommending that the city approve the MOA between the Treasurer Office and the City of Hopewell, pending the hiring of an accountant for the finance department

Councilor Joyner makes a motion for the city to approve the MOA with the City Treasurers office and for the accountant to work in the finance department until the city hires an accountant that is hired and trained. Councilor Pelham seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Passes 6-0

R-6- Zoning Ordinance Amendment Article I (Definitions), IX-A (Downtown Central Business District, B-1), and XIV-B (Tourist/ Historic District, TH-1, and add Article XXIII (Historic Preservation) - Chris Ward, Director of Development. Mr. Ward introduces Kelly Davis, Sr. Planner, who will be giving the presentation tonight. It was requested by the mayor last year that our office take a look at combining our two architectural review oversight boards into one. Ms. Davis presents zoning ordinance amendments. This is the first reading. She gives a brief background, talks about the scope of the updates, goes into each individual changes for each article, recommendations and next steps. She states definitions were being added to support Economic Development to the B1 zoning district, we also needed to add them to our definition section. Ms. Davis adds we do have a website where all the historic district information lives and the information is readily available on the city's website. Both Staff and Planning Commission recommend approval of this ordinance and would like to schedule the public hearing and second reading on March 26th.

R-7-Ordinance for City Employment of city Officials- Danielle Smith, City Attorney. Atty Smith states this information was requested from previous city attorney. This is her attempt to draft the ordinance in response to the original request. She provides information on the purpose of the ordinance. This is the first reading. She offers city council the Virginia Code section which applies to this section, 2.2-3107 and will defer to councils' decision whether to adopt it, continue it or amend it.

Councilor Pelham makes a motion to approve the city employment of city officials on the first reading effective March 12, 2024. Council Holloway seconds the motion.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	No

Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	No
Council Harris-	No
Mayor Partin-	(Absent)

Motion Fails 3-3

Councilor Denton makes a substitute motion to table R-7 until after the election.
Councilor Joyner seconds the motion

ROLL CALL

Vice Mayor Gore-	No
Councilor Denton-	Yes
Councilor Pelham-	No
Councilor Holloway-	No
Councilor Joyner-	Yes
Council Harris-	Yes
Mayor Partin-	(Absent)

Motion Fails 3-3

Information was given and explained by Vice Mayor Gore and Councilor Holloway, expressing the need and legality surrounding the ordinance for City Employment of City Officials

Councilor Holloway makes a motion to call for the vote.

ROLL CALL

Vice Mayor Gore-	Yes
Councilor Denton-	No
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	No
Council Harris-	No
Mayor Partin-	(Absent)

Motion Fails 3-3

An outburst was made by a City of Hopewell resident Ed Hauser “If you scared say you scared” upon exiting the Council Chambers. Vice Mayor Gore notates the incident for the record and mentions that cannot happen again. Councilor Holloway requests the outburst be put into record.

ADJOURNMENT:

Vice Mayor Gore motions to adjourn,

Yes- 6

No- 0

Respectfully Submitted,

Johnny Partin, Mayor

Brittani Williams, City Clerk

MINUTES OF THE March 14, 2024 CITY COUNCIL REGULAR MEETING

A REGULAR meeting of the Hopewell City Council was held on Tuesday February 27, 2024 at 6:00 p.m.

PRESENT: John B. Partin, Mayor
Jasmine Gore, Vice Mayor (6:03)
Rita Joyner, Councilor
Michael Harris, Councilor (Virtual)
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor (6:14)

Councilor Joyner makes a motion to allow Councilor Harris to participate remotely, Councilor Denton seconds the motion.

ROLL CALL	Councilor Denton-	Yes
	Councilor Pelham-	Yes
	Councilor Holloway-	Absent
	Councilor Joyner-	Yes
	Mayor Partin-	Yes
	Vice Mayor Gore-	Absent
	Councilor Harris-	(Abstain)

Motion Passes 4-0

Mayor Partin gives Dr. Manker the floor to explain what the meeting is about. She states they have the first section of the budget discussion and explains for each budget work session council will bring the provided notebook to build upon until

the book is final. Tonight's meeting is going to be about the revenue portion of the budget. There was a small change, and they will follow best practices and return back to the finance director presenting the budget revenue and expense portion of the budget. Dr. Manker then turns it over to the interim CFO Russ Bransen who will begin the revenue presentation.

Councilor Pelham has a point of order, the format of the agenda shows reports of city manager, it was explained to her the agenda is an outline, there are no reports from city manager.

Councilor Pelham makes a motion to delete reports of city manager, city attorney, city clerk and city council, Councilor Joyner seconds the motion.

ROLL CALL

Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Harris-	Yes
Councilor Holloway-	Absent
Councilor Joyner-	Yes
Mayor Partin-	Yes
Vice Mayor Gore-	Yes

Motion Passes 6-0

Mr. Bransen begins his presentation based on the powerpoint he provided to council prior to the meeting. He speaks on revenue about general government and what revenues come into that. He explains what those funds are for. He speaks about enterprise funds as well and states he will speak in further detail about each of those funds. He explains his first slide which is public services funds, schools, enterprises and general government funds. Each of these has a list of funds that are included and he states he will go into further detail of each as he progresses through the slides. He speaks about the assessor and the commission of revenue and what each of their roles are. He states what needs to happen if revenues are insufficient to fund desires services, either revenues must be increased or expenses must be reduced. Get more money in option is to raise taxes, or what does not get funded to reduce expenses. His next slide speaks on the sources of revenues, and he goes into detail of where the money

comes from. Mr. Bransen moves onto the next slide speaking on how revenues are applied going into detail per department, with three major sources. Schools are the largest percentage of funding revenues. He goes over the other percentages on this slide of smaller revenues of the city. He mentions items to be aware of such as transfers and use of surplus. He states transfers can make total revenue appear higher than it really is. He also mentions the city has a common practice of carrying over funding for capital projects that are approved but not yet completed. Mr. Bransen speaks about the general fund revenues and fees and charges that come in for permits and other types of fees. He goes over a table of the breakdown of all major revenues and all the taxes over the last two years. He moves on to real estate taxes and what increases from re-assessments which are every two years. Machinery and tools tax and real estate tax are collected at the same time and make up about 70 percent of the tax revenue. He goes into further detail about the numbers of machinery and tools tax. He mentions they are 19.8 percent of the taxes on their own. Personal property tax is tangible personal property, and the current rate is \$3.5 but proposed increase of for \$4.00. Mr. Bransen gives total percentages of other local taxes in detail based on a chart provided in his slide. Mr. Bransen goes through the remainder of his slides giving exact percentage rates and numbers from past years to proposed year of 2025. Mr. Bransen moves into enterprise funds beginning with water renewal, which is a user funded enterprise. Charges to the industry and the city are broken down in three sections, the operations, debt services, and the admin fees. He speaks on miscellaneous revenues which is also known as hauled waste which is primarily used for capital. User charges are collected for operation expenses. Mr. Bransen speaks further about sewer refuse and storm water providing a graph to give an idea of the increase or decrease in revenue. Mr. Bransen mentions he would like to see food and lodging taxes increase half percent on food and 1 percent on lodging and it would bring in 75,000 to 90,000 each. Mr. Bransen goes over the schools' revenue with a detailed table. He points out the consistency of what the city has put out over the past few years. Mr. Bransen provides a two-page table with a list of taxes, different fees and charges, and types of other revenues.

Councilor Pelham asks Mr. Bransen about donations and where do they come from. Mr. Bransen says they are not donations but they are charges for healthy families that they provide services for within the different communities.

Vice Mayor Gore asks the city manager about outside agencies and wants an

idea of are they approving the one from last year or two years ago, the answer was last year. She then asks the schools and the carry over, she states she needs that number to know if the general funds are going to be adjusted. Mr. Bransen states it would not be a general fund reduction necessarily. He gives a further detailed answer in regard to this question. He mentioned he will get clarity and get back with them with a clearer answer. She then asks in terms of the Beacon Theater, the city gives a contribution, and they provide their own financials, she asks what will council do about the LLC and accountability of their financials. She says she wants to know what are they doing about what they are projecting. Mr. Bransen answers the question stating it could be a part of the conversation next week. He mentions he will check with Jack Regan and get back with council. She asks about parks and recreation and wants to make sure the accounting is lined up so when membership and user fees are received they know where to put them. Mr. Bransen answers this question in detail, but in short the answer is yes. She asks about debt service, is there anything being dropped off that can be used as potential revenue. Mr. Bransen says none for the upcoming year, but possibly is 2026. She then asks the city manager the voted to adjust budget calendar and council priority, how is she going to propose to adjust it because it was not discussed during the retreat. The city manager proposed it be considered to happen after the expenditure or along with the department discussion.

Councilor Denton asks Mr. Bransen about the million-dollar mile, the fines from that comes to the city, is it shown through the revenue. Mr. Bransen states no the city does not get revenue from that. She asks is there a finance report from Beacon, the city manager mentions Jack receives the finance report from them. She asks if the revenue beacon gets can the city include it as their revenue, the answer was no.

Mayor Partin asks Ms. Reason or Ms. Kidd about the machinery and tools tax amount the increase in 2024/2025, is it from the current expansion in the capital upgrades down at Virginia American Water. Ms. Reason answers saying some is due to that and some is from Ashland incorporated and some from West Front from their expansions. He then asks Mr. Bransen about slide 23 about user charges and FY 24 and 25 with the significant bump up, what results from the bump up? Mr. Bransen responds that he included charge of capital charge. For stormwater on page 24 he asks does he have any numbers from public works to see what stormwater would look like with a 1,2, or 3-dollar increase. Mr. Bransen states yes he can get those numbers for him. He

asks can they run an analysis if they shrunk the area would it result in more revenue. He then asks how much money can be generated in cost savings in storm water fee moved from the monthly utility fee and added to the 6-month real estate taxes and what would it do in terms of collection.

Councilor Holloway asks he thought they agreed about the Beacon Theater that it would be \$5000 per year they provided a financial report, if they did not he thought they would not fund them. City Manager stated he was correct they were required to start providing financial records to the auditors which she stated they started immediately and they are caught up with all past records being submitted. Councilor Pelham asks for an overview of where they are currently, Mr. Bransen stated yes he can request that.

Councilor Joyner stated she had not seen any financial documents and would like to see them.

Vice Mayor Gore asks Mr. Bransen about the school's financial system, they be moved over to MUNIS. She asks is there an update with where they are with getting it into MUNIS. Mr. Bransen stated it would be July of 2025. Vice Mayor Gore asked does council support having a written explanation to why they have not started yet, City Manager stated they did not start at the time council thought they did. Councilor Pelham asks for a timeline of when they started to implementation. Councilor Holloway asks did they start the process and does the live date just take some time. Mr. Bransen states yes that is correct. She then asks about open finance system for citizens to check financial numbers in real time. City Manager stated the system is live, but it is not citizen facing because the numbers in MUNIS are not displaying the correct information because the lean up has not occurred. Each completed audit will have the system get cleaner and cleaner.

Councilor Harris states he has a concern in regard to meeting in open session and individual comments from citizens. How do they communicate with the citizens along the lines of questions they have about the budget process? City manager answered that citizens can do this by reaching out to the clerk and on the website under the clerk's page you can submit comments for any council meetings that occur, and it is the clerk's responsibility to read the comments into the record once received.

ADJOURNMENT:

Councilor Holloway motions to adjourn,

Yes- 7

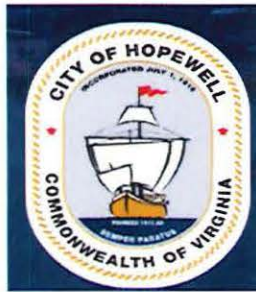
No- 0

Respectfully Submitted,

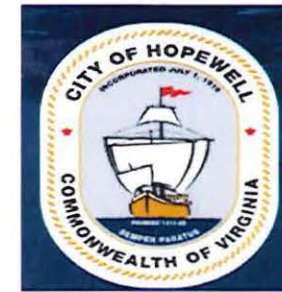
Johnny Partin, Mayor

Brittani Williams, City Clerk

C-2



CITY OF HOPEWELL
COUNCILOR PENDING LIST



<u>REQUEST</u>	<u>REQUESTOR</u>	<u>DATE</u>	<u>NOTES</u>
Delinquent Funds	Jasmine Gore	12/14/2023	City Manager
Housing Commission	Jasmine Gore	12/14/2023	CCR - Hold
Poet Lareate	Brenda Pelham & Jasmine Gore	12/14/2023	CCR (Defer to Pelham)
Beacon Theater LLC	Jasmine Gore	12/14/2023	City Manager
Crisis Support	Jasmine Gore	12/14/2023	City Manager
City Human Resource Policy	Brenda Pelham	12/14/2023	HOLD
Business License Policy	Jasmine Gore	12/14/2023	HOLD
City Credit Card Policy	Brenda Pelham	12/14/2023	CCR
RFP For Financial Services	Councilor Joyner	12/14/2023	HOLD

C-3

MINUTES OF THE JUNE 11, 2020 CITY COUNCIL SPECIAL MEETING

A special meeting of the Hopewell City Council was held Thursday, June 11, 2020, at 6:30 p.m. The meeting was scheduled to be held by electronic communication only, pursuant to Va. Code § 2.2-3708(A)(3).

PRESENT: Jasmine Gore, Mayor, Ward 4
Patience Bennett, Vice Mayor, Ward 7
Deborah Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
John B. Partin, Jr., Councilor Ward 3
Janice B. Denton, Councilor, Ward 5
Brenda Pelham, Councilor, Ward 6

John M. Altman, Jr., City Manager
Sandra R. Robinson, City Attorney
Camisha M. Brown, Assistant City Clerk

ROLL CALL

Mayor Gore opened the meeting at 6:36 p.m. Due to the Novel Coronavirus (COVID-19), the meeting was held via Zoom Video Communications. Council was allowed to either call in on the telephone, or were able to video in using a smart phone, computer, laptop, or tablet. Citizens were able to watch the meeting live via YouTube. Mayor Gore waited a couple of minutes for everyone to get logged in or to call in. Mayor Gore requested a roll call, as follows:

Mayor Gore	-	present
Vice Mayor Bennett	-	absent (joined the call late)
Councilor Randolph	-	present
Councilor Holloway	-	present
Councilor Partin	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

SPECIAL MEETING

SB-1 Real Estate Tax Deadline Extension Resolution- Council was presented with a resolution to approve the extension of Real Estate taxes for the citizens. After discussion among Council, Councilor Denton moved to accept the Resolution extending the tax deadline from June 15th to June 30th. The motion was seconded by Mayor Gore. Upon the roll call, the vote resulted:

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

Councilor Partin	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes

Motion passes 6-0

SB-2 COVID-19 Taxpayer Relief Ordinance- Mr. Altman presented to Council and ordinance he was requesting to have considered for relief for taxpayers during the pandemic. After the presentation, questions and discussion was had among Council. Councilor Denton moved for Council to authorize and provide relief for late fees and interest on utilities from July 1st through September 30, 2020 due to emergency conditions. Her motion was seconded by Mayor Gore upon the roll call, the vote resulted:

Mayor Gore	-	yes
Vice Mayor Bennett	-	yes
Councilor Randolph	-	yes
Councilor Holloway	-	yes
Councilor Partin	-	-- (excused from meeting)
Councilor Denton	-	yes
Councilor Pelham	-	yes

Motion passes 6-0

Council recessed due to multiple Councilors having technical difficulties, they resumed again at 7:35 p.m.

WORK SESSION

The City Manager presented the proposed FY21 Operating and Capital Budget. Mr. Altman gave an overview of the proposed FY2021 budget. Council viewed the proposed budgets for the scheduled departments. He continued to go through the packets that he provided to Council. After his presentation, there was discussion by Council.

ADJOURN

At 8:29 PM, Councilor Denton moved to adjourn the meeting. Councilor Randolph seconded the motion. Upon the roll call, the vote resulted:

Mayor Gore	Yes
Vice Mayor Bennett	Yes
Councilor Denton	Yes
Councilor Pelham	No
Councilor Randolph	Yes
Councilor Holloway	Yes

Motion Passes 5-1

Respectfully Submitted,

Jasmine Gore, Mayor

Brittani Williams, City Clerk

MINUTES OF THE JUNE 18, 2020 CITY COUNCIL SPECIAL MEETING

A special meeting of the Hopewell City Council was held on Thursday June 18, 2020 at 6:30 p.m.

PRESENT: Jasmine Gore, Mayor, Ward 4
Patience Bennett, Vice Mayor, Ward 7
Deborah Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
John B. Partin, Jr., Councilor, Ward 3
Janice Denton, Councilor, Ward 5
Brenda Pelham, Councilor, Ward 6

WORK SESSION, BUDGET REVIEW

Mayor Gore opens up the meeting stating this is the second budget work session as wrap around for council to address all outstanding items that are an accumulation of all comments and questions throughout the budget process. The first item on the budget was in regard to travel, Mr. Altman was to get more information. Mr. Altman takes over stating he was able to get more information from staff members with the difference between essential and non-essential which he provided in their packets. He stated most departments have travel related to certifications and a list with total amount of travel in the budget and what is looked at as essential and what is not. He goes into further detail about the budget finances. Mayor Gore asks for more information about the clerk's office to check if the training would be moved to virtual. Mayor Gore asked the current clerk if she is aware of the training and what the cost are that would be associated with that. The clerk stated the website has a once a week for next few weeks there are webinars you can register to take through the IIMC which each one cost \$50 dollars. Total credits to become certified is two portions, education portion and work experience, education is 60 credits. Webinars are one credit per course. Councilor Pelham asks does that mean 60 credits, and \$50 dollars per credit. The clerk answered stating essentially yes.

Councilor Pelham requested a councilor to consider to have the money put back into the budget so the clerk can begin the certification process. Councilor Denton asks about the job posting for city clerk and she wants to know if they hire someone who does not have certification they will have to pay for that clerk to attend classes as well. Mayor Gore responds stating it ensures there is qualified staff in the building and for equity because this is done throughout the city. She also stated they ran into this problem recently because city clerk passed away and someone stepped in that was hired and they were not certified. She stated they need to ensure the staff has the necessary tools that are required, but also this position also has statutory requirements under state law that impact the city and residents. Further discussion took place between councilors in regard to the training in the clerk's office. The clerk becoming the certified clerk has to obtain 60 points. City Clerk was asked was there anything she saw that stuck out to her that would help her function right now in the midst of becoming a certified clerk. Further questions were asked of the Clerk in reference to the courses needed. Councilor Randolph states they are in flux with the clerk office at this point, they are looking to hire a clerk, she does not feel the interim clerk needs immediate training at this time. She states they are trying to cut back on everything that is not mandatory because of covid impact, she would rather wait until a full time clerk comes in and that training will take priority over the interim clerk. She votes zero to be cautious of spending right now. Councilor Randolph makes a motion to reallocate funds specific to certain line items to change service contracts from \$2500 to \$2000 for temp workers, to change postage from \$600 to \$100, it was used for FOIA and liens and not really needed, to change mileage to \$0, travel leave out for right now, conventions/conferences will stay by itself, but make lodging \$0, travel \$0, meals \$0, dues and memberships stay the same. Office supplies increase to \$6500, furniture fixtures and equipment to \$0. Councilor Pelham has a point of order, can the city attorney advise the correct motion for reconsideration or straight out motion because initial motion has already passed on this budget, and what is the correct verbiage on this motion. City Attorney responded that this is reallocation so it is not the exact same motion. Councilor Randolph makes the motion to reallocate funds in the clerk's budget, Councilor Denton seconds the motion. Councilor asks city attorney if it is ok to increase some line items and lowering others. City Attorney gives a proper answer stating each line item should be voted on separately. Councilor Randolph goes through the line by line for the city clerk to clarify what her motion means.

Roll Call:

Mayor Gore	No
Vice Mayor Bennett	Yes
Councilor Randolph	Yes
Councilor Holloway	No
Councilor Partin	Yes
Councilor Denton	Yes
Councilor Pelham	No

MOTION PASS 4-3

Mayor Gore continues with discussion regarding miscellaneous in council budget and eliminating it from the budget. She goes into detail about items that are paid for through the clerk's office from council miscellaneous budget. Mayor Gore discusses the video production cost and meetings being filmed and how the pay is taken care of. Mayor Gore goes down the line and goes into detail about how the money is spent through miscellaneous spending. Mayor Gore defers to Dr. Manker to specify in further detail about how IT budget relates to the current budget discussion regarding the recording of the meetings. Councilor Denton would like to make a motion, Mayor Gore stated she is not done with the presentation, she calls for a point of order asking can a motion be made in middle of a presentation. City attorney answers stating best instruction set forth in 203 are to require the presentation before questions, but it does not apply to work sessions. Councilor Randolph asks about the computer fees; they will not see it in miscellaneous so they don't need to allot anything for that. Dr. Manker stated that is correct. Councilor Randolph would also like to know why shredding was put into councilor budget to Ms. Brown. Ms. Brown stated she is unsure of why that is other than the previous clerk had a contract and she just continued to use it. Councilor Randolph asked if that contract was taken away would the clerk's office have access to the cities shred company. Councilor Denton makes a motion to make changes in the budget as follows: she would like to delete management consultant, ward improvements of \$21000 she would like to delete it and add it to a contingency fund, for ads she would like to leave it, marketing and events to zero out, postage she would like to make it \$500, phone and fax \$1500 and videotaping \$6000, mileage zero out, travel zero, lodging zero, convention/conferences zero, meals from \$8000 to \$4000, dues

and membership zero out, office supplies leave as is, book subscription zero out, furniture fixtures zero out, communications she would like to change it to \$10,500 and divide it by 7 to give \$1500 for each ward, and miscellaneous zero out, motion is seconded by Councilor Partin. Councilor Randolph mentions they just talked about the miscellaneous and Councilor Denton responds to that questions. Mr. Altman suggests a new line item for service contracts be added to the budget of \$5200 for the online city code. Councilor Denton stated she can add video cost of \$6000 and service contracts line for city and municode of \$5200. Councilor Partin remains as a second for this motion. Mayor Gore asked Councilor Denton the ward improvement funds she wants all ward money to a contingency line item budget. Councilor Denton said no, she wants to add it to the existing contingency line item. Mayor Gore also asked in the motion the marketing and events line item of \$20000 that is the line item to communicate and market to their wards, it was added to overall council budget and reduced it, based on this council will not have a communications budget to order stationary, and asks Councilor Denton is this what she intends to do. Councilor Denton responded to these questions. Mayor Gore stated she does not support moving ward money to contingency and she states why. Mayor Gore also went over further concerns with the current motion. Councilor Randolph asks Mr. Altman if ward improvement goes into contingency, what do they have to do to pull it out if there is a city wide event that they need the funds for. Mr. Altman stated a motion would just need to be voted on and then take the funds out. Councilor Partin states he does not think these are things they want to do but because of covid and anything else that may occur he thinks it is better to plan and budget more conservatively. Mayor Gore speaks to her residents in her ward and stated this is why she is fighting for this because she was told to. Her concerns remain and when they come back to ask for ward support it will be passed and supported. Mr. Terry speaks in relation to the ward improvement for council and gave a suggestion on what he thinks would work. Councilor Bennett calls for the vote and seconded by Councilor Denton, Councilor Pelham objects until Mayor Gore receives her answer. Mayor Gore asks for point of information to determine if a roll call can be interrupted, city attorney is researching the answer. Answer is it is regarding procedure it is point of order, if it is point of information the rules are slightly different. The answer is the motion on the floor can be interrupted for point of information for clarity. Point of information was discussed among council.

Roll Call:

Mayor Gore	No
Vice Mayor Bennett	Yes
Councilor Randolph	Yes
Councilor Holloway	No
Councilor Partin	Yes
Councilor Denton	Yes
Councilor Pelham	No

MOTION PASS 4-3

Mayor Gore returns back to the agenda packet to continue with the meeting with Mr. Altman to discuss expenditures. Mr. Altman refers to his notes and goes into detail of reductions for departments. He refers to city manager's office budget by line. He discussed what was spent in last year and this year for budget purposes. He goes through the lines to determine what can be reduced or eliminated. He stated council can go through questions of previous meetings from his notes if council would like.

Councilor Randolph makes a motion to reallocate med flight for \$500, keep it at that, CVCC asked for \$306, 206.97, she stated that cannot be changed, crater district wants \$10000, previously they got \$5000 she is suggesting \$5000 again, crater planning \$18,299.00 cannot change, district 19 \$117,585.00 is based on agreement cannot be changed, FOLAR \$5,500 will stay the same, Richard Bland asked for \$3500.00, she suggest they get same as VSU at \$2500.00, John Tyler asked for \$2958 she suggest \$3000 because they are who the schools use for dual enrollment for college classes, Part the particular group that asked for \$30,000 does area marketing for tourism to fund them by only \$15,000. The Petersburg symphony asked for \$4000 and use of Beacon and she supports it and keeps it, riverside regional \$82,957.00 is a contract amount, Virginia gateway would give 50 percent discount what to pay, they normally get \$44620, council will pay \$22,310.00 and that will stay the same, Petersburg transient \$218,000 for bus services and stays the same, feed more at \$3000 will stay the

same, food pantry is \$7000 and stays the same, city shelter gets \$95,000 and that stays in the budget, OC3 is a group of churches requested \$1500, they will get that, city of refuge is \$50,000 and that will stay the same, ride finders sked for \$500, they will get that, VSU gets \$2500, the library is \$630,515.00 and will stay the same, Historic Hopewell asks for \$12,000 they will get 10,000, downtown partnership asked for \$70,000 they will get \$35,000, Beacon normally gets \$200,000 they will only get \$170,000. Motion was seconded by Councilor Denton. Councilor Pelham asks to make a substitute motion for department of aging to leave it at \$10,000 and gave reason to why and also for Hopewell downtown partnership to leave it at \$7000 and gave her reason for why. She believes Richard Bland and VSU should also get \$3000. Her motion is to leave aging at \$10,000 Hopewell partnership at \$7000 and Richard Bland, VSU, and John Tyler to all get \$3000, motion is seconded by Mayor Gore.

Motion on the floor is to allow Councilor Pelham to substitute the motion.

<u>Roll Call:</u>	Mayor Gore	Yes
	Vice Mayor Bennett	No
	Councilor Randolph	No
	Councilor Holloway	Yes
	Councilor Partin	No
	Councilor Denton	No
	Councilor Pelham	Yes

MOTION FAILS 3-4

Councilor Randolph gave further detail for the reason of her motion and the money being allocated to each department. Mayor Gore asked Councilor Randolph what was relayed to downtown partnership, Councilor Randolph responded. Mayor Gore asked for verification on how to use in kind services for Hopewell downtown partnership, she stated what her understanding was for the reason of the reduction of funds. She referred to Mr. Dane for an answer, he provided the answer necessary. Councilor Pelham asked Councilor Randolph questions in reference to some of the decisions she made within her motion, and

asked her to reconsider the amount of money given to area of aging. Councilor Randolph stated she will amend her motion to give the aging \$10,000 instead of \$5000. Vice Mayor Bennett speaks in regard to why she has decided on cutting the budget because the financial health needs to be considered. She goes into detail about covid and where the city is financially. Councilor Denton calls for the vote Councilor Bennett seconds the motion. Councilor Pelham objects to the call for the order motion. Councilor Randolph ask does objection means the call for vote stops or does the objection need a second. City Attorney responds if there is an objection, there would need to be a second. The motion was seconded by Councilor Denton. Roll Call proceeds for the call for the vote.

Roll Call:

Mayor Gore	No
Vice Mayor Bennett	Yes
Councilor Randolph	Yes
Councilor Holloway	No
Councilor Partin	Yes
Councilor Denton	Yes
Councilor Pelham	No

MOTION PASS 4-3

Motion on the floor now is Councilor Randolph makes a motion to reallocate med flight for \$500, keep it at that, CVCC asked for \$306, 206.97, she stated that cannot be changed, crater district wants \$10000, previously they got \$5000 she is suggesting \$5000 again, crater planning \$18,299.00 cannot change, district 19 \$117,585.00 is based on agreement cannot be changed, FOLAR \$5,500 will stay the same, Richard Bland asked for \$3500.00, she suggest they get same as VSU at \$2500.00, John Tyler asked for \$2958 she suggest \$3000 because they are who the schools use for dual enrollment for college classes, Part the particular group that asked for \$30,000 does area marketing for tourism to fund them by only \$15,000. The Petersburg symphony asked for \$4000 and use of Beacon and she supports it and keeps it, riverside regional \$82,957.00 is a contract amount, Virginia gateway would give 50 percent discount what to pay, they normally get \$44620, council will pay \$22,310.00 and that will stay the same, Petersburg transient \$218,000 for bus services and stays the same,

feed more at \$3000 will stay the same, food pantry is \$7000 and stays the same, city shelter gets \$95,000 and that stays in the budget, OC3 is a group of churches requested \$1500, they will get that, city of refuge is \$50,000 and that will stay the same, ride finders sked for \$500, they will get that, VSU gets \$2500, the library is \$630,515.00 and will stay the same, Historic Hopewell asks for \$12,000 they will get 10,000, downtown partnership asked for \$70,000 they will get \$35,000, Beacon normally gets \$200,000 they will only get \$170,000. Motion was seconded by Councilor Denton.

Councilor Randolph has a point of order to interrupt current motion to entertain a motion to extend the meeting. City attorney responds stating to allow the motion can be done by general consensus. City Attorney states motion to extend the time or debate can be entertained prior to main motion on the floor.

Mayor Gore has a point of information is can a roll call be halted in the middle of a roll call for another motion to be heard.

Councilor Randolph makes a motion to extend the meeting until 10:00 PM, councilor Pelham seconds the motion.

Time ran out in the midst of council trying to begin roll call for the extension of the meeting. Meeting was adjourned.

Respectfully Submitted,

Jasmine Gore, Mayor

Brittani Williams, City Clerk

MINUTES OF THE JUNE 25, 2020 CITY COUNCIL SPECIAL MEETING

A special meeting of the Hopewell City Council was held on Thursday June 25, 2020 at 6:30 p.m.

PRESENT: Jasmine Gore, Mayor, Ward 4
Patience Bennett, Vice Mayor, Ward 7
Deborah Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
John B. Partin, Jr., Councilor, Ward 3
Janice Denton, Councilor, Ward 5
Brenda Pelham, Councilor, Ward 6

WORK SESSION

Mayor Gore begins the special meeting by handing the meeting over to Mr. Altman for him to discuss the budget resolution. He stated Mayor Gore asked about the cost of the storm water truck, which is \$40,000.00. She asked about finance position which is \$81,000.00, and she asked about rental inspection position which is \$64,000.00. He provided a crossover of miscellaneous expense. The items were actual expenses and he showed how to account for eliminating the miscellaneous lines. He went over staff travel that he stated could also be reduced. He opened the floor for any questions. Mayor Gore asked for Mr. Altman to clarify for when he made changes for the miscellaneous money. He gave clarity to what he meant to the Mayor. Councilor Randolph asked if the 80 thousand and 60 thousand if it includes benefits in that cost or just the line item salary. Mr. Altman stated it includes benefits. Councilor Pelham asked if the reduced economic development was under Mr. Dane's office. Mr. Altman stated yes but it is with the city manager's budget. She asked if the increased budget of 149,000 was put somewhere else other than misc. Mr. Altman stated it was identified in money not needed and would be counted in contingency. She asked would you see those reductions in the line items Mr. Altman is discussing. He answered stating the line items will be amended and you will see any cuts that were made. She asked how much did the city save based on Covid less

expenditures. He stated they do not have that number yet. Mr. Altman explained in further detail more about the budget and what they have done based on the statute within the resolution they currently have. Councilor Pelham asked about page 9 for a transfer of \$25,000.00, she stated she thought that was changed. He stated that deals with capital projects. Councilor Denton has a point of order, stating they are not done with the budget yet so Councilor Pelham is asking questions outside of the scope of the presentation. Mayor Gore responds to this stating her questions are fair and referred to the City Attorney. The city attorney asked for the concern to be repeated. City Attorney responds by deferring to the city manager and stated before adoption of resolution there will be information necessary and discussion before the adoption. Councilor Pelham stated she does not believe they should not be voting on the budget tonight until they incorporate the statute requirements into the entire budget resolution. Councilor Pelham asks about section 14 of the packet asking when there is a transfer of 25,000 will there be language that lets council be aware of how it affects the budget, also where is the legacy money appropriated in current draft resolution. Mr. Altman stated there was no action taken for that so a councilor would need to make a motion for the funding for that.

Councilor Pelham makes a motion that the legacy program be granted start off with 30,000 to be presented in the budget this year, Councilor Holloway seconds this motion. Councilor Randolph states the motion would normally be something she would support however, covid money will shortly be assigned to help small businesses, and right now the cuts made to EDA she does not believe she can support this motion right now, maybe in 6 months. She stated she wants to help small businesses but right now she does not think she can support this motion. Councilor Pelham and Councilor Randolph has discussion prior to motion taking vote. Councilor Partin states they are talking about economic relief and they have passed economic relief ordinances to help business owners and he has asked to reduce tax rates for those businesses. He states he understands where Councilor Pelham is coming from but if they can't do this for all of them then maybe they should look into this in 3 months when businesses are a little slower. He made a substitute motion to postpone this motion until the first September meeting and have it on the agenda then. Motion fails for lack of a second. Mayor Gore states she thinks they should support this support for businesses and for economic development city council did not pass anything, she asked for the topic to be added but they never got to it. When the discussion was had, majority advocated to get rid of support so

they only thing passed was support to residents for real estate. She stated to be clear there is no aid given to businesses that the city council has supported. She stated she would support this motion if they talk about everything that has been talked about in past discussions to provide support to storm water, finance, and rental that was included. Councilor Pelham stated on page 3 total revenues is \$52,617,677.00. Spending is \$2,99.62, so a whole lot was not saved from new revised budget anyway. She stated her motion stands and she calls for the vote.

<u>Roll Call:</u>	Councilor Denton	No
	Councilor Pelham	Yes
	Vice Mayor Bennett	Yes
	Councilor Randolph	No
	Councilor Holloway	Yes
	Councilor Partin	No
	Mayor Gore	Yes

MOTION PASS 4-3

Councilor Pelham likes to make a second motion to include for consideration rental inspection person a munis marginal expert and internal auditor and hiring of permanent financial director, and in their own budget she request the line item be added for tuition assistance reimbursement for the city clerk and deputy positon, under line item as tuition restoration and to restore the city treasurer the 16,000 she was cut to fulfill her obligation of hiring a CPA, Mayor Gore seconds the motion. Mayor Gore asked for a friendly amendment to include ward funding to go back to operation, Councilor Pelham stated yes. There was discussion with Mr. Altman and Mayor Gore in regards to a grant with the truck for Mr. Body, stating she does not need to add money to the budget for the truck because there is a grant set for the truck. She stated if the grant ends on June 30th, the truck needs to be purchased prior to that date. Councilor Pelham asked Mr. Terry about the total general fund, councilor Denton has a point of order asking what does it have to do with the motion on the floor. Mayor Gore stated to wait until after the vote to ask the question. Councilor Pelham withdraws her question. Councilor Denton calls for the vote. Councilor Pelham stated she will leave the request for the truck in her motion until further answers are received.

Roll Call:

Councilor Denton	No
Councilor Pelham	Yes
Vice Mayor Bennett	No
Councilor Randolph	No
Councilor Holloway	Yes
Councilor Partin	No
Mayor Gore	Yes

MOTION FAILS 4-3

Councilor Pelham asked Mr. Terry victim witness decreased 300,00.00, how could that number stay the same? Mr. Terry responds to her question stating the revenue was not reduced, the amount of savings was moved to contingency. Further discussion carried on between Councilor Pelham and Mr. Terry. Councilor Pelham stated there was never a resolution made for healthy families or the school money. They need to make a decision before trying to vote on the budget. Further discussion takes place between council and city attorney.

Mayor Gore proceeds by getting clarity on the city council budget they first received to the one they have now. The number is a reduction \$132,449.00, she asked Mr. Altman is that correct, he stated yes. She asked for the clerk budget it was a reduction of 3500.00, for outside agencies it is 105,288.00, the total is \$259,678.00. So Mayor stated to Mr. Altman that is only city clerk, outside agency and economic authority. Mr. Altman stated there is small reduction in city attorney and the city manager office. Mayor Gore discusses travel that council did not vote on of \$46,245.00 that was considered non-essential. Mayor Gore stated 300,000.00 reduction bulk coming from city council, city clerk and outside agencies. She states rental inspection position is critical because it's been discussed and has been made a priority. Councilor Denton point of order is she believes they have voted on that already. Mayor Gore defers to city attorney who states there is no motion on the floor so there is no motion to consider during point of order. Only rule she has under council rules is rule 302 which has no limitations on the flow of discussion during special meeting so comments are permitted. Mayor Gore proceeds on rental inspection program.

Councilor Partin makes a motion to move \$25,000 dollars to the parks and recreation department for youth programs and 50,000 to the school division for

youth programs and maintain salary and benefits, rent, office supplies, and phone line items office of use budget and to move remainder funds to assist in filling the school systems operation fund gap and to begin process of reorganizing and restructuring the office on youth and youth commission, Councilor Denton seconds the motion. Councilor Pelham asks are they getting rid of office of youth and leave them with director and office supplies only to Councilor Partin, he answers saying no the idea is to move money to these organizations to maximize the benefit for the kids. Councilor Pelham states Councilor Partin is being very prejudicial with this motion and very discriminatory. Councilor Randolph states she is wondering why this is called prejudicial. Councilor Pelham and Councilor Randolph go further in discussion. Mayor Gore states clearly she is strong opposition to this because she asked for city wide assessment, she has the report still to provide. The only department that had anything to develop and stimulate them was the housing authority. There were no diverse youths so they began process to advocate for office to be reinstated. There was further discussion about VJCCA and opportunities for children outside of athletics. Councilor Denton calls point of order because there is a current motion on the floor, she asks the mayor is supposed to remain neutral, the Mayor defers to the city attorney to determine an answer for the point of order, Councilor Denton would like to speak directly to the city attorney. Councilor Denton asks what is the responsibility of the chair when a motion is on the floor. The city attorney responds to the question. When a motion is made what is the position of the chair is asked again from Councilor Denton, the city attorney asks for clarity. Councilor Denton asks how is the mayor supposed to respond when there is a motion on the floor. The answer is answered that once a motion is put to the body it is advisable the chair shall remain neutral. Mayor stated they are allowed to give their opinion because they still vote. Mayor Gore wraps up her comments to state she will vote against this because of information she has shared. She tells those in her ward to share letters and comments regarding this topic. Call for the question from Councilor Randolph, Councilor Pelham objects to call for the question. There is a roll call to limit discussion and to call for the vote.

Roll Call:

Councilor Denton	No
Councilor Pelham	No
Vice Mayor Bennett	Yes
Councilor Randolph	Yes
Councilor Holloway	No
Councilor Partin	Yes

Mayor Gore

No

MOTION FAILS 4-3

Councilor Randolph states they have had discussion about office youth to date and the last discussion was about funding tax payer dollars into that departments budgets, and there were issues, there was no resolution about funding. Mayor Gore has a point of order there is reference of closed session conversation, city attorney states Mayor mentioned earlier, so it's been placed on the floor earlier so Councilor Randolph is not out of order. Councilor Randolph continues with her discussion, Mayor Gore stated her comment was inaccurate and because the only way she can prove the inaccuracy would be to discuss what was said in closed session, so there is a point of information on the floor. City attorney states any references to what was discussed in closed session should be avoided at all times. Councilor Denton speaks stating concerns of trying to reinstate the office on youth and there was discussion. She states meetings were not able to be held because of no quorum. Councilor Pelham states this is a political decision and she doesn't understand how you can hate people and hate and hurt kids. She stated hate the people but don't hate the children. Councilor Randolph asked for point of information if it is appropriate for a councilor to indicate they hate people, and she defers to the city attorney. The City Attorney stated in rule 406 in its entirety and may be reprimanded and removed from meeting. Councilor Randolph stated the rule applies and would appreciate the references to stop of other council members. Councilor Pelham apologizes. Mayor Gore stated comments made about misappropriating funds slanders the entire council and staff, and there was a concern that happened and ultimately decided nothing was done improper. She raised a point to say recreation commission has struggled to have a quorum for years and had discussion further about funding. She states what bothers her is those who advocate for budget to be remedied, they voted against providing staff member to address two positions, and against someone to come in and train staff. Councilor Holloway states they have been fighting for office on youth for the services that have been offered from that office, she encourages her ward to speak up and speak out. Mayor Gore asks is there anyone who would like to speak, Councilor Randolph calls for the vote to end discussion. Motion on the floor is Councilor Partin makes a motion to move \$25,000 dollars to the parks and recreation department for youth programs and 50,000 to the school division for youth programs and maintain salary and benefits, rent, office supplies, and phone line items office of use budget and to move remainder funds to assist in filling the school systems operation fund gap and to begin process of reorganizing and

restructuring the office on youth and youth commission, Councilor Denton seconds the motion.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	No
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	No
	Councilor Partin	Yes
	Mayor Gore	No

MOTION PASSES 4-3

Mayor Gore gives floor to Mr. Altman to give update on funding for the 25 positions that were to be cut. Mr. Altman stated in addition to what is included in the budget, they discussed 1.1 million to schools to address the gap to have a short fall of 1.3. There was discussion between council and Mr. Altman.

Councilor Denton makes a motion to remove the non-essential travel from departments that equate to \$46,245.00, motion is seconded by Councilor Partin. Councilor Pelham states she thought it was already cut, she was told by Mayor Gore it was not yet cut. Mayor Gore asked to consider adding essential tuition reimbursement for clerk's office for essential training. Councilor Pelham asked for a substitute motion to add tuition assistance back into city council budget and eliminate travel budget over all. Mayor Gore seconds the substitute motion. Councilor Randolph stated she is not against and wants clerk to get training but they are in the midst of hiring a clerk and they do not know how much training will be needed yet. She prefers they wait until a clerk is hired. Mr. Altman stated tuition assistance is used for reimbursement higher ED college classes not training/conference events and they should restore travel money to the clerk's office for that type of training. Further discussion is had about the city clerk and the responsibility of the clerk's office. Mr. Altman stated you don't want the clerk to pay out of pocket and then be reimbursed so he recommends adding the travel line item for clerk's office to prevent the clerk from paying out of pocket. Councilor Pelham withdraws her motion. Councilor Denton's motion remains. Councilor Bennet makes a substitute motion to allow funding for three classes the

assistant clerk requested in order for her to perform her job duties affectively into the travel line item budget which is in the clerk's budget. Mayor Gore seconds the motion. Councilor Denton states she would be glad to amend her motion to include and allow the city clerk convention line to add \$500 dollars. Councilor Bennet withdraws her motion, and continues with Councilor Denton's motion with the amendment. Mr. Altman states there is currently \$1000 in the convention line item for the clerk's office currently. Mayor Gore asked for a point of information to go back to the minutes to verify the motion because she does not recall \$1000 was left in the budget. Mr. Altman gave clearance to what was eliminated from the budget in detail. Councilor Denton takes her motion back to the original motion on the floor which is Councilor Denton makes a motion to remove the non-essential travel from departments that equate to \$46,245.00, motion is seconded by Councilor Partin.

Roll Call:

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

MOTION PASSES 7-0

Councilor Denton makes a motion to adopt the 2021 budget resolution, second by councilor Randolph. Mr. Altman states no one has mentioned restoring the CW attorney the requirement to review bodycam footage in his office, he asked is council going to take action to add it back into the budget. Councilor Pelham asked for Councilor Denton with rescind her motion, Councilor Denton says yes. Councilor Pelham makes a motion to take out litigation from contingency and before any litigation is paid administratively, that item should go to city attorney first and no payments to litigation unless constitution is made with that office first. So she wishes to change the line item to go from litigation/contingency to just contingency. Mayor Gore seconds the motion. Councilor Pelham asks city manager how much of the money is slated to litigation vs contingency. Mr. Altman stated there is no division of the money, just a code for the line that if they have to

retain council outside for litigation that is the line item they will pull from. Councilor Pelham stated the two should be divided.

Councilor Denton makes a motion to extend the meeting until 10:00 PM, Councilor Randolph seconds the motion.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	No
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	Yes
	Councilor Partin	Yes
	Mayor Gore	Yes

MOTION PASSES 6-1

Councilor Pelham makes a motion to make contingency litigation move to city attorney budget for \$150,000 and the rest remain with the contingency line item. Councilor Randolph asked why is there a contingency/litigation line item vs in the city attorney budget. Mr. Altman answers stating it is just an accounting code that if there is litigation for outside council they broke it into two pieces. If they get into more litigation and need more money, they would transfer from the contingency line item anyway. Further discussion between Councilor Randolph and City Attorney about the necessary amount for her budget. Councilor Pelham suggest litigation comes off the line item and leave contingency as is. Councilor Pelham amends her motion to extract the word litigation from the litigation/contingency line, and any litigation or any outside sources will be in consultation with the city attorney before any money is spent. Mayor Gore's second remains. Councilor Pelham asks that anything she talked about tonight to be added into the minutes. Councilor Randolph stated it cannot be worded that way, councilor Pelham stated the city attorney needs the opportunity to say yes or no to outside council. Further discussion takes place between council. Mayor Gore asks if Councilor Pelham will specify departments and address constitutional offices at a later date. Councilor Pelham asks how much contingency money was spent last year and in what areas. Mr. Altman replies they budgeted \$349,000 and spent roughly a little more than half, with lodge at city point and any transfers in the monthly report. He is unsure precisely all the items the money was spent on. Mayor Gore asks for finance

policy to be put on the next agenda. Mayor Gore asked to be notified anytime there is a transfer from the contingency line item. Mr. Altman stated they provide a monthly report of any transfers made out of the contingency line item and where it goes. Mayor Gore is asking for it be told to them when it occurs not on a monthly basis. Mr. Altman stated covid money is only for covid. Mr. Altman stated if council feels they need an instant report any time contingency funds are used they can do that. Councilor Randolph stated she is fine with monthly. Councilor Pelham stated it should be at least weekly. Mayor Gore asked is there any objection to the weekly report. Majority states keep it as a monthly report, so it will remain as a monthly report. Councilor Denton calls for the vote, there is no objection. Current motion from Councilor Pelham is to extract litigation from contingency and anything legally coming out of contingency for outside sources needs to be consulted with city attorney.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	Yes
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	Yes
	Councilor Partin	Yes
	Mayor Gore	Yes

MOTION PASSES 7-0

Councilor Randolph makes a motion to amend commonwealth attorney budget of 81,000 even for a new attorney to meet state guidelines as they were informed. Motion is seconded by Councilor Denton.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	Yes
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	Yes
	Councilor Partin	Yes
	Mayor Gore	Yes

MOTION PASSES 7-0

Councilor Denton makes a motion to extend the meeting until 10:30, motion is second by Councilor Partin.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	No
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	No
	Councilor Partin	Yes
	Mayor Gore	No

MOTION PASSES 4-3

Councilor Denton makes a motion to adopt the FY 21 budget resolution with the amendments approved by council tonight, second by Councilor Randolph.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	No
	Vice Mayor Bennett	
	Councilor Randolph	
	Councilor Holloway	
	Councilor Partin	
	Mayor Gore	

MOTION PASSES

Mayor Gore asked if there was discussion, the meeting was extended to 10:30, the recall will restart, if they wish to go back to discussion they will need to ask

Councilor Denton. Councilor Pelham pulled her request. Mayor Gore has point of information about the school budget. Mr. Altman stated superintendent indicated they were able to address all position needs through nutrition with the exception of one position. Roll Call started over with repeat of motion.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	No
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	No
	Councilor Partin	Yes
	Mayor Gore	No

MOTION PASSES 4-3

Councilor Randolph calls for adjournment second by Councilor Partin.

<u>Roll Call:</u>	Councilor Denton	Yes
	Councilor Pelham	Yes
	Vice Mayor Bennett	Yes
	Councilor Randolph	Yes
	Councilor Holloway	Yes
	Councilor Partin	Yes
	Mayor Gore	Yes

MOTION PASSES 7-0

Respectfully Submitted,

Jasmine Gore, Mayor

Brittani Williams, City Clerk

MINUTES OF THE DECEMBER 3, 2020 CITY COUNCIL SPECIAL MEETING

A special meeting of the Hopewell City Council was held on Thursday, December 3, 2020, at 6:30 p.m. The meeting was scheduled to be held by electronic communication only, pursuant to Va. Code §2.2-33708 (A) (3).

PRESENT: Jasmine Gore, Mayor, Ward 4
Patience Bennett, Vice Mayor, Ward 7
Deborah Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
John B. Partin, Councilor, Ward 3
Janice B. Denton, Councilor, Ward 5
Brenda Pelham, Councilor, Ward 6

John M. Altman, Jr., City Manager
Sandra R. Robinson, City Attorney
Camisha M. Brown, Assistant City Clerk

ROLL CALL

Mayor Gore opened the meeting at 6:35 p.m. Due to the Novel Coronavirus (COVID-19), the meeting was held via Zoom Video Communications. Council was allowed to either call in on the telephone, or were able to video in using a smart phone, computer, laptop, or tablet. Citizens were able to watch the meeting live via YouTube. Mayor Gore waited a couple of minutes for everyone to get logged in or to call in. Mayor Gore requested a roll call.

Mayor Gore	-	present
Vice Mayor Bennett	-	present
Councilor Randolph	-	present
Councilor Partin	-	present
Councilor Holloway	-	present
Councilor Partin	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

SPECIAL MEETING

Joan Gosier, Treasurer, presented to Council her request to extend the Hopewell Real Estate Tax deadline. She gave a detailed account of how the bills are sent out using a three step process to send out 10,000 total bills. She stated that she did not estimate the disruption of mail service caused by the postal system and the elections and other factors, and phone calls were coming into the Treasurer's office from citizens stating that they have not received their tax bill

reminders for the second half. Ms. Gosier's request is to give the citizens an extension to get their tax payments in without the 10% penalty.

Vice Mayor Partin made a motion to adopt a resolution to extend the second half of the installment payment for the 2020 real estate taxes to Monday, December 21. His motion was seconded by Councilor Pelham.

Discussion began with Councilor Denton and Ms. Gosier addressing an email that Council received November 2, which continued with City Manager Altman and Councilor Pelham regarding the slowdown of discretionary spending.

There was also lengthy discussion regarding Vice Mayor Bennett's question about the determination of the December 22 extension date with Councilor Partin. After responding to her question about the extension date, Mayor Gore asked Vice Mayor Bennett if she was in agreement with the verbiage used in a previous taxpayer relief ordinance to include the phrase "interest, penalties and fees" for this resolution, and the Vice Mayor agreed to the use of this verbiage as suggested by Mayor Gore. The Mayor asked Councilor Partin if he was fine with the friendly amendment to his motion, and he accepted the amendment.

The Mayor then asked Councilor Pelham, who seconded Councilor Partin's original motion, if she was in agreement with that amendment, and she accepted the friendly amendment, but she also wanted to make a substitute motion.

Clerk Camisha Brown was asked to repeat the motion, but she needed clarification because the extended deadline in the motion was Monday, December 21; however, Vice Mayor Bennett and Councilor Partin referred to December 22. Vice Mayor Bennett and Councilor Parting verbally corrected the error and stated that the extension date is December 21, not December 22.

The Clerk repeated the current motion to adopt the real estate tax deadline to Monday, December 21 to include interest, penalties and fees, and noted that the City Attorney stated that it's already in the resolution provided in the packet. Mayor Gore stated that the City Manager corrected the verbiage to read as "waiving penalties, interest and fees." And with that, Vice Mayor Bennett concluded her time on the floor.

Councilor Pelham requested the ability to make a substitute motion to move the extension deadline date to January 5th. Her motion was seconded by Councilor Holloway. At the roll call, the vote resulted:

Councilor Pelham	-	yes
Vice Mayor Bennett	-	no
Councilor Randolph	-	no
Councilor Holloway	-	yes
Councilor Partin	-	no

Mayor Gore - no
Councilor Denton - no

Motion failed 5-2

After a lengthy discussion, Mayor Gore asked the City Clerk to restate the current motion before Council, which was: To adopt a resolution to extend the Real Estate tax deadline to Monday, December 21, and the amendment to add the verbiage "waive the interest, penalties and fees." Upon the roll call, the vote resulted:

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

Motion passed 7-0

ADJOURN

Councilor Partin moved to adjourn the meeting, and Councilor Pelham seconded the motion. Upon the roll call, the vote resulted:

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

Motion passes 7-0

City Council thanked Ms. Gosier for her presentation, and the meeting ended.

Jasmine E. Gore, Mayor

/s/Camisha M. Brown
Camisha M. Brown, Assistant City Clerk

**MINUTES OF THE DECEMBER 7, 2020 CITY COUNCIL JOINT SPECIAL MEETING
WITH HOPEWELL SCHOOL BOARD**

A special joint meeting of the Hopewell City Council and the Hopewell School Board was held on Monday, December 7, 2020, at 6:30 p.m. The meeting was scheduled to be held by electronic communication only, pursuant to Va. Code §2.2-33708 (A) (3).

PRESENT (City Council):

Jasmine Gore, Mayor, Ward 4
Patience Bennett, Vice Mayor, Ward 7
Deborah Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
John B. Partin, Councilor, Ward 3
Janice B. Denton, Councilor, Ward 5
Brenda Pelham, Councilor, Ward 6

John M. Altman, Jr., City Manager
Charles E. Dane, Assistant City Manager
Sandra R. Robinson, City Attorney
Camisha M. Brown, Assistant City Clerk

PRESENT (Hopewell School Board):

Mr. Greg Cuffey, Chairman
Mrs. Ruth Johnson
Mr. Christopher Reber
Ms. Linda Hyslop
Mr. John Griffin

Ms. Kristina Truell, Clerk, Hopewell School Board

ROLL CALL

Mayor Gore called the joint meeting to order at 7:32 p.m. Due to the Novel Coronavirus (COVID-19), the meeting was held via Zoom Video Communications. Council was allowed to either call in on the telephone, or were able to video in using a smart phone, computer, laptop, or tablet. Citizens were able to watch the meeting live via YouTube. Mayor Gore waited a couple of minutes for everyone to get logged in or to call in. Mayor Gore thanked all who were able to join in virtually, and requested a roll call for City Council.

Mayor Gore	-	present
Vice Mayor Bennett	-	present
Councilor Randolph	-	present

Councilor Holloway	-	present
Councilor Partin	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

The Mayor then asked Chairman Greg Cuffey if he would like to proceed with a roll call for the School Board and he agreed, asking the Madam Clerk Kristina Truell of the School Board to commence the roll call.

Mrs. Ruth Johnson	-	present
Mr. Christopher Reber	-	present
Ms. Linda Hyslop	-	present
Mr. John Griffin	-	present
Mr. Greg Cuffey	-	present

Mayor Gore thanked everyone for adjusting schedules to attend this virtual meeting. She asked if Council will enter a motion to adopt the agenda as presented. Motion was made by Councilor Pelham and seconded by Councilor Partin to adopt the agenda as written; there was no discussion. Upon the roll call, the vote resulted:

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

Motion passed 7-0

Mayor Gore then asked Chairman Greg Cuffey of the School Board if he needed to adopt the agenda as well, to which the Chairman answered affirmatively, and he also entered a motion to adopt the agenda as written. The motion was made by Mr. John Griffin and seconded by Ms. Linda Hyslop. Upon the roll call by the School Board's Clerk, the vote resulted:

Mrs. Ruth Johnson	-	yes
Mr. Christopher Reber	-	yes
Ms. Linda Hyslop	-	yes
Mr. John Griffin	-	yes
Mr. Greg Cuffey	-	yes

School Board motion passed 5-0

SB-1, Joint City Council and School Board Meeting - Usually held during the budget session cycle, the idea was for City Council and the School Board to meet three times a year, outside the normal budget session, to discuss what's happening in schools, get updates on education, and ways to collaborate and foster relationships. Mayor Gore then asked Chairman Cuffey if there was anything he wished to add before the floor was opened for discussion. Mr. Cuffey had no further elaborations. The Mayor asked for comments regarding meeting at least quarterly (4 times per year), but at least three designated times for discussion. She asked if there was a motion to try supporting an adoption of meeting three times outside the budget session. There was a lengthy discussion regarding the motion and several suggested topics for discussion, including how the Office on Youth can better serve the School Board, the potential funding for renovation of the Mallonee building, and having a technical center in Hopewell.

SB-2, Bilateral Communication for Community Related Matters – This was a lengthy discussion related to how major updates need to be shared between bodies such as the Emergency Operations Plan between Mayor Gore and Chairman Cuffey, and any other major updates or concerns. Mr. Griffin stated that it was a great idea to have subcommittees from both groups to update Dr. Hackney with summaries of committee meetings. Also, if there are any Council members who are not on the School Board's robo-call to advise Dr. Hackney's staff. Mayor Gore asked if there were any other comments from City Council or from the School Board. There were no further comments.

SB-4. COVID-19 Effects on School System – This was a very lengthy discussion between Council and the School Board relating to virtual meetings with parents, and the agreed-upon timeline of January 5th or 6th, when Pre-K thru grade 3 will be brought back to school. Custodial staff are taking the necessary measures to sanitize and make it safe to return to school. There has been consumed planning around COVID-19 since March 16, and the School Board successfully got through the school year. Systems are in place to monitor metrics. If the metrics are met, then Pre-K through grade can return to school. As long as the data remains stable, grades 4-5, middle and high schools may return. The school system is following all government, CDC and Va. Department of Health guidelines and is also working closely with Crater District.

There was discussion regarding safe distancing in classes; 6 feet or if not possible, either add more classrooms or a second barrier (3 feet of social distancing and Plexiglas). Year round school will start this coming summer, July 29. Statewide Pell scores were the lowest since 2007. For the SOL, some requirements were waived, but assessments still had to be done. SOL tests and accreditation were waived for this year.

Parent feedback reflected difficulty in child care and supporting students virtually. Assistance included the following: homework help line, tech support line, Parks and Learn program and a daycare program, which enabled the parents to go to work and leave children at home. The program had 80+ children enrolled, kindergarten through 6th grade, with no transmission of COVID. There was a question regarding additional funding that will serve the program, along with K through grade 3, and other children who are low readers, when the COVID funding ends,

as they may need one-on-one instruction. 1.) The pilot daycare program I being phased out; however, the School Board have offset significant funding by using existing staff, such as bus drivers, food servers, and teachers' aides at their current salaries. The issue comes when those employees return to their regular duties in January, when the Return to Learn program is implemented. Yes, if there is additional funding, the Board can consider that. 2.) The Board is willing to approve allowing us to identify the most at-risk at all grade levels and set up small learning pods.

There were no other questions for Dr. Hackney or further discussion regarding these topics or relating to COVID-19.

Mayor Gore asked Dr. Hackney if there were ways that Council can help with reading, and she suggested using the books that were originally reserved for the Books in the Barbershop program before COVID.

Mrs. Johnson asked Chairman Cuffey to share the discussion and decision of the winter sports.

Mr. Cuffey agreed and proceeded to talk about how the winter sports will be handled. The VHSL (Virginia High School League) regulates fall requirements with high school sports. VHSL stated that there will be no regionals at this time; games will be played at the district level. (Hopewell is in the Central District.). The current sports in progress at this time are cross country (an outdoor event) and basketball (indoor event). There was an agreement among the coaches that there will be no spectators at all at the basketball games, only the players, referees, and 25 other athletes (cheerleaders and/or pep bands). The School Board approved live streaming of Hopewell home games only, available for citizens at \$10 per month. The School Board voted to allow Hopewell to play all teams in the Central District that are participating. If the COVID numbers start rising, then the games will be cancelled. Students will be given temperature checks daily, and basketball players will practice with masks on with frequent breaks. Mr. Cuffey concluded with a suggestion that the City Council and the School Board do some takeaways, and have three members from each body have a meeting to discuss dates and then return to their prospective boards to discuss.

Mayor Gore suggested that SB-5 (Opportunities to Collaborate) and SB-6 (MUNIS Financial System) can be listed as matters for brainstorming and discussion at a later date.

Dr. Hackney announced that her finance department and their entire administration are ecstatic about getting on the same MUNIS financial system. Mayor Gore thanked Dr. Hackney for sharing that information.

Councilor Partin asked if the school system applied for emergency disaster relief funding from the John Randolph Foundation to help with reading comprehension and writing programs. This funding doesn't count against the school system when applied for in the regular grant cycle. Dr. Hackney stated that the School Board will explore this option.

There were final discussions regarding a suggestion by Councilor Randolph to include the task of assigning the two subcommittees to the Councilor list of tasks for the beginning of the year.

ADJOURN

At 9:00 p.m., Mayor called for the adjournment of the meeting. Councilor Partin moved to adjourn the meeting, and Councilor Denton seconded the motion. Upon the roll call by Madam Clerk Camisha Brown, the vote resulted:

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

Motion passed 7-0

Chairman Cuffey also called for motion to adjourn the meeting. The motion was made by Ms. Ruth Johnson, and seconded by Ms. Linda Hyslop. Upon the roll call by Madam Clerk Kristina Truell, the vote resulted:

Mrs. Ruth Johnson	-	yes
Mr. Christopher Reber	-	yes
Ms. Linda Hyslop	-	yes
Mr. John Griffin	-	yes
Mr. Greg Cuffey	-	yes

School Board motion passed 5-0

The meeting was adjourned.

Jasmine E. Gore, Mayor

/s/ Camisha M. Brown
Camisha M. Brown, Assistant City Clerk

INFORMATION/PRESENTATION



March 19th, 2024

Russell Brandon
Interim Finance Director
City of Hopewell, Virginia

Discussion with Hopewell City Council

Tuesday March 26th, 2024

Jimmy Sanderson, Senior Vice President, Davenport & Company

Davenport will update Council on the expected lending market reception to the City's future financing needs:

- Necessary audited financials before approaching lenders
- Demonstration of financial stability
- Demonstration of processes/procedures in place to ensure future timely reporting of financial results
- Potential lending options to the City
- Rating Agency interaction
- Benefit/Challenges of financing structures

COMMUNICATIONS FROM CITIZENS

PUBLIC HEARING

PH-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: Public Hearing and Second Reading to Amend Zoning Ordinance Articles I (Definitions), IX-A (Downtown Central Business District, B-1), and XIV-B (Tourist/Historic District, TH-1), and add Article XXIII (Historic Preservation)

ISSUE: This zoning ordinance amendment proposes text changes to improve administration of architectural review requirements for the City’s local historic districts and address economic development and regulatory improvements in these districts.

RECOMMENDATION: City Administration and Planning Commission recommend approval of the proposed zoning ordinance amendments.

TIMING: Staff requests City Council action at the March 26, 2024 public hearing.

BACKGROUND: See staff report for background.

ENCLOSED DOCUMENTS: Staff Report; Proposed Ordinance Amendments; Presentation

STAFF: Kelly Davis, AICP, Senior Planner, Department of Planning & Development

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4			

Roll Call

SUMMARY:

Y N

- Councilor Rita Joyner, Ward #1
- Councilor Michael Harris, Ward #2
- Mayor John B. Partin, Ward #3
- Vice Mayor Jasmine Gore, Ward #4

Y N

- Councilor Janice Denton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Councilor Dominic Holloway, Sr., Ward #7



City of
HOPEWELL
VIRGINIA

March 2024

ZONING ORDINANCE AMENDMENTS

Historic Preservation & Economic
Development in the B-1 and TH-1 Districts



Content

- 01** Background
- 02** Scope of the Update
- 03** Art. XXIII - Historic Preservation
- 04** Art. IX-A - B-1 District
- 05** Art. XIV-B - TH-1 District
- 06** Recommendation & Next Steps

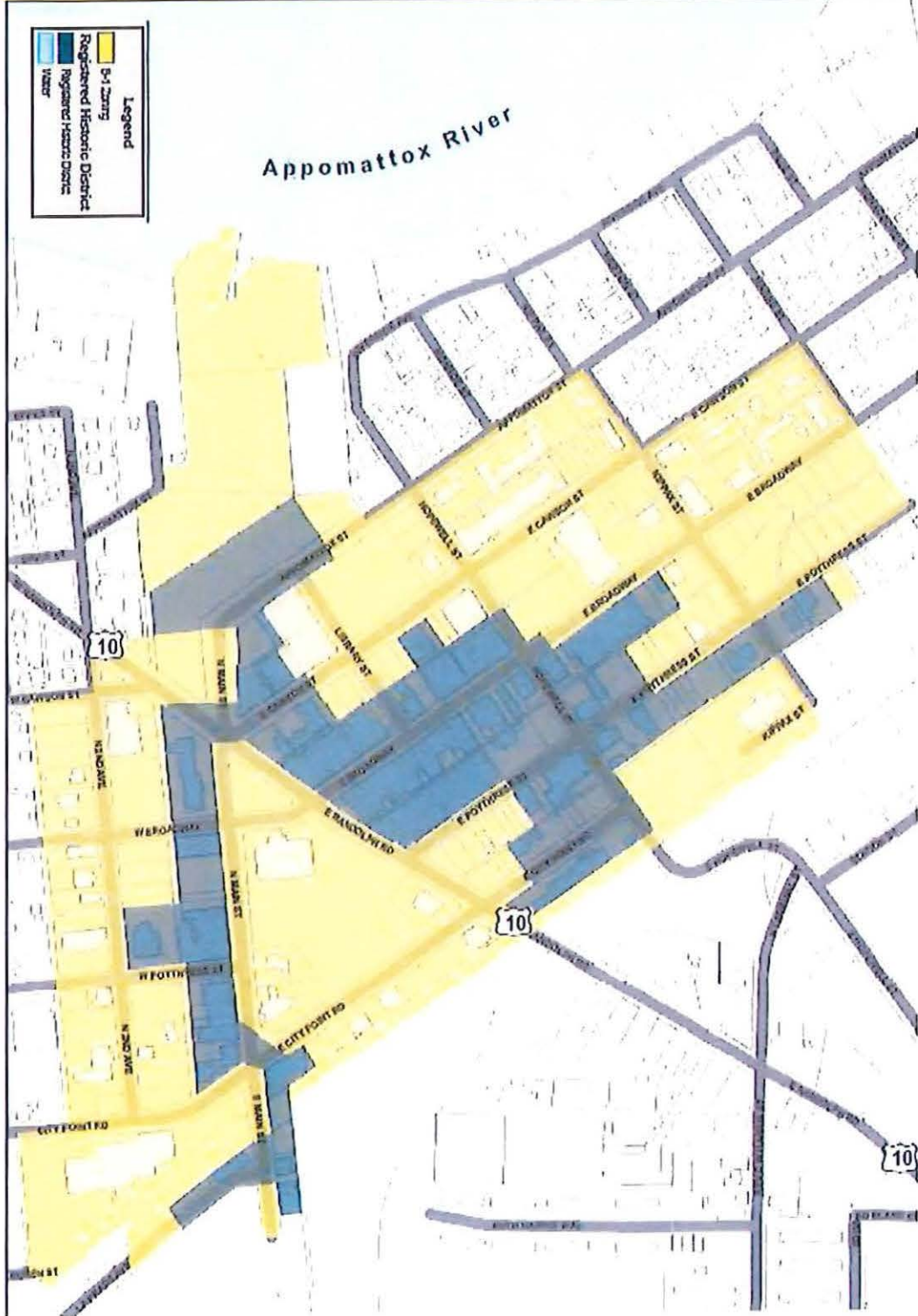




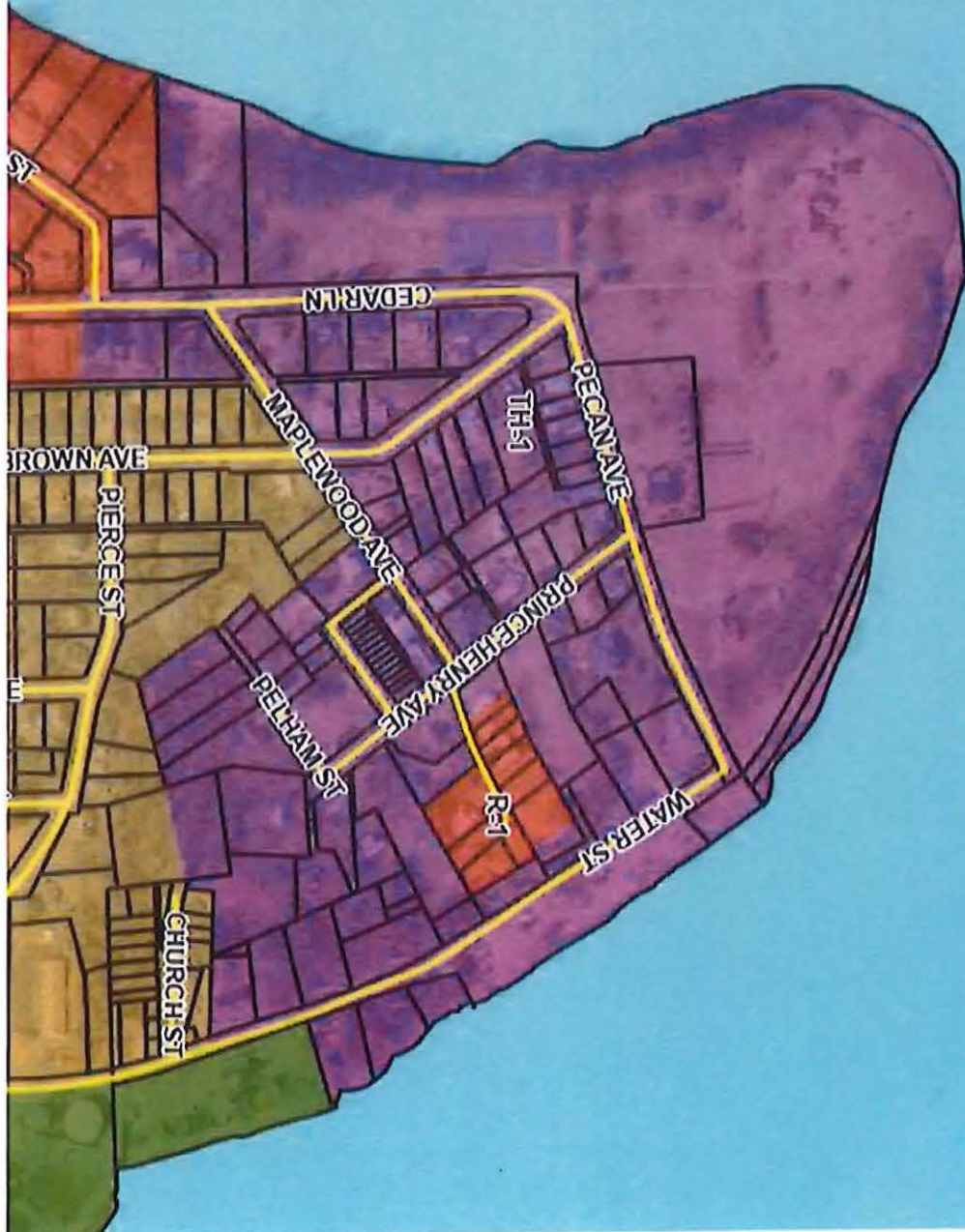
Background

- **Two local historic districts:**
 - Downtown Central Business District (B-1)
 - Tourist/Historic District (TH-1)
- **Each district has own architectural review body**
 - B-1 - Downtown Design Review Committee
 - TH-1 - Architectural Review Board
- **Architectural review and approval is required for *Exterior Changes* visible from the right-of-way, including alleys**
 - Certificate of Appropriateness

B-1 ZONING



TH-1 ZONING





Scope of the Update

Proposed changes improve administration of architectural review requirements for the City's local historic districts and address economic development and regulatory improvements in these districts.

Article XXIII, Historic Preservation

New article consolidates architectural review responsibility and improve administration.

Article IX-A, Downtown Central Business District (B-1)

Update addresses use, sign, and development regulations.

Article XIV-B, Tourist/Historic District (TH-1)

Update addresses inconsistencies, modify district regulations, and allow administrative architectural review of certain minor actions.

Article I, Definitions

Update adds new terms and definitions associated with the above-referenced amendments.





Art. XXIII - Historic Preservation

This new article applies to all local historic districts:

Outlines requirements for historic districts, generally

Consolidates B-1 & TH-1 requirements

Establishes the Architectural Review Board (ARB)

Eliminates the Downtown Design Review Committee such that all architectural review is by the ARB

Creates a Framework for Future Districts & Properties

Outlines requirements for future districts and individually-protected landmarks

Addresses Deficiencies & Best Practices

Incorporates criteria for relocation of historic structures
Allows resident appeal of demolitions



Art. IX-A,B-1

Changes

Modifies Uses

Add and modify uses for active economic development prospects

Updates Sign Requirements

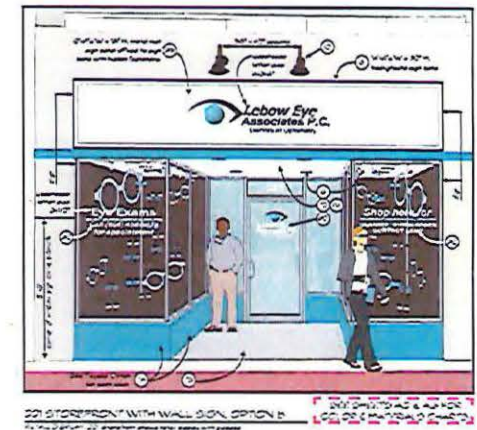
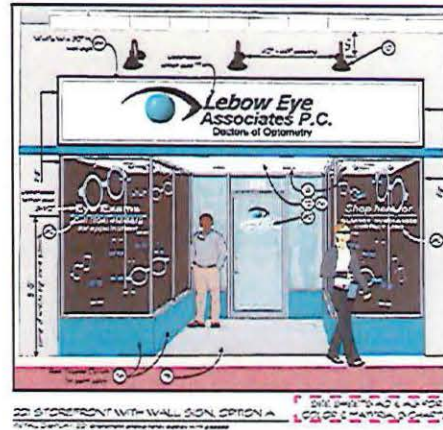
Eliminate/reduce stringent requirements like letter height
Allow modern materials
Enable temporary (e.g., grand openings) and freestanding signs

Addresses Common Complaints

Add transparency requirements
Allow LED or incandescent hue

Updates Design Standards

Reduce building height to 58 feet (4 stories) or CUP
Create "street wall" with max setback
Add storefront /window standards
Add standards for site elements like open space, fencing, lighting, off-street parking, and sidewalks





Art. XIV-B - Tourist/Historic District

Eliminates Conflicting and Unenforceable Text

Primarily related to uses and setbacks

Eliminates Minor/Major Violation Language

Language was vague and creates challenges for enforcement

Adds Option for Administrative Review of Minor Actions

Paint from approved color palette

Minor landscaping structures

Mechanical equipment visible from alley only





Art. I - Definitions

Artisan Workshop

Assembly Hall

Commercial Kitchen, Shared

Farmer's Market

Flag

Home Furnishings Store

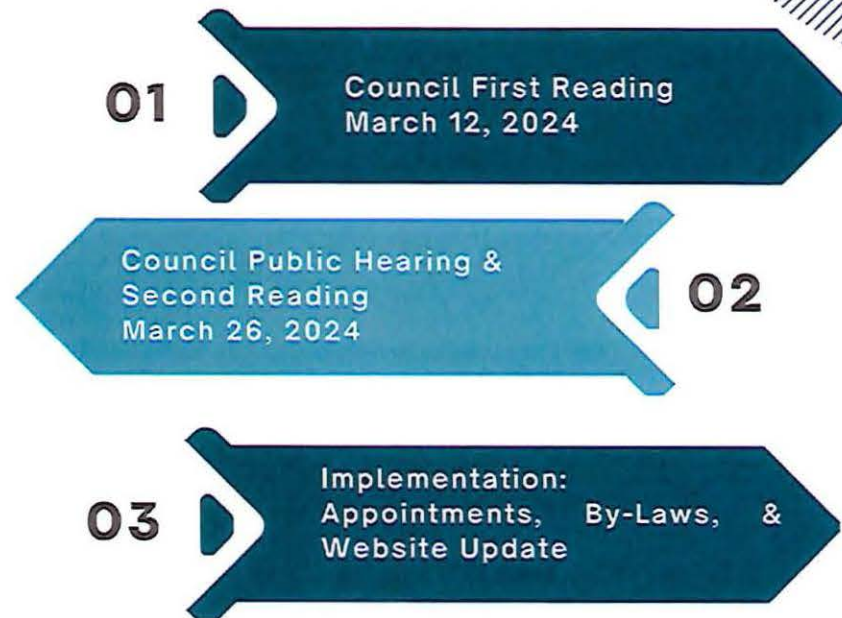
Sign, Small Illuminated

Sign, Small Permanent

Sign, Small Temporary

Recommendation & Next Steps

- Staff recommends approval.
- Planning Commission recommendation: TBD March 7, 2024
- Requested Action: *Schedule the Public Hearing*





[Home](#) > [Government](#) > [Departments](#) > [Planning & Development](#) > [Historic Districts](#)

WEBSITE

Historic Districts

OVERVIEW

DOWNTOWN (B-1)

CITY POINT (TH-1)

The **Downtown Design Review Committee (DDRC)** acts on applications for **Certificates of Appropriateness (COAs)** for changes to properties within the B-1 Downtown Central Business District.

Meetings

DDRC meetings are typically held on the first Wednesday of each month at 3:30 PM in the **City Council conference room** in the **Hopewell Municipal Building (300 N. Main St.)**. Enter building from rear parking lot. Applicants are encouraged to attend the DDRC meeting to answer any questions.

Façade Improvement Drawings

The Hopewell Downtown Partnership offers complimentary façade drawing services to businesses within the B-1 zoning district. [Contact Hopewell Downtown Partnership](#) to see if you are eligible for this service.

Application Forms & Resources

- [DDRC COA Application Package](#)
- [B-1 Downtown Vision Plan & Urban Design Guidelines](#)
- [B-1 Zoning District Requirements](#)
- [E. Poythress Streetscape Design Guidelines](#)
- [Hopewell Downtown Partnership](#)





THANK YOU

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**Zoning Ordinance Amendment
Article I, Definitions
Article IX-A, Downtown Central Business
District (B-1);
Article XIV-B, Tourist/Historic District
(TH-1);
Article XXIII, Historic Preservation;**

*Staff Report prepared for the Hopewell City Council March
26, 2024 meeting*

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

I. TENTATIVE MEETING SCHEDULE:

Planning Commission	March 6, 2024	Public Hearing
City Council	March 12, 2024	First Reading
City Council	March 26, 2024	Public Hearing and Second Reading

II. PUBLIC NOTIFICATION

Legal ads ran in the Progress-Index on February 28 and March 6, 2024, for the Planning Commission public hearing and on March 17 and 24, 2024, for the City Council Public Hearing

III. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	No Change Requested
Existing Zoning:	B-1, Downtown Central Business District / TH-1, Tourist/Historic District
Election Ward:	Ward 1 / Ward 2
Land Use Plan Recommendation:	Downtown Commercial Mixed Use / Urban Residential

IV. EXECUTIVE SUMMARY:

This zoning ordinance amendment proposes changes to improve administration of architectural review requirements for the City's local historic districts and address

economic development and regulatory improvements in these districts. A summary of proposed changes is as follows:

- Establish a new Article XXIII, Historic Preservation, that will consolidate architectural review responsibilities in the TH-1 and B-1 zoning district under the same review body and improve administration and enforcement of these provisions;
- Update Article IX-A, Downtown Central Business District (B-1) to include new use, sign, and development regulations to promote economic development, historic preservation, and planning and development best practices;
- Update Article XIV-B, Tourist/Historic District to address inconsistencies, modify district regulations, and allow administrative architectural review of certain minor actions; and,
- Update Article I, Definitions to include new terms and definitions associated with the above-referenced amendments.

V. RELEVANT ZONING ORDINANCE LANGUAGE:

Existing zoning ordinance text subject to this amendment can be found at www.hopewellva.gov/zoning. The following reference is relevant to zoning district amendments:

Article XXI, Amendments (Excerpts)

Section A

1. Whenever public necessity, convenience, general welfare or good zoning practice require, city council may amend, supplement, or change this ordinance, including the schedule of district regulations and the official zoning map. Any such amendment may be initiated by resolution of city council, by motion of the planning commission, or by petition of any property owner addressed to city council...

Section B

1. No zoning ordinance shall be adopted, amended, or re-enacted unless City Council has referred the proposal to the Planning Commission for its recommendation. The commission shall hold at least one (1) public hearing on such proposed amendment, after notice as required by Section 15.1-431 of the Code of Virginia (1950), as amended. Following the hearing, the Planning Commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing, and shall transmit such recommendations, together with any explanatory matter, to the City Council.

2. In recommending the adoption of any amendment to this ordinance, the Planning Commission shall fully state its reasons for any such recommendations, describing any change in conditions, if any, that it believes makes the amendment advisable and specifically setting forth the manner in which, in its opinion, the amendment would be in harmony with the comprehensive plan of the city and would be in furtherance of the purpose of this ordinance.

VI. STAFF ANALYSIS:

The City of Hopewell has adopted two local historic districts, which require architectural review and approval of all exterior improvements by appointed citizen bodies pursuant to Virginia Code § 15.2-2306. Architectural review in the B-1, Downtown Central Business District, is conducted by the Downtown Design Review Committee (DDRC). Review in the TH-1, Tourist/Historic District (TH-1) is conducted by the Architectural Review Board (ARB). These two bodies are proposed to be consolidated into a single review body, with additional editorial and substantive amendments to the zoning district text as outlined below.

New Historic Preservation Article XXIII (See Attachment A)

The proposed zoning ordinance amendment provides for the consolidation of the DDRC and ARB into a single architectural review body, thus streamlining staff administration and eliminating long-standing vacancies on each body.

To accomplish this consolidation, staff proposes the creation of a new Historic Preservation article (Article XXIII). This new article outlines requirements for historic districts and individually-protected historic landmarks, generally. The article outlines the duties of the consolidated Architectural Review Board (ARB), requirements for establishing new districts and landmarks, and requirements for Certificates of Appropriateness (COAs), among other requirements. The article also enables the adoption of future local historic districts or individually-protected historic landmarks at the discretion of City Council upon recommendation by the Architectural Review Board and Planning Commission.

Amendment to Article XIV-B (Tourist/Historic District TH-1) (See Attachment B)

The proposed amendment to the existing Article XIV- B, Tourist/Historic District (TH-1) removes requirements associated with ARB duties and COA requirements applicable to historic districts generally. The amendment incorporates additional changes to eliminate inconsistencies with regard to setbacks on corner lots and accessory buildings. The amendment also provides new provisions for administrative review of certain minor exterior changes, such as paint color subject to an ARB-approved color palette.

Amendment to Article IX-A (Downtown Central Business District B-1) (See Attachment C)

Similarly, the proposed amendment to Article IX-A, Downtown Central Business District (B-1) removes requirements associated with DDRC duties and COA requirements applicable to historic districts generally.

In addition, after reviewing this article, staff proposes additional substantive changes to: a) address recurring issues experienced by the DDRC in review of COA applications; b) address staff-identified recommendations to support economic development, urban design, and placemaking; and c) align with best practices for development in historic districts and/or the Downtown Master Plan. These changes include, but are not limited to:

- Addition of new uses, primarily to address active economic development prospects, including:
 - o Accessory Uses and Structures
 - o Artisan Workshop
 - o Assembly Hall with Conditional Use Permit
 - o Commercial Kitchen, Shared
 - o Farmer's Market
 - o Home Occupation
 - o Home Furnishings Store
- Reduction of the by-right apartment size from 900 square feet to 700 square feet. This change is recommended by Economic Development to promote adaptive reuse and infill development and respond to market conditions.
- Addition of a maximum setback requirement as a best practice to maintain a pedestrian-oriented street wall.
- Reduction of maximum building height from 125 feet to 58 feet, or four stories, unless otherwise approved by a Conditional Use Permit, for enhanced compatibility with the historic character of the Downtown.
- Prohibition of outdoor use and storage, except as specifically provided.
- Addition of design standards for storefronts and windows, open space, fences and walls, lighting, off-street parking, and sidewalks.
- Revised sign standards to address concerns, provide clarification, and add new sign types requested by the DDRC and business owners.

Amendment to Article I, Definitions (See Attachment D)

The proposed amendment to Article I, Definitions, includes new terms and definitions associated with the above-referenced amendments.

VII. RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed ordinance amendments are consistent with the Comprehensive Plan, as summarized in the table below.

#	Strategy	Analysis
Land Use & Development		
2	Update the City’s zoning and subdivision ordinance to enable the effective implementation of the Comprehensive Plan.	The proposed amendments focus on changes to streamline administration of the ARB and DDRC, address current economic development prospects and issues, and provide development standards in the B-1 Central Business zoning district.
3	Implement urban design principles for Traditional Neighborhood Development to include more flexible, form-based design guidelines for new development, revitalization, and redevelopment projects.	The proposed maximum setback line and fenestration requirements are form-based design principles that support this strategy.
22	Periodically review the architectural design guidelines and administrative practices that are companion to the City’s historic district zoning.	The proposed amendments update the administrative practices to streamline administration and support best practices for historic districts.
Community Character & Health		
33	Require all new and redevelopment projects to include sidewalks, curb and gutter, landscaping, trash removal, street lighting, and adequate drainage facilities.	The proposed B-1 development standards support this strategy.

VIII. STAFF RECOMMENDATION:

Staff recommends approval of the amendments as proposed.

IX. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing March 7, 2024, and recommended approval with the following changes, which have been incorporated into the proposed ordinance amendments:

- Article XXIII
 - Section F.8.a.i. – Add clarification that the appeal is to be filed with the City Clerk
 - Section F.8.a.iv. – Add that the City Council shall hold a public hearing within 90 days of the filing of the appeal
 - Section H.3.e. – Correct the typo by changing “file” to “filed”
- Article XIV-B
 - Section A.2.g. and A.2.i – Remove restriction limiting retail and cottage industry uses by Conditional Use Permit to specific streets
 - Section A.2.j. – Change wireless tower frequency requirement from above 20,000 Hz to above 1 MHz
- Article IX-A
 - J.1.a.f – Move flag from permitted to exempt sign type (J.2.e)

X. OPTIONS FOR PROPOSED ACTION:

The public hearing is scheduled for March 26, 2024. Following the public hearing, the Hopewell City Council may recommend:

- (1) Approval of the proposed zoning text amendments for historic preservation and economic development in the B-1 and TH-1 zoning district in accordance with the attached ordinance; or,*
- (2) Denial of the proposed zoning text amendments for historic preservation and economic development in the B-1 and TH-1 zoning district; or,*
- (3) Deferral of the proposed zoning text amendments for additional review and consideration.*

Editor's Note: This newly-proposed article consolidates Architectural Review Board (ARB) and Downtown Design Review Committee (DDRC) duties into a single body. This article updates and expands existing requirements from the B-1, Downtown Central Business, and TH-1, Tourist/Historic, Districts. Explanatory footnotes are provided to outline changes for each section and will be removed prior to adoption.

ARTICLE XXIII. – Historic Preservation.¹

A. GENERAL.²

1. The purpose of this article is to preserve the City's unique cultural heritage and historic resources for future generations and promote historic resources for economic development and financial stability, preserve historic resources for educational purposes, and promote quality of life and a sense of place for residents.
2. This article shall apply to historic districts and individually-protected historic landmark properties, as adopted by the City of Hopewell City Council. The historic districts subject to this article are the B-1, Downtown Central Business District, and TH-1, Tourist/Historic District.
3. For the purpose of this article, exterior architectural appearance shall include architectural character; general arrangement of the exterior of a structure; general composition, including the type, color, and texture of building materials; and type and character of all windows, doors, light fixtures, signs, fences, and architectural and appurtenant elements subject to public view from a public street, public alley, or other public place.

B. ARCHITECTURAL REVIEW BOARD.³

1. **Creation.⁴** A review board is hereby established and shall be known as the Architectural Review Board (ARB). The ARB shall be composed of a minimum of five (5) nor more than seven (7) regular voting members, a majority of whom shall be City residents or property owners. The members of the ARB shall be appointed by the City Council. Members shall have a demonstrated interest, competence, or knowledge in architecture or historic preservation.
2. **Appointment terms.**
 - a. A member's term shall be four years. No member shall serve more than two consecutive four (4) year terms.

¹ This is proposed as a new article to combine the duties of the ARB and DDRC into a single review body and clearly delineate responsibilities, requirements, and procedures related to historic preservation in the City.

² Proposed new text to establish purpose and applicability of the new article.

³ This section combines existing text on ARB/DDRC creation, appointment, organization, and rules of procedure. Some existing text has been streamlined and modified with consideration of by-laws and best practices. A new section outlining powers and duties has been added.

⁴ Currently, ARB membership is 5-7; DDRC membership is 3-5. As drafted, this section streamlines membership requirements in the ordinance, with specific membership requirements to be adopted in revised by-laws. This will allow flexibility for future districts or changes to certified local government (CLG) requirements.

- b. A member may be reappointed to additional terms after being out of office for at least one four (4) year term.
3. **Organization.** The ARB shall elect from its own membership a chairperson and a vice chairperson, who shall serve annual terms as such and may succeed themselves. The City shall designate a staff member to advise the ARB and maintain all records, minutes, and files relating to the meetings.
4. **Rules of Procedure.**
 - a. The ARB shall adopt by-laws providing meeting rules of procedure.⁵
 - b. All members, except for advisory members, shall be entitled to vote, and the decisions of the ARB shall be determined by a majority vote of those present.
 - c. A quorum shall be a majority of the membership. A quorum is required before the ARB may take any official action.
 - d. The ARB shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. Failure of the ARB to render a decision within this period shall entitle the applicant to proceed to the City Council for the issuance of a Certificate of Appropriateness.⁶
 - e. If an application is denied, no application substantially the same as that which has been previously denied will be accepted for a period of one (1) year. This does not preclude re-applications for modified proposals that incorporate recommendations from staff or the ARB.⁷
5. **Powers and Duties.**⁸
 - a. The ARB shall approve, approve with modifications, or deny applications for Certificates of Appropriateness for the construction, reconstruction, exterior alteration, demolition, or relocation of historic landmarks or buildings, structures, and physical improvements within a historic district.
 - b. The ARB shall have the following duties, which it may exercise in its discretion and shall exercise upon direction from City Council:
 - (i) When requested by application for a zoning or building permit in a historic district or for a historic landmark, advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
 - (ii) Assist and advise the City Council, the Planning Commission, other City departments and agencies, property owners, and individuals in matters involving historic resources.
 - (iii) Advise on additional areas or structures to be included in or removed from a historic district or designated as a historic landmark.

⁵ Removed basic rules of procedure covered in the by-laws.

⁶ Added clarity on recourse should the ARB extend its decision beyond the existing 60-day timeframe provided in the current ordinance. Currently, the ordinance does not specify course of action if the 60-day period is not met.

⁷ Modified existing requirement to allow reapplication for modified proposals.

⁸ This is a new section to outline powers and duties of the ARB.

- (iv) Adopt design guidelines for the City’s historic districts, to be considered when granting or denying Certificates of Appropriateness.
- (v) In matters governing the procedure for meetings not covered by this article, the ARB may establish its own rules and procedures; provided they are not contrary to the spirit of this article.

C. ESTABLISHMENT OF HISTORIC DISTRICTS.⁹

1. The ARB shall advise City Council on the consideration of the need for establishing or expanding a historic district in a specified geographical area of the City. In rendering such advice to the City Council, the ARB shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.
2. Prior to the establishment or expansion of a historic district, an inventory and recommendations shall be prepared regarding all landmarks, buildings and other structures, sites, and objects being considered for inclusion within the proposed district pursuant to the requirements of Code of Virginia § 15.2-2306(C), as amended.
3. No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings, or other structures:
 - a. Listed on the Virginia Landmarks Register or the National Register of Historic Places;
 - b. That are of significant historic, architectural, archaeological or cultural interest;
 - c. In which historic events occurred;
 - d. That have special public value because of notable architectural, archaeological, or other features relating to the cultural or artistic heritage of the community, state, or country that are of such significance as to warrant conservation and preservation; or
 - e. That provide for a landscape unit needed to control potentially adverse influences on lands closely related to and bearing upon the character of historic site or sites.
4. Only the geographical area in which a majority of the properties meet the criteria established above shall be designated as a historic district; provided, however, that parcels of land contiguous to arterial streets or highways found to be significant routes of tourist access to the City or to designated historic landmarks, buildings, structures, or districts therein may also be included in a historic district.
5. The Planning Commission shall conduct a public hearing in accordance with Virginia Code § 15.2-2204, as amended, to review the report, together with the ordinance establishing or expanding a historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.

⁹ This section is being relocated from the TH-1 district to apply to the establishment of historic districts generally with minor amendments to align with state code requirements for public hearings. This language was previously recommended by Department of Historic Resources representatives as part of recent amendments to TH-1.

6. The City Council may, by ordinance, establish or expand a historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district in accordance with Virginia Code § 15.2-2204, as amended. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.
7. The establishment or expansion of historic districts shall be subject to the applicable provisions of Virginia Code § 15.2-2280 et seq., as amended, or any successor ordinances or statutes.

D. INDIVIDUALLY-PROTECTED LANDMARK PROPERTIES.¹⁰

1. **Establishment.** The City Council may adopt a list of historic landmarks in the City, which shall be individually-protected landmark properties. For inclusion in this list, historic landmarks shall be documented as being at least 50 years old and meet at least one of the following criteria:
 - a. Is on the National Register of Historic Places as called for by the United States Congress in the Historic Preservation Act of 1966;
 - b. Is on the state landmarks register pursuant to Code of Virginia, § 10.1-2200 et seq.;
 - c. Exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community;
 - d. Is associated with persons of national, state, or local historical significance;
 - e. Is a good example of local or regional architectural design or exemplifies the local craftsmanship, making it valuable for study of period, style, or method of construction;
 - f. Is a work of a nationally recognized architect;
 - g. Is attributed to an architect or builder of local prominence; or
 - h. Fosters civic pride in the City's past and enhances the City's attractiveness to visitors.
2. **Amendments to historic landmark list.** Following notice to the property owner, the ARB may propose to the Planning Commission and/or the City Council such amendments as deemed appropriate for revision to the historic landmarks list in accordance with the zoning map amendment requirements of this chapter.

E. ESTABLISHMENT OF HISTORIC PLAQUE.¹¹

Within any historic district, the ARB shall design an appropriate plaque, bearing the seal of the City and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

¹⁰ This is a new section proposed to allow the designation of individually-listed properties subject to ARB review and Council approval. The City does not currently have any individually-protected properties but may wish to consider adopting such properties in the future.

¹¹ This section is being relocated from the TH-1 district to apply to historic districts generally.

F. CERTIFICATES OF APPROPRIATENESS.¹²

1. **When Required.** Unless otherwise exempted by this ordinance:
 - a. No building, structure, or sign within a historic district shall be erected, reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
 - b. No historic landmark shall be reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
 - c. No historic landmark, building, or structure shall be razed, demolished, or moved unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
2. **Exemptions.**¹³
 - a. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this article; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal official shall certify as required by public safety to correct an unsafe condition that would endanger life or property.
 - b. For the purpose of this section, ordinary maintenance and repair is defined as any work that preserves and does not alter the appearance of the exterior elements of the building or structure as long as there is no change in design, color, and/or materials.
 - c. The following minor work or actions deemed not to have permanent effects upon the character of the HOD are exempted from review for a Certificate of Appropriateness:
 - (i) Repainting of structures or features resulting in the same color. At no time shall painting of original masonry be exempt.
 - (ii) Replacing siding or shingles resulting in the same design, material, and color.
 - (iii) Additions or deletions on residential structures of storm doors, storm windows, window gardens, air conditioners, or similar appurtenances when installed in or upon existing windows or wall openings.¹⁴
3. **Application Procedures.**¹⁵
 - a. Application shall be made on the appropriate application form provided by the City and submitted in accordance with established submission requirements and deadlines.
 - b. Applications will be accepted only from the record owner of the subject property or their agent after authorization in writing.

¹² This section combines and reorganizes existing ARB/DDRC text and incorporates changes to improve clarity and align with best practices.

¹³ This section was previously included as Exclusions in the B-1 and TH-1 districts; specificity of exemptions has been added for clarity of interpretation and administration.

¹⁴ This is a new addition.

¹⁵ This is a new section added for administration purposes.

- c. Upon receipt of an application, the City shall review the submission for completeness and advise the applicant of any omitted information required for review. Once all submission requirements are met, the application will be set for the next available agenda.

4. **Standards of Review.**¹⁶

- a. **Construction and alteration.** Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration, or restoration of a historic landmark or building or structure in a historic district, the ARB shall consider:
 - (i) The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place, and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - (ii) The appropriateness of the exterior architectural features of such building, structure, or change to such building, land, place, or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs. This includes, but is not limited to, considerations of whether the material, texture, scale, mass, color, height, style, and placement are visually and architecturally compatible with the site and the district.
 - (iii) The harmony of the proposed change in terms of overall proportion and the size and placement of elements such as entrances, windows, awnings, exterior stairs, and signs.
 - (iv) Whether the proposed method of construction, renovation, or restoration would have an adverse impact on the historic or architectural character of the structure or site, or on adjacent buildings or structures.
 - (v) The Secretary of the Interior’s Standards for Historic Preservation, as may be relevant.
 - (vi) Any applicable provisions of the adopted design guidelines and zoning ordinance.
 - (vii) The ARB shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, alley, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration, or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.
- b. **Demolition.** No application for a Certificate of Appropriateness for demolition of a historic landmark, building, or structure shall be considered by the ARB until a public hearing has been held thereon, following notice as required under Code of Virginia § 15.2-2204, as amended. Before a Certificate of Appropriateness is issued, the ARB shall consider:
 - (i) Whether the building or structure is of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest.
 - (ii) Whether the building or structure is of such interest or significance that it could be made

¹⁶ This section has been expanded and a new subsection added to consider relocation of historic structures.

City of Hopewell Zoning Ordinance Update March 15, 2024

City Council Public Hearing Draft ARTICLE XXIII – Historic Preservation

into a national, state, or local historic landmark.

- (iii) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense.
 - (iv) Whether retention of the building or structure will help preserve the historic character of or historic interest in the district.
 - (v) Whether retention of the building or structure will promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the City a more attractive and desirable place in which to live.
 - (vi) Whether, and to what extent, the applicant proposes means, methods, or plans for moving, removing or demolishing the historic structure that preserves portions, features, or materials that are significant to the property's historic, architectural, or cultural value.¹⁷
- c. **Relocation.** The ARB shall consider the following criteria in determining whether or not to issue a Certificate of Appropriateness to relocate a historic landmark, building, or structure which exists in a historic district:¹⁸
- (i) Whether moving the building or structure will likely have a detrimental effect on its structural soundness.
 - (ii) Whether moving the building or structure will have a detrimental effect on the historical aspects of other historic structures in the district.
 - (iii) If the building or structure is moved to a site within the City, whether the new surroundings are harmonious with the historical and architectural aspects of the historic structure.
 - (iv) If relocation is the only feasible means of saving the building or structure from demolition or neglect.
 - (v) Any applicable provisions of the adopted design guidelines.
5. **Issuance.** Upon approval by the ARB of any erection, reconstruction, alteration, restoration and/or rehabilitation, relocation, or demolition, a Certificate of Appropriateness, signed by the Zoning Administrator or designee and bearing the date of issuance, shall be provided to the applicant.
6. **Expiration.**
- a. A Certificate of Appropriateness shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced.
 - b. A Certificate of Appropriateness shall also expire if the work authorized by said certificate has

¹⁷ New addition recommended to encourage consideration of preservation practices as part of the application.

¹⁸ New section to outline considerations for relocation of historic structures.

not been substantially completed within eighteen (18) months of issuance. "Substantial Completion" shall be defined as 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:

- (i) Necessary final approval by the Hopewell Building Official has been given (if required); and
 - (ii) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
 - (iii) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
 - (iv) Any work remaining on the project is minor or "punch list" in nature.
- c. Any period during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the twelve (12) or eighteen (18) month period.

7. Denial.

- a. In the case of denial of the erection, reconstruction, alteration, or restoration of a building or structure, the ARB shall briefly state its reasons for such disapproval in writing and may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location, and the like.
- b. In the case of disapproval of the demolition of a building which exists in a historic district, the review shall state specifically its reason in writing.

8. Appeals.¹⁹

a. Appeal to City Council.

- (i) Any applicant aggrieved by a final decision of the ARB shall have the right to appeal such decision to the City Council, provided that such appeal is filed with the City Clerk within thirty (30) calendar days after the ARB has made its decision. The City may require the appeal be accompanied by a filing fee.
- (ii) Any opponents of the ARB's decision to approve a Certificate of Appropriateness to demolish a historic landmark, building, or structure shall have the right to appeal and be heard before the City Council provided the appeal is filed with the City Clerk within 30 calendar days after the ARB's decision. An appeal by a third party under this section shall be accompanied by a written petition, signed by at least 10 residents of the City of Hopewell.²⁰

¹⁹ This section has been modified to provide additional clarification and alignment with state code.

²⁰ Code of Virginia requires that the City identify the parties entitled to appeal the decision. City of Hopewell currently identifies the Applicant as the party to the appeal. This provision has been expanded to allow a group of residents the right to appeal demolition of a historic structure.

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- (iii) The filing of the petition shall stay the ARB’s decision, pending the outcome of the appeal to the City Council, except that a decision denying a request to raze or demolish a historic landmark, building, or structure shall not be stayed.
 - (iv) The City Council shall, after giving the required public notice, conduct a full and impartial public hearing within 90 days of the filing of the appeal.
 - (v) The City Council shall affirm, reverse, modify, or remand back to the ARB for reconsideration of the decision, in whole or in part. Another appeal may be taken to the City Council after any remand.
 - (vi) City Council’s decision to affirm, reverse, or modify the ARB decision shall be final, subject only to an appeal to the applicable circuit court.
- b. **Appeal to Circuit Court.**
- (i) Any applicant or body of at least 10 residents of the City of Hopewell who previously appealed to the City Council and are aggrieved by the decision shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body.
 - (ii) The filing of said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that a decision denying a request to raze or demolish a historic landmark, building, or structure shall not be stayed.
 - (iii) The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.
- c. The filing of an appeal hereunder shall not operate as a de facto approval of any application disapproved or denied by the ARB.

G. PROTECTIVE MAINTENANCE.²¹

1. All historic landmarks and buildings and structures within a historic district shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the ARB or Building Code Official, result in permanent damage to the structural components, the building exterior or portions thereof, or produce a detrimental effect upon the character of the district as a whole or upon the integrity and character of the structure itself.
2. Upon a determination of a protective maintenance violation, the Zoning Administrator shall notify the owner by certified mail, return receipt requested, of the determination and compliance timeframes set forth below.
3. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary

²¹ This section is relocated from the TH-1 district to apply to all historic areas. Specific violations have been removed to align with other localities and procedures modified to enable more streamlined enforcement and option for an abatement plan. Provision for City-initiated remedy is not found under Virginia Code and was removed.

stabilization repairs and shall complete the repairs within one hundred-twenty (120) days of such notice. Upon written request from the owner, the ARB may extend these timeframes with approval of an abatement plan .

4. If appropriate action is not taken within the established timeframes, the City may initiate appropriate legal action as a violation of this chapter.
5. The boarding of a vacant structure within a historic district or a historic landmark shall constitute the alteration of the exterior architectural features of such structure. In the event such boarding is accomplished pursuant to an order from the Building Code Official to secure a hazardous structure against entry, the owner shall comply with such order, and within 15 days of the date of such order shall apply for a Certificate of Appropriateness. In considering any application under this section, the ARB may impose such conditions as may be appropriate to secure or preserve the historic elements of the structure against further loss, damage, or deterioration.²²

H. RIGHT TO DEMOLISH A HISTORIC STRUCTURE.²³

1. When a historic structure is not permitted to be demolished under the requirements of this article, the property owner shall, as a matter of right, be entitled to raze or demolish it in accordance with the requirements of the Code of Virginia § 15.2-2306, as amended. The owner shall submit evidence to support such claim of right to the City, and the City shall determine whether the evidence establishes such a right.
2. Notice. Before making a bona fide offer to sell pursuant to Code of Virginia § 15.2-2306, as amended, an owner shall first file a statement with the City. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No minimum offer to sell period required in the Code of Virginia § 15.2-2306, as amended, shall begin until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of City Council, members of the Planning Commission, and the ARB.
3. Question as to price.
 - a. The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the Zoning Administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) residents of the City of Hopewell²⁴.
 - b. Upon receipt of such a petition, three (3) disinterested real estate appraisers familiar with property values in the historic district shall be appointed: one (1) by the ARB, one (1) by the property owner, and one (1) by the ARB and the property owner. The cost of the appraisals shall be divided equally between the property owner and the City. Said appraisers shall forthwith make an appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the Zoning Administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market value.

²² This is a new section offered as a best practice.

²³ This section combines existing text from B-1 and TH-1 districts and includes streamlined references to state code as a best practice.

²⁴ Change from historic district property owners to City residents as requested by the Planning Commission.

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- c. If the opinion is that the price reasonably related to its fair market value, the owner may continue as if no question had been raised.
- d. If the opinion is that the price the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect; and the owner, if he wishes to take advantage of the right to demolish said building or structure provided for above in this section, must file a notice provided for above to proceed with the demolition.
- e. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers filed their report with the Zoning Administrator, the price shall be deemed reasonably related to fair market value.

DRAFT

Editor's Note: This article is proposed to be amended to relocate existing Architectural Review Board (ARB) requirements to the new Article XXIII, Historic Preservation. Additional amendments are proposed to provide clarity and consistency in administration and interpretation. Footnotes are provided to identify changes and will be removed prior to adoption.

STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive environment for tourists interested in the historic significance of the area and to reflect the historic context of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and form a network of commercial and residential entities with a backdrop of historic significance. To these ends, development is limited to low density residential and commercial and cottage industry of historic or tourist-oriented merchandise or products.

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures shall be erected, altered, or used only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XXIII of this ordinance.
 - f. Minor utility facilities serving local distribution needs, including underground power lines, water distribution lines, sewer lift stations, and storm water conveyance pipes, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties.¹
 - g. Municipal owned recreational facilities that enhance the historic nature of the district.
 - h. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.
2. Uses by Conditional Use Permit by City Council.²
 - a. Dwelling units in non-commercial areas of any otherwise permitted nonresidential use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.

¹ Provides modernized definition for local minor utilities to eliminate conflicts in existing text.

² Review process clarified to require Conditional Use Permit for listed items. Previous text included unclear language about both Conditional Use Permits and Special Exceptions.

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- b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices.
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses that sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries.³
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - i. Cottage industries that manufacture products for retail sale on premises that are oriented toward the tourist market in this area.⁴
 - j. Major utility facilities, such as electrical substations, transmission lines, water wells, water towers, and cellular towers for wireless transmission above the frequency of 1 megahertz⁵.

B. AREA REGULATIONS

1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

C. MINIMUM LOT WIDTH

1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

D. YARD REGULATIONS, MAIN BUILDING.⁶

1. Front⁷: Structures shall be located at least twenty-five (25) feet from any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".
2. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet. On a corner lot, the minimum side yard facing on the side street shall be twenty (20) feet.
3. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

³ Removed location restriction to expand economic development opportunity per Planning Commission.

⁴ Removed location restriction to expand economic development opportunity per Planning Commission.

⁵ Provides modernized definition to eliminate conflicts in existing text. Changed to 1 MHz at Planning Commission request.

⁶ Existing sections D, E, and G have been consolidated under this heading to maintain consistency with other residential articles and correct inconsistency relating to the corner lot setback line adjacent to streets.

⁷ Removed exception that "front" may be modified based on traffic volume. VDOT online traffic volume application does not provide traffic volume data for streets in the TH-1 district making this difficult to verify and administer.

E. YARD REGULATIONS, ACCESSORY BUILDING.⁸

1. No accessory building shall be located between the setback line and the front property line.
2. No accessory building shall be located any closer than five (5) feet to any property line.
3. On a corner lot, no accessory building shall be located any closer than twenty (20) feet to the side property line of the side facing the street.
4. No accessory building shall be located any closer than five (5) feet to any other building.

F. HEIGHT REGULATIONS.

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
 - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

G. SPECIAL PROVISIONS FOR CORNER LOTS.

1. 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, except that for existing buildings the zoning administrator shall determine the front based on the orientation and principal entrance of the main building.

H. REQUIREMENT FOR PERMITTED USES.⁹

Before a building permit shall be issued or construction commenced on any permitted use, all requirements of Article XVI, Site Plan Requirements, shall be met.

I. CERTIFICATE OF APPROPRIATENESS REQUIRED.¹⁰

1. A certificate of appropriateness shall be required for all changes in the TH-1 district in accordance with Article XXIII, Historic Preservation, unless otherwise exempt by this section.
2. Certain minor actions in the TH-1 district may be approved administratively if the Zoning Administrator finds that such action will not permanently affect the character of the historic property or district. Such minor actions shall include the following and any similar actions which, in the opinion of the Zoning Administrator, will have no more effect on the character of the district than those listed:
 - a. Changing the color of structure to a color selected from a color palette of historically accurate paint colors adopted by the Architectural Review Board (ARB) or to a color found

⁸ This is a new section to provide clarity of administration and interpretation for accessory buildings. This section is based on the existing setback provided under section A and existing accessory building regulations in the other residential zoning districts.

⁹ Updated language to eliminate conflicts with the site plan article and reflect current practice.

¹⁰ This section adds an option for administrative review of certain minor actions.

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_____ by the Zoning Administrator to be compatible with a color included in an adopted color palette.

- b. Minor landscaping structures, such as walks, low retaining walls, small fountains, ponds and the like which will not substantially affect the character of the property and its surroundings.
- c. Addition or deletion of mechanical equipment, antennas, skylights, or solar collectors in locations visible from a public alley but not from any other public street or public place.

The Zoning Administrator shall have authority to order that work be stopped and that a certificate of appropriateness application be filed for review by the ARB in any case where, in the Zoning Administrator's opinion, the action may have an adverse effect on the historic district or may produce colors, patterns or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the district as a whole.

J. ¹¹YARD VARIANCES.

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the ARB may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be made.

¹¹ Deleted language regarding minor versus major violations. Language was vague and has created enforcement and compliance challenges.

Editor's Note: This article is proposed to be amended to relocate existing Downtown Development Review Committee (DDRC) requirements to the new Article XXIII, Historic Preservation. Additional amendments are proposed to provide clarity and consistency in administration and interpretation, update sign requirements to address recurring challenges, and provide new uses and standards to support economic development and align with best practices and the Downtown Vision Plan. Footnotes are provided to identify changes and will be removed prior to adoption.

ARTICLE IX-A. – Downtown Central Business District (B-1)

STATEMENT OF INTENT¹

The Central Business District is intended to provide an urban mix of retail, office, service, hotel, residential, and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. The district is intended to be a predominantly pedestrian area with shops and storefronts close to the street, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained by promoting cultural heritage, preserving historic structures, and ensuring any exterior construction, alteration, or site improvements are sensitive to the architectural character of the district. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, retail stores, and restaurants.

A. USE REGULATIONS.²

Structures to be erected and land to be used shall be only for the following uses:

1. Accessory Uses and Structures.
2. Accounting Services.
3. Advertising and Public Relations Agencies.
4. Antiques.
5. Apartments on the first floor of mixed-use buildings with Conditional Use Permit.

¹ This section includes minor changes recommended by Department of Historic Resources and City staff to increase emphasis on historic preservation, cultural resources, and retail uses.

² This section is proposed to be reviewed as part of a comprehensive use review across all districts. Only minor changes are recommended at this time to remove duplicate items, correct inconsistency, and address priority economic development prospects.

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6. Apartments on second and subsequent floors of commercial and office buildings/uses containing an average unit size of seven hundred (700) gross square feet or greater.³
7. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below seven hundred (700) gross square feet, with Conditional Use Permit.
8. Appliance Stores.
9. Architectural and Engineering Services.
10. Art Galleries, Framing and Supplies.
11. Artisan Workshop.⁴
12. Assembly Hall with Conditional Use Permit.⁵
13. Bakeries.
14. Barber and Beauty Shops.
15. Bed and Breakfast Establishments.
16. Bookstores, except Adult bookstores.
17. Camera and Photo Supply Stores.
18. Casual and Formal Apparel Stores.
19. Child Care Services.
20. Churches.
21. Coffee Shops.
22. Commercial Banks and Financial Institutions, not to include check cashing establishments.
23. Commercial Kitchen, Shared.⁶
24. Computer Sales and Service.

³ This change is recommended to correct the inconsistency with the #6 below requiring a CUP based on average unit size. Economic development further recommends reducing the average size to seven hundred (700) GSF per unit. The average unit size in Butterworth Lofts, for example, is 752 GSF with unit size ranging from 550 to 1000+ SF.

⁴ New use to support economic development. The following associated definition will be added to Article 1: Workshop, studio and/or retail spaces for artisans, craftspeople, and small-scale makers to work in an individual or collaborative setting, including training and educational programming; such spaces may include, but are not limited to, wood and metal working tools, digital media, laser cutters, 3-D printers, electronics, robotics, sewing machines, etc.

⁵ New use to support economic development. The following associated definition will be added to Article 1: Any establishment where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dining and entertainment activities typically found in association with banquets or receptions.

⁶ New use to support economic development. The following associated definition will be added to Article 1: A food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products that includes related services such as on-site consumption, delivery, small-scale distribution, as well as additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services.

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(B-1)

25. Convenience Store.
26. Craftbeer/Tap Room.
27. Credit Unions.
28. Dance Studios.
29. Delicatessen.
30. Dry Cleaners.
31. Farmer's Market.⁷
32. Florist.
33. Gift, Stationary, and Card Shops.
34. Grocery Store.
35. Home Decorating Center and Interior Design Services.
36. Home Furnishings Store.⁸
37. Home Health Care Services.
38. Home Occupation.
39. Hotels.
40. Individual and Family Consulting Services.
41. Insurance Agencies.
42. Jewelry Stores.
43. Law Offices.
44. Marinas, Public or Private.
45. Medical and Dental Offices.
46. Microbrewery.⁹
47. Microbrewery/Restaurant.
48. Micro-Cidery.¹⁰

⁷ New use for economic development. The following associated definition will be added to Article 1: Farmer's market. Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor.

⁸ New use for economic development. The following definition will be added to Article 1: Retail establishments, completely enclosed within a building, engaged in display and retail sales of home furnishings and accessible to the general public from the premises. This use may include incidental stocking of goods but shall not include warehousing, wholesale, distribution, auction houses, second-hand stores, or thrift stores.

⁹ Eliminating conditional use permit requirement for microbrewery, micro-cidery, micro-winery to support economic development.

¹⁰ Eliminating conditional use permit requirement for microbrewery, micro-cidery, micro-winery to support economic development.

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(B-1)

49. Micro-Distillery.¹¹
50. Micro-Winery.¹²
51. Motion Pictures Theaters, excluding drive-in theaters and adult uses.
52. Multi-family dwellings, with Conditional Use Permit.
53. Municipal and Government Agencies and Offices.
54. Municipal and Private Utilities.
55. Museums.
56. Music Stores.
57. Offices, including business, professional and administrative.
58. Off-street parking is not required in this district.
59. Parking Decks and Garages, Public.
60. Performing Arts Center.
61. Pet Shops.
62. Pet Shops with incidental Boarding Kennel, with Conditional Use Permit.
63. Pharmacy.
64. Philanthropic and charitable institutions.
65. Photographic Studios.
66. Post Office
67. Print Shops.
68. Public Libraries.
69. Public Open Spaces and Uses owned and operated by a governmental agency
70. ¹³Real Estate Agencies.
71. Recreation and Fitness Centers.
72. Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
73. Restaurants, consumer.
74. Schools, public or private with Conditional Use Permit.
75. Security Brokers and Dealers.

¹¹ Eliminating conditional use permit requirement for microbrewery, micro-cidery, micro-winery to support economic development.

¹² Eliminating conditional use permit requirement for microbrewery, micro-cidery, micro-winery to support economic development.

¹³ Deleted as duplicate of item above.

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(B-1)

76. Sporting Goods.
77. Tailor Shops.
78. Tanning Salons.
79. Tax preparation services.
80. Title Abstract and Insurance Offices.
81. Townhouses, with Conditional Use Permit.
82. Toys, Games, and Crafts.
83. Upholstery shops.
84. Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:¹⁴

1. When permitted by Conditional Use Permit under Section A. above, area and density requirements shall be set as a condition of approval of the Conditional Use Permit.
2. All other uses – None.

C. LOT WIDTH REGULATIONS.

None.

D. SETBACK REGULATIONS.¹⁵

1. Minimum front setback: From any street right-of-way or alley: None.
2. Maximum front setback: No building wall shall be setback more than the average of the two (2) adjacent structures on either side or more than 18 feet from the back of curb of the street, not including alleys, whichever is less.
 - a. Up to 33 percent of a building's frontage may be exempt from this requirement when a park, courtyard, or similar common open space is provided adjacent to the street.

E. YARD REGULATIONS.

1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

¹⁴ Changes to this section are proposed to eliminate conflict with state code, which states that conditional use permits may not be required for residential uses that meet minimum density requirements. Eliminating minimum density requirements for residential uses addresses this conflict.

¹⁵ Addition of maximum setbacks is a best practice to maintain a pedestrian-oriented street wall. The proposed distance allows for sidewalks with space for curb-side dining.

F. HEIGHT REGULATIONS.¹⁶

1. Maximum building height shall be fifty eight (58) feet from grade or four stories, whichever is less, unless otherwise approved by Conditional Use Permit.
2. Church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES.

1. Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.
2. All uses on private property shall be conducted entirely within an enclosed building with no outdoor storage with the following exceptions:
 - a. Farmer's Market;
 - b. Restaurant with outdoor dining;
 - c. Pet runs or exercise areas;
 - d. Educational, cultural, and recreation areas;
 - e. Temporary events; or,
 - f. With approval of a Conditional Use Permit by City Council.

H. CERTIFICATE OF APPROPRIATENESS REQUIRED.¹⁷

1. A certificate of appropriateness shall be required for all changes in the B-1 district in accordance with Article XXIII, Historic Preservation, except as otherwise provided herein.

The following guidelines shall be considered by the Architectural Review Board (ARB) in approving or denying any application for a Certificate of Appropriateness in addition to the criteria set forth in Article XXIII and the guidelines set forth in the Downtown Master Plan, as amended.

- a. The rehabilitation of any existing historic structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation .
- b. New development and alterations shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape), and materials with existing structures in the Downtown. The intent of this is to ensure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude

¹⁶ Reduction in maximum height from 125 to 58 feet from grade, which would result in a 4-story building with a 16' retail floor plate. Higher building height permissible with approval of a CUP.

¹⁷ This section combines existing sections H and I.

the use of substitute materials or elements, so long as such materials and elements are similar in appearance, style, detail, design, and durability of historic materials and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan, as amended.

- c. No building exterior (whether front, side, or rear) shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. No portion of a building or structure constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
- d. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety and shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances, such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan, as amended.
- e. Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the ARB. At locations where the existing buildings do not conform, the ARB may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, or other architectural features.

I. STOREFRONTS & WINDOWS.¹⁸

1. Ground-Floor Stories.

- a. Ground-floor building facades adjacent to a public street, not including alleys, shall provide transparent storefront or show windows and doors at a minimum of sixty percent (60%) of the façade that is between two feet and 10 feet above the abutting sidewalk. Elements to count towards the achievement of this minimum include any opening which functions or appears to function to admit light into a building or structure. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.

¹⁸ Addition of transparency requirement consistent with best planning practices to promote public safety, accommodate quality retail space, enhance the window-shopping experience, and provide relief from blank walls. Range commonly varies between 50-75%.

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City Council Public Hearing Draft ARTICLE IX-A. Downtown Central Business District (B-1)

2. Upper Stories.

- a. Transparent windows or glass doors shall comprise a minimum of 30 percent of the building façade above the street-level story adjacent to a public street, not including alleys. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.

3. Transparency.

- a. All ground floor windows of nonresidential uses shall remain transparent and shall not be covered with reflective coating, heavy tint, plastic, or other material that prevents visibility to the interior.
- b. The placement or construction of items that block the visibility through windows from the street and sidewalk, including but not limited to walls, paper products, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented toward the street. Blinds and/or draperies are acceptable but shall be open during regular business hours.¹⁹
- c. Vacant buildings or buildings with an active building permit shall be exempt from the transparency requirement provided that windows are covered in their entirety with plain paper with no tears, stains, symbols, or writing. Alternative window coverings for such buildings may be permitted subject to ARB approval.

J. SIGNAGE.

1. Permitted Signs.²³

- a. Signs permitted for any building shall be limited as follows to encourage architectural compatibility and discourage visual clutter:

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Combined Building Signage, excluding Window and Small Signs ²⁴	50 SF total per building.	3 total signs per building. ²⁵	None.

¹⁹ These requirements are proposed in response to zoning enforcement issues and DDRC request.

²³ This section combines existing sections into a table; table clarifies and modifies existing standards to increase consistency, clarity, and flexibility for sign design.

²⁴ Excluded window signage based on historical practices.

²⁵ Increased from 2 to 3 to allow greater flexibility and consistency with Hopewell Downtown Vision Plan Urban Design Guidelines.

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
b. Flat Wall Sign	1 SF for each 1 linear foot of building width, or portion thereof for a multi-tenant building, facing a street, alley, or parking area; not to exceed 32 SF per sign.	1 per business storefront for each building frontage, or portion thereof, adjoining a street frontage, alley, or parking area.	Shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.
c. Projecting Sign	6 SF per sign face.	1 per business storefront.	Shall provide a minimum of seven (7) feet ²⁶ clearance from the sidewalk; and shall project no more than three (3) feet from the building; and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than seven (7) feet below such cornice line to the sidewalk.
d. Awning and Canopy Sign	0.5 SF for each 1 linear foot of awning or canopy.	1 per awning or canopy	Shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1.5) inches.
e. Window Sign ²⁷	20% of window glass area. ²⁸	N/A	Shall be located in first floor windows, except that upper-floor windows are permitted for separate, upper-floor building tenants. Signs shall be centered within the window unless otherwise approved by the ARB. Permitted sign area may be transferred between first floor windows but shall not exceed 50% of the window area upon which the sign is placed.
f. Freestanding Sign	20 SF	1 per parcel	Shall be set back from any street right-of-way at distance of at least half the height of the sign; Shall comply with Article XVIII.F.10, Development Standards for freestanding signs.

²⁶ Reduced to seven (7) feet per best practices and consistency with City sidewalk ordinance.

²⁷ Removed specific window sign location details to allow greater flexibility as recommended by Frazier Associates. Added provision for doors.

²⁸ Retaining existing 20% window coverage while allowing transfer between windows; Hopewell Downtown Vision Plan Urban Design Guidelines recommend 10%.

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
g. Small Sign, Permanent ²⁹	3 SF	3 per parcel	None.
h. Roof Sign	Not Permitted.		
SF = square feet; ft = feet			

2. **Exempt Signs.** The following signs shall be permitted and shall be exempted from the requirement for Certificate of Appropriateness approval:

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Portable (Sandwich Board) Sign	4 ft in height by 2 ft in width.	1 per business storefront	Shall be placed immediately in front of the associated storefront. If placed on any public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained. All portable signs shall be removed and stored inside when the place of business is closed.
b. Small Sign, Illuminated ³⁰	1.5 SF	1 per business storefront	Shall be located inside the storefront window; may be internally illuminated.
c. Small Sign, Temporary ³¹	1.5 SF	4 per business storefront	Shall be located inside the storefront window.
d. Temporary Banner Sign	16 SF	1 per parcel	Each sign shall be permitted for a period not to exceed 10 consecutive days. Each parcel shall be permitted a maximum of three (3) temporary signs per calendar year.
e. Flag	8 SF	1 per business storefront	If placed adjacent to a public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained.

²⁹ Added to allow directional, menu, and other small signs.

³⁰ Added to allow small illuminated signs, such as "OPEN" and hours of operation signs.

³¹ Added to allow small paper signs for menus, store hours, special events, etc.

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3. Sign Placement and Design.³²

- a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.³³
- b. All signs shall be professionally printed, readable, and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan, as amended.
- c. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building and shall be counted toward the overall sign area.
- d. Any sign located within 15 inches of a window shall be counted toward the permissible window sign area, whether or not such sign is permanently affixed to the window.³⁴

4. Materials.³⁵

- a. Sign materials shall consist of wood, metal, medium density overlay (MDO) signboard, glass, gold leaf, or raised individual metal or wood letters. Alternative materials may be permitted subject to ARB approval provided that plastic, reflective material, or unfinished surfaces shall not be permitted.³⁶
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall consist of flat decals attached to the window and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

5. Color.³⁷

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the ARB.

³² Retained from existing ordinance.

³³ Addition of doors and windows per best practices.

³⁴ Removed specific window sign location details to allow greater flexibility as recommended by Frazier Associates. Added provision for doors.

³⁵ Retained from existing ordinance except as noted below.

³⁶ Expanded to allow for medium density overlay (MDO) signboard as a modern sign material that can mimic traditional materials.

³⁷ Retained from existing ordinance.

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City Council Public Hearing Draft ARTICLE IX-A. Downtown Central Business District (B-1)

6. **Illumination.**³⁸

- a. Sign illumination shall be indirect and consist of reverse lit channel “halo” letters or a full cut-off or directionally shielded light source. Illumination shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.
- b. Internally-illuminated signs shall not be permitted in the district, except as specifically provided in this Article.
- c. Sign illumination shall be fixed and shall not have blinking, flashing, fluttering lights, or any other illumination that has a changing light intensity, brightness, or color.
- d. Light color temperature for sign illumination shall not exceed 3000 Kelvin unless otherwise approved by the ARB.³⁹

7. **Buildings with Multiple Tenants.**⁴⁰

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants may be identified at each primary entrance by a flat, wall-mounted directory sign. Such sign shall be counted toward the total permitted wall sign area for the property.

K. Public Art.⁴¹

1. Murals and public art located on private property shall be compatible with the district character and subject to approval of the ARB.
2. Murals shall not include trademarks or service marks associated with a business, profession, trade, occupation, or calling.⁴²
3. Locations for seasonal or other semi-permanent window murals shall be subject to approval of the ARB. Any such approval shall identify conditions of approval, including but not limited to the location, size, and duration of the approval.⁴³

L. AWNINGS AND CANOPIES.⁴⁴

1. **Types.**

- a. Standard slope fabric awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or curved fabric awnings may be used on non-historical buildings.

2. **Design and Placement.**

³⁸ Added additional clarification on illumination to prohibit blinking, flashing, or overly-illuminated signage.

³⁹ This replaces the incandescent light requirement based on temperature

⁴⁰ Retained from existing ordinance with added clarification that multi-tenant signage shall count toward combined permissible total.

⁴¹ Relocated to standalone section with additional requirements.

⁴² New addition to mural requirements.

⁴³ New addition to mural requirements.

⁴⁴ Retained from existing ordinance.

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- a. Awnings shall be placed within the storefront, porch, door, or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees, or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic awnings shall not be permitted in the district.
- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors or stripes may be used if compatible with building colors.
- g. No awning or canopy, whether or not it contains any awning or canopy sign, shall be illuminated by internal or integral means or by outlining its extremities.

M. B-1 Development Standards.⁴⁵

Site improvements shall be subject to the requirements of Article XVIII, Development Standards, and this section. The requirements of this section may be modified through approval of a Modification to Development Standards pursuant to Article XVIII.G.

1. Useable open space.

On development sites equal to or larger than 0.25 acres, a useable open space ratio of not less than 0.1 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses. The useable open space ratio shall be defined as the total square foot amount of usable open space on a lot for each square foot of floor area on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area. For the purpose of this section, useable open space shall be that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces, or patios.

2. Fences and Walls.⁴⁶

- a. Fence and wall design shall take cues from nearby existing historic designs and the aesthetic of the streetscape. Typical materials include brick, black powder-coated metal, and wood.
- b. The structural members of any fence shall face inward to the property being fenced. Fences where the structural members are an integral part of an overall design, and where both sides of the proposed fence are identical, are appropriate.

⁴⁵ This is a new section to provide additional requirements and guidelines for various site improvements where provisions in the design guidelines or development standards are lacking.

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(B-1)

- c. Chain link, vinyl, split rail, or unpainted pressure-treated wood fences, or walls of concrete block or horizontal wood landscaping timbers where visible from public rights-of-way, are not permitted.

3. **Lighting.**

- a. Lighting fixtures should be understated and compatible with the quality of the surrounding area and the building.
- b. Site and parking lot lighting shall utilize the standard Hopewell Downtown lantern-style light fixture.
- c. Site and building lighting shall be of an incandescent color temperature of 3000 Kelvins or less.
- d. Illumination from any light fixtures shall be fixed with no changes in light color or intensity.
- e. The ARB may approve architectural and landscape lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is secondary. Architectural lighting shall not exceed 450 Lumens (equivalent to 40 W incandescent) and shall be exempt from full-cutoff requirements under Article XVIII.D.2.f lighting standards.
- f. Seasonal lighting during the months of November, December, and January, shall not require ARB review, provided the lighting is fixed with no changes in light color or intensity and does not create unsafe glare on street rights-of-way.
- g. String lighting shall be permitted for outside dining and recreation areas subject to ARB approval and shall be exempt from full-cutoff requirements. String lighting shall consist of individual globe-style bulbs and shall not be of a tube or rope lighting style.

4. **Off-street Parking.**

- a. Parking areas within the B-1 district shall be exempt from the vehicle overhang requirements of Article XVIII.E.3.f, provided that a landscaping buffer or minimum four (4) foot high masonry wall and concrete wheelstop, curb, or other barrier are provided.⁴⁷
- b. Surface parking lots shall be designed to be located behind the mass of the building in order to screen parking from view of the public street to the extent practicable.
- c. Where off-street parking is visible from a street right-of-way, the off-street parking shall be fully screened within an enclosed courtyard, landscaped hedge, or by a masonry wall or decorative fence no less than four (4) feet in height, and supplemented by landscaping.

5. **Sidewalks**

- a. Public sidewalks shall be provided along public street frontage adjacent to any new development or redevelopment.
- b. Sidewalks shall conform to the applicable design guidelines for the street according to the Downtown Master Plan, as amended, East Poythress Streetscape Design Guide, or other design guidelines as may be approved by the City. When not specified in the applicable design

⁴⁷ The existing ordinance requires a 4' setback from property, wall, sidewalk, vegetation other than ground cover, or any other obstruction. This proposed provision exempts this requirement where appropriate mitigation is provided in recognition of area and design limitations in the B-1 district.

guidelines, sidewalks shall have a minimum width of 10 feet, including street tree planting areas, unless otherwise determined by the Director of Development.



Editor's Note: This article is proposed to be amended to add the definitions identified below.

ARTISAN WORKSHOP: Workshop, studio, and/or retail spaces for artisans, craftspeople, and small-scale makers to work in an individual or collaborative setting, including training and educational programming; such spaces may include, but are not limited to, wood and metal working tools, digital media, laser cutters, 3-D printers, electronics, robotics, sewing machines, etc.

ASSEMBLY HALL: Any establishment where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dining and entertainment activities typically found in association with banquets or receptions.

COMMERCIAL KITCHEN, SHARED: A food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products that includes related services such as on-site consumption, delivery, small-scale distribution, as well as additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services.

FARMER'S MARKET: Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor.

FLAG: A piece of flexible material which communicates via distinctive color and/or design and is flown from a pole.

HOME FURNISHINGS STORE: Retail establishments, completely enclosed within a building, engaged in display and retail sales of home furnishings and accessible to the general public from the premises. This use may include incidental stocking of goods but shall not include warehousing, wholesale, distribution, auction houses, second-hand stores, or thrift stores.

SIGN, SMALL ILLUMINATED: A small sign that is internally illuminated in which the message is stationary and does not fluctuate in size or brightness. Common examples include operating hours and "Open" signs.

SIGN, SMALL PERMANENT: A small sign permanently affixed to the building, ground, or other structure. Common examples include directional signs and menu displays.

SIGN, SMALL TEMPORARY: A small sign intended for a limited duration. Common examples include special events, sales, and promotional flyers.

Ordinance NO: _____

First Reading: March 12, 2024

Second Reading: March 26, 2024

Enacted: March 26, 2024

Effective: June 1, 2024

Re: An Ordinance by the City of Hopewell City Council Adopting Zoning Text Amendments for Historic Preservation and Economic Development in the B-1 and TH-1 Zoning District

Whereas, the City Council recognizes that the review and update of the zoning ordinance is a best practice to ensure the code addresses community health, safety, and welfare and remains in compliance with state and federal laws and regulations; and,

Whereas, the Planning Commission initiated a zoning ordinance amendment on March 7, 2024, to consider text changes to promote historic preservation, economic development, and planning best practices; and,

Whereas, the proposed amendments attached herein would provide changes to Article I (Definitions), Article IX (Central Business B-1), and Article XIV-B (Tourist/Historic District) and would create a new Article XXIII (Historic Preservation);

Whereas, the Planning Commission held a public hearing on March 7, 2024, to hear public comment on the proposed amendments after full compliance with Code of Virginia public hearing notice requirements and **RECOMMENDS APPROVAL**; and,

Whereas, the City Council has heard from City staff and the public with regards to the zoning text amendments; and,

Whereas, the City Council held a public hearing on March 26, 2024, to hear public comment on the proposed amendments after full compliance with Code of Virginia public hearing notice requirements; and,

Whereas, upon careful consideration, the City Council finds that approval of the proposed zoning text amendments is justified by public necessity and convenience, promotes the health, safety, and welfare of the public, and is consistent with reasonable zoning and economic development practices, and state and federal law.

Now, Therefore, Be it Ordained, that the City Council does hereby **RECOMMEND APPROVAL** this 26th day of March, 2024, with an effective date of June 1, 2024.

Be It Further Ordained, that the City Council does hereby authorize staff to make non-substantive edits to correct grammatical and typographical errors, correct internal cross-references; correct citations to any statutes, ordinances, regulations, and other documents identified in the ordinance; provided, however, that staff shall not make any substantial change, alteration, amendment, deletion, or addition of a substantive nature that has not expressly been approved by City Council.

Mayor Johnny Partin, Ward 3

Ordinance NO: _____

First Reading: March 12, 2024

Second Reading: March 26, 2024

Enacted: March 26, 2024

Effective: June 1, 2024

Attest:

Brittani Williams, City Clerk

MOTION:

SECOND:

RECORDED VOTE:

Ayes:

Nays:

Absent:

Abstain:

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 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.

ARTICLE I: DEFINITIONS

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 DAY CARE CENTER : A facility which provides supplementary care and protection during a part of the day only to four or more aged, infirmed or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Virginia State Board of Health or Department of Behavioral Health and Developmental Services.
12. 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.
13. 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.
14. 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
15. 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.

ARTICLE I: DEFINITIONS

16. **AGRICULTURE:** The tilling of the soil, the raising of crops, the practicing of horticulture, forestry and gardening, including the keeping of animals and fowl.
17. **AIRPORT:** A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.
18. **ALLEY:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
19. **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.
20. **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.
21. **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.
22. **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
23. **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.
24. **APARTMENTS:** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.
25. **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
26. **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.
27. **ARCHITECT:** A person who, by reason of his/her knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design,

ARTICLE I: DEFINITIONS

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.

28. 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.
- ~~29.~~ 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.~~30. ARTISAN WORKSHOP: Workshop, studio and/or retail spaces for artisans, craftspeople, and small-scale makers to work in an individual or collaborative setting, including training and educational programming; such spaces may include, but are not limited to, wood and metal working tools, digital media, laser cutters, 3-D printers, electronics, robotics, sewing machines, etc.
- ~~31.~~ ASSEMBLY HALL: Any establishment where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dining and entertainment activities typically found in association with banquets or receptions.
- ~~30.~~32. ASSEMBLY PLANT: A structure used for the fitting together of parts or components to form a complete unit.
- ~~31.~~33. 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.
- ~~32.~~34. 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.
- ~~33.~~35. 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.
- ~~34.~~36. AUTOMOBILE RENTAL AGENCIES: Rental of automobiles, light trucks, and vans, including incidental parking of vehicles for rent or lease.
- ~~35.~~37. 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,

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car alarms, stereo equipment, or cellular telephones. This does not include body and fender shops, paint and welding services.

- ~~36.~~38. **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.
- ~~37.~~39. **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.
- ~~38.~~40. **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.
- ~~39.~~41. **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.
- ~~40.~~42. **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.
- ~~41.~~43. **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.
- ~~42.~~44. **BLACKSMITH SHOP:** A building usually equipped with a forge, used for the shaping and repair of iron and other metals.
- ~~43.~~45. **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.
- ~~44.~~46. **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.
- ~~45.~~47. **BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen persons.
- ~~46.~~48. **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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- 47.49. 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.
- 48.50. 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.
- 49.51. 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.
- 50.52. 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.
- 51.53. BUILDING INSPECTOR: An appointed official of the City of Hopewell, Virginia, who is responsible for certifying building inspections.
- 52.54. 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.
- 53.55. 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.
- 54.56. 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.
- 55.57. 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.
- 56.58. 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.
- 57.59. 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.
- 58.60. 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.

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- 59-61. 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.
- 60-62. 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.
- 61-63. CANNERY: A structure used for the processing and canning of foods.
- 62-64. 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.
- 63-65. 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.
- 64-66. 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.
- 65-67. 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.
- 66-68. 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.
- 67-69. 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.
- 68-70. 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.
- 69-71. CIRCUIT COURT: The circuit court for the City of Hopewell, Virginia.
- 70-72. 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.

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- ~~71-73.~~ **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.
- ~~72-74.~~ **COFFEE SHOP:** An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
- ~~73-75.~~ **COMMERCIAL:** Any wholesale, retail or service business activity established to carry on trade for a profit.
- ~~76.~~ **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.
- ~~77.~~ **COMMERCIAL KITCHEN, SHARED:** A food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products that includes related services such as on-site consumption, delivery, small-scale distribution, as well as additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services.
- ~~74.~~ —
- ~~75-78.~~ **COMMISSION, THE:** The Planning Commission of Hopewell, Virginia.
- ~~76-79.~~ **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.
- ~~77-80.~~ **COMMUNITY GARDENS:** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
- ~~78-81.~~ **COMPREHENSIVE PLAN:** The Comprehensive Plan for Hopewell, Virginia.
- ~~79-82.~~ **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.
- ~~80-83.~~ **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.
- ~~81-84.~~ **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

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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.

- ~~82~~.85. **CONCRETE WORKS:** A structure or area used for the manufacture of concrete and concrete products.
- ~~83~~.86. **CONDOMINIUM:** Ownership of single units of a multiple-unit structure with common elements.
- ~~84~~.87. **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.
- ~~85~~.88. **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.
- ~~86~~.89. **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.
- ~~87~~.90. **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.
- ~~88~~.91. **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.
- ~~89~~.92. **DAIRY:** A commercial establishment for the manufacture, processing, and/or sale of dairy products.
- ~~90~~.93. **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.
- ~~91~~.94. **DANCE STUDIOS:** A school where classes in dance are taught to four persons or more at a time.

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- ~~92-95.~~ 93-95. 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.
- ~~93-96.~~ 94-96. 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.
- ~~94-97.~~ 95-97. 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.
- ~~95-98.~~ 96-98. 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.
- ~~96-99.~~ 97-99. 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.
- ~~97-100.~~ 98-100. 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.
- ~~98-101.~~ 99-101. 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.
- ~~99-102.~~ 100-102. DWELLING, TWO-FAMILY (DUPLEX): A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- ~~100-103.~~ 101-103. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- ~~101-104.~~ 102-104. DWELLING, SINGLE-FAMILY: A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.
- ~~102-105.~~ 103-105. EQUIPMENT, PENTHOUSE: A structure on the roof of a building containing necessary mechanical equipment, elevator equipment and/or stairways.
- ~~103-106.~~ 104-106. 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.
- ~~104-107.~~ 105-107. 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

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together as a single nonprofit housekeeping unit in a dwelling or dwelling unit;
(4) residential are home.

108. **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 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.

109. **FARMER'S MARKET: Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor.**

~~105-~~110. **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-~~111. **FIRE & RESCUE SQUAD STATIONS:** A government facility that houses fire and rescue personnel and equipment.

112. **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.

113. **FLAG: A piece of flexible material which communicates via distinctive color and/or design and is flown from a pole.**

~~107-~~114. **FLOOD:** A general and temporary inundation of normally dry land areas.

~~108-~~115. **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).

~~109-~~116. **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.

~~110-~~117. **FLOOD-PRONE AREA:** Any land area susceptible to being inundated by water from any source.

~~111-~~118. **FLOODWAY:** The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purpose of this

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ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

- ~~112.119.~~ 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.
- ~~113.120.~~ 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.
- ~~114.121.~~ FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.
- ~~115.122.~~ GARAGE APARTMENT: A second subsidiary dwelling unit located in an accessory building.
- ~~116.123.~~ 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.
- ~~117.124.~~ GARAGE, PARKING: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.
- ~~118.125.~~ 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.
- ~~119.126.~~ 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.
- ~~120.127.~~ 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.
- ~~121.128.~~ 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.
- ~~122.129.~~ 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.
- ~~123.130.~~ 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.

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- ~~124.~~131. GOVERNING BODY: The City Council of the City of Hopewell, Virginia.
- ~~125.~~132. 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.
- ~~126.~~133. 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 handicapped, whether it is one (1) dwelling or a series of dwelling units in one (1) structure.
- ~~127.~~134. HEALTH OFFICIAL: The legally-designated health authority of the Department of Health, Commonwealth of Virginia, for the City of Hopewell, or his authorized representative.
- ~~128.~~135. 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.
- ~~129.~~136. 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, and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state or federal government agency.
137. 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.
- ~~130.~~138. HOME FURNISHINGS STORE: Retail establishments, completely enclosed within a building, engaged in display and retail sales of home furnishings and accessible to the general public from the premises. This use may include incidental stocking of goods but shall not include warehousing, wholesale, distribution, auction houses, second-hand stores, or thrift stores.
- ~~131.~~139. HOME HEALTH CARE SERVICES: An office establishment that schedules nurses and practitioners to make visits to patients that call in for health care services.

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- ~~132.~~140. **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.
- ~~133.~~141. **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.)
- ~~134.~~142. **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.
- ~~135.~~143. **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.
- ~~136.~~144. **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, ballroom, the sale of incidental items, etc.
- ~~137.~~145. **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.

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- ~~138~~.~~146~~. INSURANCE AGENCY: An office establishment that sells, advises persons on insurance whether for home, rental, automobiles, businesses, etc.
- ~~139~~.~~147~~. 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.
- ~~140~~.~~148~~. JEWELRY SALES AND REPAIR: A retail establishment that sells jewelry and, repair jewelry, within an enclosed building. This does not include a pawn shop.
- ~~141~~.~~149~~. 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.
- ~~142~~.~~150~~. 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.
- ~~143~~.~~151~~. 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.
- ~~144~~.~~152~~. 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.
- ~~145~~.~~153~~. 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.
- ~~146~~.~~154~~. 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, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication plants.
- ~~147~~.~~155~~. 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, 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.

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- ~~148.~~156. 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.
- ~~149.~~157. 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.
- ~~150.~~158. 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.
- ~~151.~~159. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- ~~152.~~160. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- ~~153.~~161. LOT, INTERIOR: Any lot other than a corner lot.
- ~~154.~~162. LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.
- ~~155.~~163. LOT OF RECORD: A lot, a plat, or description of such which has been recorded in the clerk's office of the circuit court.
- ~~156.~~164. 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.
- ~~157.~~165. MANUFACTURED HOME PARK/SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.
- ~~158.~~166. 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
- ~~159.~~167. 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.
- ~~160.~~168. 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
- ~~161.~~169. MASTER PLAN: A long-term, general outline for projected development.

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- ~~162~~.170. MARQUEE: A roof-like structure or awning projecting over an entrance, for example, a theater.
- ~~163~~.171. 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.
- ~~164~~.172. MANUFACTURED HOME LOT: Any area or tract of land used by design to accommodate one (1) manufactured home.
- ~~165~~.173. 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.
- ~~166~~.174. MEDICAL WASTE: Waste produced as a routine result of medical or veterinary treatment, excluding any radioactive material.
- ~~167~~.175. 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.
- ~~168~~.176. 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.
- ~~169~~.177. 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.
- ~~170~~.178. MIXED USE/STRUCTURE: A building containing a combination of two or more uses different principal uses.

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- ~~171.~~179. 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.
- ~~172.~~180. MONUMENTAL STONE WORKS: a facility that processes stone to be used for various uses for consumers.
- ~~173.~~181. 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.
- ~~174.~~182. 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.
- ~~175.~~183. 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.
- ~~176.~~184. 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.
- ~~177.~~185. 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.
- ~~178.~~186. MUSIC STORE: An establishment set aside for the sell of musical instruments, disco jock equipment, speakers, sheet music, accessory equipment, lessons and music software.
- ~~179.~~187. 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.
- ~~180.~~188. NEWSPAPER OF GENERAL CIRCULATION: A publication published at least on a weekly basis and printed in the language most commonly spoken in

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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.

- ~~181.~~189. NIGHT CLUB: See “Dance Hall”
- ~~182.~~190. 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.
- ~~183.~~191. 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.
- ~~184.~~192. 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.
- ~~185.~~193. 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.
- ~~186.~~194. 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,
- ~~187.~~195. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.
- ~~188.~~196. 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.
- ~~189.~~197. 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.
- ~~190.~~198. 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

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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".

- ~~191.199.~~ 191.199. 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 prices. 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.
- ~~192.200.~~ 192.200. 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.
- ~~193.201.~~ 193.201. PERFORMING ARTS CENTER: A facility used to view and practice the performing arts such as dance, acting, and music.
- ~~194.202.~~ 194.202. 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.
- ~~195.203.~~ 195.203. PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, personal hygiene items and related supplies
- ~~196.204.~~ 196.204. 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.
- ~~197.205.~~ 197.205. PHOTOGRAPHIC STUDIO: A building used exclusively by a professional photographer to take photos for persons for a fee.
- ~~198.206.~~ 198.206. 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

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areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.

- ~~199.207.~~ 200.207. **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.
- ~~200.208.~~ 201.208. **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.
- ~~201.209.~~ 202.209. **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.
- ~~202.210.~~ 203.210. **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.
- ~~203.211.~~ 204.211. **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.
- ~~204.212.~~ 205.212. **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.
- ~~205.213.~~ 206.213. **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.
- ~~206.214.~~ 207.214. **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.
- ~~207.215.~~ 208.215. **PUBLIC PARK :** A publically owned recreational area with play apparatus and/or fields.
- ~~208.216.~~ 209.216. **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.
- ~~209.217.~~ 210.217. **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

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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.

- ~~210.~~218. 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.
- ~~211.~~219. REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.
- ~~212.~~220. RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.
- ~~213.~~221. 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.
- ~~214.~~222. 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.
- ~~215.~~223. REZONING: A request to City Council to change the zoning of land from one zoning district to a different zoning district.
- ~~216.~~224. 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.
- ~~217.~~225. SAWMILL: A sawmill, located on public or private property, for the processing of timber.
- ~~218.~~226. SAWMILL, PORTABLE: A portable sawmill for cutting timber grown primarily on the premises.
- ~~219.~~227. 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.
- ~~220.~~228. 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.
- ~~221.~~229. 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.

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- 222-230. SECURITY BROKERS AND DEALERS: An office facility whose function is to provide clients with security services. Detective services may also be provided.
- 223-231. SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet temporary storage needs.
- 224-232. SETBACK: The minimum distance by which any building or structure must be separated from the front, side or rear lot line.
- 225-233. 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.
- 226-234. 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.
- 227-235. SITE TRIANGLE: The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines.
- 228-236. 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.
- 229-237. 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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- 230.238. 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.
- 231.239. SIGN, BUSINESS: A sign which directs attention to a product, commodity or service available on the premises.
- 232.240. 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.
- 233.241. SIGN, FREESTANDING: Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.
- 234.242. 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.
- 235.243. 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.
- 236.244. 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.
- 237.245. SIGN MAINTENANCE: The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the reprinting of existing copy without changing the wording.
- 238.246. 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.
- 239.247. 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.
- 240.248. SIGN, ROOF: A sign erected on the roof of a structure.
249. 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.

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250. SIGN, SMALL ILLUMINATED: A small sign that is internally illuminated in which the message is stationary and does not fluctuate in size or brightness. Common examples include operating hours and “Open” signs.
251. SIGN, SMALL PERMANENT: A small sign permanently affixed to the building, ground, or other structure. Common examples include directional signs and menu displays.
252. SIGN, SMALL TEMPORARY: A small sign intended for a limited duration. Common examples include special events, sales, and promotional flyers.
- 241.253. 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.
- 242.254. 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.
- 243.255. 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.
- 244.256. SITE AREA: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.
- 245.257. 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.
- 246.258. 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.
- 247.259. SPORTING GOODS: The sale of goods, equipment, and uniforms used during sports activities.
- 248.260. 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.
- 249.261. 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.
- 250.262. 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

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top floor level, and in which space not more than two thirds (2/3) of the floor area is finished for use.

~~251.263.~~ 251.263. STREET, ROAD: A public thoroughfare.

~~252.264.~~ 252.264. STREET LINE: The dividing line between a street or road right of way and the contiguous property.

~~253.265.~~ 253.265. 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.

~~254.266.~~ 254.266. 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.

~~255.267.~~ 255.267. 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.

~~256.268.~~ 256.268. 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.

~~257.269.~~ 257.269. TAX PREPARATION SERVICES: An office use that primarily provides tax preparation and may provide book keeping services.

~~258.270.~~ 258.270. TAXICAB BUSINESS: A service that offers transportation by means of any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, no operation on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier or nonemergency medical transportation carrier as defined by the Code of Virginia.

~~259.271.~~ 259.271. 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.

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- ~~260-272.~~ 260-272. 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.
- ~~261-273.~~ 261-273. 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.
- ~~262-274.~~ 262-274. 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.
- ~~263-275.~~ 263-275. TRAVEL TRAILER PARK - TRAVEL TRAILER CAMP: Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.
- ~~264-276.~~ 264-276. TRUCK CAMPER: A portable structure designed to be loaded or fixed to the bed or chassis of a truck.
- ~~265-277.~~ 265-277. UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.
- ~~266-278.~~ 266-278. 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.
- ~~267-279.~~ 267-279. 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.
- ~~268-280.~~ 268-280. 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,

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CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses. This does not include adult video establishments.

~~269-281.~~ 281. **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.

~~270-282.~~ 282. **WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET:** Any structure or land used for the sale of agricultural or marine produce.

~~271-283.~~ 283. **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.

~~272-284.~~ 284. **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.

~~273-285.~~ 285. **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.

~~274-286.~~ 286. **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.

~~275-287.~~ 287. **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.

~~276-288.~~ 288. **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.

~~277-289.~~ 289. **ZERO LOT LINE:** A common lot line on which a wall of a structure may be constructed.

ARTICLE IX-A. – Downtown Central Business District (B-1)

STATEMENT OF INTENT

The ~~district~~ Central Business District is intended to provide an urban mix of retail, office, service, hotel, residential, and civic functions for the city's historic downtown business core. The location of the district requires that uses be compatible with nearby residential housing and with the area generally. -The district is intended to be a predominantly pedestrian area with shops and storefronts close to the streetroad, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained by promoting cultural heritage, preserving historic structures, and ensuring any exterior construction, alteration, or site improvements are sensitive to the architectural character of the district. The core of the downtown district should exude the vitality of the interaction of people and activities.

This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by constant heavy truck traffic, other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noise from the congregation of people, passenger vehicles, business offices, newspaper offices, retail stores, and restaurants.

A. USE REGULATIONS.

Structures to be erected and land to be used shall be only for the following uses:

1. Accessory Uses and Structures.
- ~~1-2.~~ Accounting Services.
- ~~2-3.~~ Advertising and Public Relations Agencies.
- ~~3-4.~~ Antiques.
- ~~4-5.~~ Apartments on the first floor of mixed-use buildings with ~~a~~ Conditional Use Permit.
- ~~5-6.~~ Apartments on second and subsequent floors of commercial and office buildings/uses containing a minimum an average unit size of nine hundred (900) seven hundred (700) gross square feet or greater.
- ~~6-7.~~ Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) seven hundred (700) gross square feet, with a Conditional Use Permit.
- ~~7-8.~~ Appliance Stores.
- ~~8-9.~~ Architectural and Engineering Services.
10. Art Galleries, Framing and Supplies.
- ~~9-11.~~ Artisan Workshop.
12. Assembly Hall with Conditional Use Permit.

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- ~~10-13.~~ Bakeries.
- ~~11-14.~~ Barber and Beauty Shops.
- ~~12-15.~~ Bed and Breakfast Establishments.
- ~~13-16.~~ Bookstores, except Adult bookstores.
- ~~14-17.~~ Camera and Photo Supply Stores.
- ~~15-18.~~ Casual and Formal Apparel Stores.
- ~~16-19.~~ Child Care Services.
- ~~17-20.~~ Churches.
- ~~18-21.~~ Coffee Shops.
- ~~19-22.~~ Commercial Banks and Financial Institutions, not to include check cashing establishments.
- ~~20-24.~~ Computer Sales and Service.
- ~~21-25.~~ Convenience Store.
- ~~22-26.~~ Craftbeer/Tap Room.
- ~~23-27.~~ Credit Unions.
- ~~24-28.~~ Dance Studios.
- ~~25-29.~~ Delicatessen.
- ~~26-30.~~ Dry Cleaners.
- ~~27-32.~~ Florist.
- ~~28-33.~~ Gift, Stationary, and Card Shops.
- ~~29-34.~~ Grocery Store.
- ~~30-36.~~ Home Furnishings Store.
- ~~31-38.~~ Home Occupation.
- ~~32-39.~~ Hotels.
- ~~33-40.~~ Individual and Family Consulting Services.
- ~~34-41.~~ Insurance Agencies.
- ~~35-42.~~ Jewelry Stores.
- ~~36-43.~~ Law Offices.

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- ~~37.44.~~ _____ Marinas, Public or Private.
- ~~38.45.~~ _____ Medical and Dental Offices.
- ~~39.46.~~ _____ Microbrewery, ~~with Conditional Use Permit~~
- ~~40.47.~~ _____ Microbrewery/Restaurant.
- ~~41.48.~~ _____ Micro-Cidery, ~~with Conditional Use Permit~~
- ~~42.49.~~ _____ Micro-Distillery, ~~with Conditional Use Permit~~
- ~~43.50.~~ _____ Micro-Winery, ~~with Conditional Use Permit~~
- ~~44.51.~~ _____ Motion Pictures ~~and~~ Theaters, excluding drive-in theaters and adult uses.
- ~~45.52.~~ _____ Multi-family dwellings, with Conditional Use Permit.
- ~~46.53.~~ _____ Municipal and Government Agencies and Offices.
- ~~47.54.~~ _____ Municipal and Private Utilities.
- ~~48.55.~~ _____ Museums.
- ~~49.56.~~ _____ Music Stores.
- ~~50.57.~~ _____ Offices, including business, professional and administrative.
- ~~51.58.~~ _____ Off-street parking is not required in this district.
- ~~52.59.~~ _____ Parking Decks and Garages, Public.
- ~~53.60.~~ _____ Performing Arts Center.
- ~~54.61.~~ _____ Pet Shops.
- ~~55.62.~~ _____ Pet Shops with incidental Boarding Kennel, with Conditional Use Permit.
- ~~56.63.~~ _____ Pharmacy.
- ~~57.64.~~ _____ Philanthropic and charitable institutions.
- ~~58.65.~~ _____ Photographic Studios.
- ~~59.66.~~ _____ Post Office
- ~~60.67.~~ _____ Print Shops.
- ~~61.68.~~ _____ Public Libraries.
- ~~62.69.~~ _____ Public Open Spaces and Uses owned and operated by a governmental agency
- ~~63.70.~~ _____ Real Estate Agencies.
- ~~64.71.~~ _____ Recreation and Fitness Centers.
- ~~65.72.~~ _____ Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
- ~~66.73.~~ _____ Restaurants, consumer.
- ~~67.74.~~ _____ Schools, public or private with ~~a~~ Conditional Use Permit.

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- ~~68-75.~~ Security ~~B~~rokers and ~~D~~dealers.
- ~~69-76.~~ Sporting ~~g~~oods.
- ~~70-77.~~ Tailor Shops.
- ~~71-78.~~ Tanning Salons.
- ~~72-79.~~ Tax preparation services.
- ~~73-80.~~ Title Abstract and Insurance Offices.
- ~~74-81.~~ Townhouses, with Conditional Use Permit.
- ~~75-82.~~ Toys, Games, and Crafts.
- ~~76-83.~~ Upholstery shops.
- ~~77-84.~~ Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:

- ~~1. Multi family uses – For permitted multi family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.~~
- ~~2. Group housing for the elderly and handicapped – For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.~~
- 1. 3. Business uses – None. When permitted by Conditional Use Permit under Section A. above, area and density requirements shall be set as a condition of approval of the Conditional Use Permit.
- 2. All other uses – None.

C. LOT WIDTH REGULATIONS.

None.

D. SETBACK REGULATIONS.

- ~~None.~~
- 1. Minimum front setback: From any street right-of-way or alley: None.
- 2. Maximum front setback: No building wall shall be setback more than the average of the two (2) adjacent structures on either side or more than 18 feet from the back of curb of any the street, not including alleys, whichever is less.
 - a. Up to 33 percent of a building's frontage may be exempt from this requirement when a park, courtyard, or similar common open space is provided adjacent to the street.

E. YARD REGULATIONS.

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1. Side: None, except when a use is abutting a residential district, then there shall be a minimum side yard of five (5) feet.
2. Rear: None, except when a use is abutting a residential district, there shall be a minimum rear yard of twenty (20) feet.

F. HEIGHT REGULATIONS.

- ~~1. Buildings may be erected up~~Maximum building height shall be ~~to~~ fifty ~~eight~~five (585) feet from grade ~~or four stories, whichever is less, unless otherwise approved by Conditional Use Permit.~~
- ~~2. except that c~~Church spires, belfries, cupolas, chimneys, flues, flag poles, television antenna, radio aerials, and equipment penthouses are exempt from the provisions of this section.

G. REQUIREMENTS FOR PERMITTED USES.

- ~~1. Before a building permit shall be issued or construction commenced on any permitted use in the district or a permit issued for a new use, all requirements of Article XVI, Site Plan Requirements, shall be met.~~
- ~~2. All uses on private property shall be conducted entirely within an enclosed building with no outdoor storage with the following exceptions:~~
 - ~~a. Farmer's Market;~~
 - ~~b. Restaurant with outdoor dining;~~
 - ~~c. Pet runs or exercise areas;~~
 - ~~d. Educational, cultural, and recreation areas;~~
 - ~~e. Temporary events; or,~~
 - ~~a.f. With approval of a Conditional Use Permit by City Council.~~

H. CERTIFICATE OF APPROPRIATENESS REQUIRED.

~~Architectural review~~A certificate of appropriateness shall be required for all changes in the B-1 district in accordance with Article XXIII, Historic Preservation, except as otherwise provided herein.

~~1.~~

~~The following guidelines shall be considered by the Architectural Review Board (ARB) in approving or denying any application for a Certificate of Appropriateness in addition to the criteria set forth in Article XXIII and the guidelines set forth in the Downtown Master Plan, as amended.~~

~~H. ARCHITECTURAL TREATMENT—REHABILITATION:~~

- ~~a. The rehabilitation of any existing historic structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation, except to the extent specific deviations from such standards are~~

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~~expressly approved by the Downtown Design Review Committee (the "Review Committee") established under Article IX, M hereafter.~~

- ~~b. The rehabilitation of any existing structure within the district that is not located within the National Register Historic Downtown District shall comply with Section I below.~~

~~I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:~~

~~The following guidelines shall be considered by the Review Committee in approving or denying any application for a Certificate of Appropriateness or a building permit in addition to the criteria set forth in Article IX, O hereafter and the guidelines set forth in the Downtown Master Plan adopted by City Council on January 14, 2003.~~

- ~~e.b.~~ New development and alterations shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape), and materials with existing structures in the Downtown. The intent of this is to ensure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of ~~imitation or artificial~~ substitute materials or elements, so long as such materials and elements are similar in appearance, style, detail, design, and durability ~~to the materials found within the downtown of historic materials~~ and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan, as amended.
- ~~d.c.~~ No building exterior (whether front, side, or rear) shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. ~~No portion of a building or structure~~ constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.
- ~~e.d.~~ Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety and shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances, such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan, as amended.

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~~f.e.~~ Architectural treatment of all buildings shall be compatible with buildings located within the same block or directly across any road, as determined by the ~~Review Committee~~ARB. At locations where the existing buildings do not conform, the ~~Review Committee~~ARB may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, or other architectural features.

~~I. BUILDING FENESTRATION~~STOREFRONTS & WINDOWS.

~~1. Ground-Floor Stories.~~

~~a. Ground-floor building facades adjacent to a public street, not including alleys, shall provide transparent storefront or show windows and doors at a minimum of sixty percent (60%) of the façade that is between two feet and 10 feet above the abutting sidewalk. Elements to count towards the achievement of this minimum include any opening which functions or appears to function to admit light into a building or structure. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.~~

~~2. Upper Stories.~~

~~a. Transparent windows or glass doors shall comprise a minimum of 30 percent of the building façade above the floor level of each story above the street-level story adjacent to a public street, not including alleys. This requirement shall not apply where preservation of an historic building would preclude meeting this criterion as determined by the ARB.~~

~~3. Transparency.~~

~~a. All ground floor windows of nonresidential uses shall remain transparent and- shall not be covered with reflective coating, heavy tint, plastic, or other material that prevents visibility to the interior.~~

~~b. The placement or construction of items that block the visibility through windows from the street and sidewalk, including but not limited to walls, paper products, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. Blinds and/or draperies are acceptable but shall be open during regular business hours.~~

~~c. Vacant buildings or buildings with an active building permit shall be exempt from the transparency requirement provided that windows are covered in their entirety with plain paper with no tears, stains, symbols, or writing. Alternative window coverings for such buildings may be permitted subject to ARB approval.~~

J. SIGNAGE.

~~1. Sign Placement.~~

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- ~~a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.¹~~
- ~~b. Flat wall signs shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.~~
- ~~c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.²~~
- ~~d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.~~
- ~~e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.~~

~~e. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches.³~~

~~h. Freestanding signs shall not be permitted in this district.~~

~~i. Roof signs shall not be permitted in this district.~~

1. Sign Dimensional Standards Permitted Signs. Signs permitted for any building shall be limited as follows to encourage architectural compatibility and discourage visual clutter:;

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Average Height of Letters/Symbols Additional Requirements
a. <u>Combined Building Signage, excluding Window and Small Signs</u>	<u>50 SF total per building.</u>	<u>3 total signs per building.</u>	<u>N/A None.</u>
b. <u>Flat Wall Sign</u>	<u>1 SF for each 1 linear foot of building width, or portion thereof for a multi-tenant building, facing a street, alley, or parking area; not to exceed 32 SF per sign.</u>	<u>1 per business storefront for each building frontage, or portion thereof, adjoining a street frontage, alley, or parking area.</u>	<u>Shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations. N/A</u>
c. <u>Projecting Sign</u>	<u>6 SF per sign face.</u>	<u>1 per business storefront.</u>	<u>Shall provide a minimum of seven (7) feet clearance from the sidewalk; and shall project no more than three (3) feet from the building; and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than seven (7) feet below such cornice line to the sidewalk. N/A</u>
d. <u>Awning and Canopy Sign</u>	<u>0.5 SF for each 1 linear foot of awning or canopy.</u>	<u>1 per awning or canopy</u>	<u>Shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1.5) inches.</u>
d.e. <u>Window Sign</u>	<u>20% of window glass area.</u>	<u>N/A</u>	<u>Shall be located in first floor windows, except that upper-floor windows are permitted for separate, upper-floor building tenants. Signs shall be centered within the window unless otherwise approved by the ARB. Permitted sign area may be transferred between first floor windows but shall not exceed 50% of the window area upon which the sign is placed.</u>
f. <u>Freestanding Sign</u>	<u>20 SF</u>	<u>1 per parcel</u>	<u>Shall be set back from any street right-of-way at distance of at least half the height of the sign; Shall comply with Article XVIII.F.10, Development Standards for freestanding signs.</u>

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Average Height of Letters/Symbols Additional Requirements
<u>g. Small Sign, Permanent</u>	<u>3 SF</u>	<u>3 per parcel</u>	<u>None.</u>
<u>h. Roof Sign</u>	<u>Not Permitted.</u>		
<u>SF = square feet; ft = feet</u>			

2. Exempt Signs. The following signs shall be permitted and shall be exempt from the requirement for Certificate of Appropriateness approval:

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
<u>a. Portable (Sandwich Board) Sign</u>	<u>4 ft in height by 2 ft in width.</u>	<u>1 per business storefront</u>	<u>Shall be placed immediately in front of the associated storefront. If placed on any public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained. All portable signs shall be removed and stored inside when the place of business is closed.</u>
<u>b. Small Sign, Illuminated</u>	<u>1.5 SF</u>	<u>1 per business storefront</u>	<u>Shall be located inside the storefront window; may be internally illuminated.</u>
<u>c. Small Sign, Temporary</u>	<u>1.5 SF</u>	<u>4 per business storefront</u>	<u>Shall be located inside the storefront window.</u>
<u>d. Temporary Banner Sign</u>	<u>16 SF</u>	<u>1 per parcel</u>	<u>Each sign shall be permitted for a period not to exceed 10 consecutive days. Each parcel shall be permitted a maximum of three (3) temporary signs per calendar year.</u>
<u>a.e. Flag</u>	<u>8 SF</u>	<u>1 per business storefront</u>	<u>If placed adjacent to a public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained.</u>

2. Sign Size

a. All combined building signage shall not exceed fifty (50) square feet.

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- ~~b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.~~
- ~~c. Projecting signs shall be a maximum of six (6) square feet per sign face.~~
- ~~d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.~~
- ~~e. Window signs shall not obscure more than twenty percent (20%) of the window glass.~~

2.

~~3. Quantity of Permanent Signs~~

~~The number of signs permitted for any building shall be limited as follows to encourage compatibility with the building and discourage visual clutter.~~

- ~~a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.~~
- ~~b. Small directory signs may be located near entries or inside a common lobby area.~~

3.

~~4.3. Sign Placement and Design and Shape.~~

~~a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.~~

~~a.~~

~~a.b. All signs shall be professionally printed, readable, and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan, as amended.~~

~~c. ~~b.~~ Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. ~~Such shapes shall not obscure the architectural elements of the building and shall be counted toward the overall sign area.~~~~

~~d. Any sign located within 15 inches of a window shall be counted toward the permissible window sign area, whether or not such sign is permanently affixed to the window.~~

~~5.4. Materials.~~

- ~~a. Sign materials shall consist of wood, metal, medium density overlay (MDO) signboard, glass, gold leaf, or raised individual metal or wood letters. Alternative materials may be permitted subject to ARB approval provided that plastic, reflective material, or unfinished surfaces ~~are~~ shall not permitted.~~
- ~~b. Form letters shall not be permitted.~~

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- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall ~~consist of~~ ~~have~~ flat decals ~~attached to the window~~ ~~letters~~ and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

6.5. Color.

Colors that complement the materials and color scheme of the building, including the accent and trim colors, shall be used. Three (3) colors are recommended, although additional colors may be used where complementary to the color scheme of the building. Use of colors in excess of three shall be subject to the approval of the ~~Review Committee~~ ARB.

7.6. Illumination.

- a. ~~a. Sign illuminations shall be indirect and consist of reverse lit channel "halo" letters be indirectly lit or a with a full cut-off or directionally shielded light source. so that the directed illumination~~ shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.
- a. ~~Internally-illuminated signs shall not be permitted in the district, except as specifically provided in this Article.~~
- b. ~~b. Sign illumination shall be fixed and shall not have blinking, flashing, fluttering lights, or any other illumination that has a changing light intensity, brightness, or color.~~
- c. ~~c. Light color temperature for sign illumination shall not exceed 3000 Kelvin unless otherwise approved by the ARB.~~

8.7. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants may be identified at each primary entrance by a flat, wall-mounted directory sign. Such sign shall be counted toward the total permitted wall sign area for the property.

K. Other Signs-Public Art.

1. ~~Wall m~~ Murals and public art located on private property shall be compatible with the district character and subject to approval of the ARB.
2. Murals shall not include trademarks or service marks associated with a business, profession, trade, occupation, or calling.
- 2.3. Locations for seasonal or other semi-permanent window murals shall be subject to approval of the ARB. Any such approval shall identify conditions of approval, including but not limited to the location, size, and duration of the approval.

L. AWNINGS AND CANOPIES.

1. Types.

- a. Standard slope fabric awnings may be used on most historic buildings and may be either fixed or retractable.
- b. Boxed or curved fabric awnings may be used on non-historical buildings.

2. Design and Placement.

- a. Awnings shall be placed within the storefront, porch, door, or window openings so as to not obscure architectural elements of the building or damage the building façade.
- b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees, or other streetscape features.
- c. Awnings shall be shaped to fit the opening in which they are installed.
- d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.
- e. Plastic ~~or aluminum~~ awnings shall not be permitted in the district.
- f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors or stripes may be used if compatible with building colors.
- g. No awning or canopy, whether or not it contains any awning or canopy sign, shall be illuminated by internal or integral means or by outlining its extremities.

M. B-1 Development Standards.

Site improvements shall be subject to the requirements of Article XVIII, Development Standards, and this section. The requirements of this section may be modified through approval of a Modification to Development Standards pursuant to Article XVIII.G.

1. Useable open space.

On development sites equal to or larger than 0.25 acres, a useable open space ratio of not less than 0.1 shall be provided for newly constructed buildings or portions thereof devoted to dwelling uses. The useable open space ratio shall be defined as the total square foot amount of usable open space on a lot for each square foot of floor area on the development site. The usable open space ratio is determined by dividing the amount of usable open space by the amount of floor area. For the purpose of this section, useable open space shall be that portion of a development site which is not covered by building area or vehicular area and including usable roof area and exterior balconies, terraces, or patios.

2. Fences and Walls.

- a. Fence and wall design shall take clues from nearby existing historic designs and the aesthetic of the streetscape. Typical materials include brick, black powder-coated metal, and wood.

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- b. The structural members of any fence shall face inward to the property being fenced. Fences where the structural members are an integral part of an overall design, and where both sides of the proposed fence are identical, are appropriate.
- c. Chain link, vinyl, split rail, or unpainted pressure-treated wood fences, or walls of concrete block or horizontal wood landscaping timbers where visible from public rights-of-way, are not permitted.

3. Lighting.

- a. Lighting fixtures should be understated and compatible with the quality of the surrounding area and the building.
- b. Site and parking lot lighting shall utilize the standard Hopewell Downtown lantern-style light fixture.
- c. Site and building lighting shall be of an incandescent color temperature of 3000 Kelvins or less.
- d. Illumination from any light fixtures shall be fixed with no changes in light color or intensity.
- e. The ARB may approve architectural and landscape lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is secondary. Architectural lighting shall not exceed 450 Lumens (equivalent to 40 W incandescent) and shall be exempt from full-cutoff requirements under Article XVIII.D.2.f lighting standards.
- f. Seasonal lighting during the months of November, December, and January, shall not require ARB review, provided the lighting is fixed with no changes in light color or intensity and does not create unsafe glare on street rights-of-way.
- a-g. String lighting shall be permitted for outside dining and recreation areas subject to ARB approval and shall be exempt from full-cutoff requirements. String lighting shall consist of individual globe-style bulbs and shall not be of a tube or rope lighting style.

4. Off-street Parking.

- a. Parking areas within the B-1 district shall be exempt from the vehicle overhang requirements of Article XVIII.E.3.f, provided that a landscaping buffer or minimum four (4) foot high masonry wall and concrete wheelstop, curb, or other barrier are provided.
- b. Surface parking lots shall be designed to be located behind the mass of the building in order to screen parking from view of the public street to the extent practicable.
- b.c. Where off-street parking is visible from a street right-of-way, the off-street parking shall be fully screened within an enclosed courtyard, landscaped hedge, or by a masonry wall or decorative fence no less than four (4) feet in height, and supplemented by landscaping.

5. Sidewalks

- a. Public sidewalks shall be provided along public street frontage adjacent to any new development or redevelopment.
- e.b. Sidewalks shall conform to the applicable design guidelines for the street according to the Downtown Master Plan, as amended, East Poythress Streetscape Design Guide, or other design guidelines as may be approved by the City. When not specified in the applicable design

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guidelines, sidewalks shall have a minimum width of 10 feet, including street tree planting areas, unless otherwise determined by the Director of Development.

~~L. CERTIFICATION OF APPROPRIATENESS, GENERALLY:~~

- ~~1. No building or structure within the district shall be erected, reconstructed, altered, improved or restored unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.~~
- ~~2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless and until an application for a Certificate of Appropriateness shall have been approved by the Review Committee.~~
- ~~3. Evidence of such required approval shall be a Certificate of Appropriateness issued by the Review Committee.~~
- ~~4. Application for a Certificate of Appropriateness required by the Article shall be made to the Director of Development or his designee.~~

~~M. DOWNTOWN DESIGN REVIEW COMMITTEE:~~

- ~~1. A review committee is hereby established and shall be known as the Downtown Design Review Committee, hereafter referred to as the "Review Committee." The membership of the Review Committee shall consist of no less than three (3) nor more than five (5) members who shall be appointed by City Council to serve staggered terms. At least one (1) member shall be a downtown property owner, another member shall be a downtown business owner, and the remaining member or members shall have knowledge of, and demonstrated interest in, the historic character of the City, and knowledge or expertise deemed useful to the work of the Review Committee. These members may include, but not limited to, a licensed contractor, a real estate broker, or architect. City Council, at its own discretion, may appoint members that do not reside in the City of Hopewell if they deem it appropriate. The members shall serve a term of four (4) years. The City Planner shall serve as an advisory member of the Review Committee and shall have no vote. No member of the Review Committee shall serve more than two consecutive four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.~~
- ~~2. The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.~~
- ~~3. The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the~~

~~decisions of the Review Committee shall be determined by a majority vote. A quorum of shall be a majority of the membership. A quorum shall be present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.~~

~~4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the Review Committee shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the Review Committee.~~

~~5. In the case of disapproval or denial of an application for the demolition of a building in the district, the Review Committee shall state specifically its reasons for such disapproval or denial in writing.~~

~~6. The Review Committee, when requested for a building permit in the district, shall inform the applicant of any changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas as a condition of issuing such permit.~~

~~7. In matters governing the procedure for meetings not covered by this Article, the Review Committee may establish its own rules and procedures; provided they are not contrary to the content and intent of this Article.~~

~~N. NOTICE OF PUBLIC HEARING:~~

~~No application for a Certificate of Appropriateness to demolish a building that exists in the district shall be considered by the Review Committee until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.~~

~~O. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:~~

~~1. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the district, the Review Committee shall consider:~~

~~—— a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.~~

~~—— b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.~~

~~2. Before a Certificate of Appropriateness is issued for the demolition of a building or structure which exists in the district, the Review Committee shall consider:~~

~~—— a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?~~

~~—— b. Is the building of such interest or significance that it could be made into a national, state or local historic landmark?~~

~~—— c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?~~

~~—— d. Would retention of the building help preserve the historic character of the district?~~

~~—— e. Would retention of the building help preserve a historic interest in a place or an area of the city?~~

~~—— f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?~~

~~3. The Review Committee shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.~~

~~P. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:~~

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~~Upon approval by the Review Committee of any erection, reconstruction, alteration, restoration or demolition, a Certificate of Appropriateness, signed by the committee chairman and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.~~

~~**Q. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:**~~

~~Any Certificate of Appropriateness issued pursuant to this Article shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced, or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article or by a court of competent jurisdiction, shall be excluded from the computation of the twelve (12) month period.~~

~~**R. APPEALS FROM DOWNTOWN DESIGN REVIEW COMMITTEE:**~~

~~Any applicant aggrieved by a final decision of the Review Committee shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the Review Committee has made its decision. The filing of the petition shall stay the Review Committee's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a complaint, setting forth the alleged illegality of the action of the governing body, provided such complaint is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said complaint shall stay the decision of the governing body pending the outcome of the appeal to the court except that the filing of such complaint shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. The filing of an appeal hereunder shall not operate as a *de facto* approval of any application disapproved or denied by the Review Committee.~~

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STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive ~~surrounding to environment~~ for tourists ~~who are~~ interested in the historic significance of the area and to reflect ~~in a the~~ historic context ~~the role~~ of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and ~~work together to~~ form a network of commercial and residential entities with a backdrop of historic significance. To these ends, development is limited to low density residential and commercial and ~~light manufacturing~~ (cottage industry) of historic or tourist-oriented merchandise or products.

~~For clarification and better understanding of this article, the following are offered:~~

~~* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place."~~

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures ~~may shall~~ be erected, altered, or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:

- a. Single family dwellings.
- b. Public scenic parks and gardens.
- c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
- d. Off-street parking as required in Article XVIII of this ordinance.
- e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article ~~XVIII (L)~~XXIII of this ordinance.
- f. ~~Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.~~Minor utility facilities serving local distribution needs, including underground power lines, water distribution lines, sewer lift stations, and storm water conveyance pipes, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties.
- g. ~~Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.~~

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- ~~h.g.~~ Municipal owned recreational facilities ~~which~~ that enhance the historic nature of the district.
- ~~i.h.~~ Home occupation, as defined, to be located in the main building or an appropriate historic out-building.
2. Uses by Conditional Use Permit by City Council ~~by Special Exception by the Board of Zoning Appeals, after review and recommendation by the Review Board.~~
- a. Dwelling units in non-commercial areas of any otherwise permitted nonresidential use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
 - b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices, ~~as defined.~~
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses ~~that~~ which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries ~~to be located only along Water Street or the Maplewood Apartment.~~
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - ~~i.~~ Cottage industries ~~that~~ which manufacture products for retail sale on premises that are oriented toward the tourist market in this area, ~~to be located only along Water Street or the Maplewood Apartments.~~
 - ~~i.~~
 - j. Major utility facilities, such as electrical substations, transmission lines, water wells, water towers, and cellular towers for wireless transmission above the frequency of 1 megahertz.

B. AREA REGULATIONS

- ~~1.~~ The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

~~2.1.~~

C. MINIMUM LOT WIDTH

- ~~1.~~ The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

1.

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~~D. SETBACK-YARD REGULATIONS, MAIN BUILDING.~~

- ~~1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right of way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".~~

E.D. YARD REGULATIONS

1. Front: Structures shall be located at least twenty-five (25) feet from any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".
- ~~1.2.~~ Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet. On a corner lot, the minimum side yard facing on the side street shall be twenty (20) feet.
- ~~2.3.~~ Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

~~F. YARD REGULATIONS, ACCESSORY BUILDING.~~

E.

1. No accessory building shall be located between the setback line and the front property line.
2. No accessory building shall be located any closer than five (5) feet to any property line.
3. On a corner lot, no accessory building shall be located any closer than twenty (20) feet to the side property line of the side facing the street.
4. No accessory building shall be located any closer than five (5) feet to any other building.

G.F. HEIGHT REGULATIONS.

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
- Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

H.G. SPECIAL PROVISIONS FOR CORNER LOTS.

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1. 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, except that, for existing buildings, the zoning administrator shall determine the front based on the orientation and principal entrance of the main building. ~~, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.~~

- ~~1. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.~~

I.H. REQUIREMENT FOR PERMITTED USES.

~~Before a building permit shall be issued or construction commenced on any permitted use other than a single family dwelling in this district, or a permit issued for a new use other than a single family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district~~

Before a building permit shall be issued or construction commenced on any permitted use, all requirements of Article XVI, Site Plan Requirements, shall be met.

I. CERTIFICATE OF APPROPRIATENESS REQUIRED.

1. A certificate of appropriateness shall be required for all changes in the TH-1 district in accordance with Article XXIII, Historic Preservation, unless otherwise exempt by this section.
2. Certain minor actions in the TH-1 district may be approved administratively if the Zoning Administrator finds that such action will not permanently affect the character of the historic property or district. Such minor actions shall include the following and any similar actions which, in the opinion of the Zoning Administrator, will have no more effect on the character of the district than those listed:
 - a. Changing the color of structure to a color selected from a color palette of historically accurate paint colors adopted by the Architectural Review Board (ARB) or to a color found by the Zoning Administrator to be compatible with a color included in an adopted color palette.
 - b. Minor landscaping structures, such as walks, low retaining walls, small fountains, ponds and the like which will not substantially affect the character of the property and its surroundings.
 - c. Addition or deletion of mechanical equipment, antennas, skylights, or solar collectors in locations visible from a public alley but not from any other public street or public place.

The Zoning Administrator shall have authority to order that work be stopped and that a certificate of appropriateness application be filed for review by the ARB in any case where, in the Zoning

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Administrator's opinion, the action may have an adverse effect on the historic district or may produce colors, patterns or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the district as a whole.

~~All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Review Board before permit or business license shall be issued or construction commenced on any permitted use in this district~~

~~J. CERTIFICATION OF APPROPRIATENESS, GENERALLY~~

- ~~1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.~~
- ~~2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.~~
- ~~3. Evidence of such required approval shall be a certificate of appropriateness issued by the Architectural Review Board.~~
- ~~4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.~~

~~K. ARCHITECTURAL REVIEW BOARD~~

- ~~1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) nor more than seven (7) members who shall be appointed by City Council. Each member of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. These members shall serve a term of four (4) years. The Senior Planner shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)~~
- ~~2. The review board shall elect from its own membership a chairman and a vice chairman, who shall serve annual terms as such and may succeed themselves.~~
- ~~3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall~~

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~~be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)~~

- ~~4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.~~
- ~~5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.~~
- ~~6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.~~
- ~~7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.~~

~~L. NOTICE OF PUBLIC HEARING:~~

~~No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.~~

~~M. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:~~

- ~~1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - ~~a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered,~~~~

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~~or restored.~~

~~b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.~~

~~2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:~~

~~a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?~~

~~b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?~~

~~c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?~~

~~d. Would retention of the building help preserve the historic character of the district?~~

~~e. Would retention of the building help preserve a historic interest in a place or an area of the city?~~

~~f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?~~

~~3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.~~

~~N. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:~~

~~Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or~~

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~~his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.~~

~~O. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:~~

~~Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.~~

~~"Substantial Completion" is 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 Building Official has been given (if required); and~~
- ~~2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and~~
- ~~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.~~

~~P. APPEALS FROM ARCHITECTURAL REVIEW BOARD:~~

~~Any applicant aggrieved by a final decision of the Architectural Review Board shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The~~

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~~court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.~~

VIOLATIONS

- ~~1. Violators of the Tourist/Historic District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.~~
- ~~2. Policy established by the Architectural Review Board differentiates between a minor and a major violation.
 - ~~a. A minor violation means any action without the approval of the Board which would temporarily alter a structure whose effect could be reversed at a later date such as painting, fencing, etc. Minor violations will be dealt with by sending the violating party a notice of violation which would include information on the tourist/historic district and the Architectural Review Board. Repeated minor violations (i.e. more than two separate instances in less than five years) will be treated as a major violation.~~
 - ~~b. Major violation means any act taken without approval from the Board which would irreparably or permanently alter a structure or area, such as demolishing a structure, building a new structure or an addition to an existing structure, etc. Major violations will be dealt with in accordance with the provisions of the Zoning Ordinance and include the stoppage of work orders.~~~~

ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE TH-1 HISTORIC HOPEWELL DISTRICT:

- ~~In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:~~
- ~~1. He has applied to the board of review for such right.~~
 - ~~2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.~~
 - ~~3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or~~

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by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

Property Valued At:	Minimum Offer to Sell Period:
Less Than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 or more	12 months

~~Q. BONA FIDE OFFER TO SELL:~~

~~1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article minimum offer to sell period outlined in the Code of Virginia §15.2-2306 A.3., second paragraph, as amended, shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.~~

~~Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make an appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect; and the owner, if he wishes to take~~

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~~advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this section Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.~~

R.J. YARD VARIANCES:

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the ~~Architectural Review Board~~ ARB may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be made.

S. PERMITTED USES:

~~Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.~~

T. EXCLUSION:

- ~~1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal offers shall certify as required by public safety.~~
- ~~2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.~~
- ~~3. For the purpose of this section, examples of work not requiring approval of the Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; replacing same type/color of shingles on a building.~~
- ~~4. For the purpose of this section, examples of work requiring approval of the Architectural Review Board are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.~~

U. DEFINING HISTORIC BUILDINGS AND AREAS:

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~~In accordance with the provisions of City Code section XIV-B, the Architectural Review Board shall advise City Council on the consideration of the need for establishing or expanding an historic district in a specified geographical area of the city. In rendering such advice to the City Council, the Architectural Review Board shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.~~

~~Prior to the establishment or expansion of a historic district, the Director of Development shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The Director of Development shall seek the advice and guidance of the Architectural Review Board in preparing such report and shall give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.~~

~~No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings or other structures:~~

- ~~(1) Listed on the Virginia Landmarks Register or the National Register of Historic Places;~~
- ~~(2) that are of significant historic, architectural, archaeological or cultural interest;~~
- ~~(3) In which historic events occurred; or~~
- ~~(4) That have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the city that are of such significance as to warrant conservation and preservation.~~

~~Only the geographical area in which a majority of the properties meet the criteria established in accordance with this section shall be designated as an historic district; provided, however, that parcels of land contiguous to arterial streets or highways found by the City Council to be significant routes of tourist access to the city or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality, may also be included in an historic district.~~

~~The Planning Commission shall review the report of the Director of Development, together with the ordinance establishing or expanding an historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.~~

~~The City Council may, by ordinance, establish or expand an historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem~~

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~~appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.~~

~~The establishment or expansion of historic districts shall be subject to the applicable provisions of the Code of Virginia, Title 15.2, Chapter 22, Article 7 (Virginia Code Sections 15.2-2280 et seq.), as amended, or any successor ordinances or statutes.~~

~~V. HISTORIC MARKERS:~~

~~The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.~~

~~W. PROTECTIVE MAINTENANCE:~~

~~1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":~~

- ~~a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;~~
- ~~b. The deterioration of roofs or horizontal members;~~
- ~~c. The deterioration of exterior chimneys;~~
- ~~d. The deterioration or crumbling of exterior plaster or mortar;~~
- ~~e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;~~
- ~~f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.~~

~~2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return~~

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~~Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)~~

- ~~3. The one hundred twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.~~
- ~~4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.~~
- ~~5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.~~
2. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.

ARTICLE XXIII. – Historic Preservation.

A. GENERAL.

1. The purpose of this article is to preserve the City’s unique cultural heritage and historic resources for future generations and promote historic resources for economic development and financial stability, preserve historic resources for educational purposes, and promote quality of life and a sense of place for residents.
2. This article shall apply to historic districts and individually-protected historic landmark properties, as adopted by the City of Hopewell City Council. The historic districts subject to this article are the B-1, Downtown Central Business District, and TH-1, Tourist/Historic District.
3. For the purpose of this article, exterior architectural appearance shall include architectural character; general arrangement of the exterior of a structure; general composition, including the type, color, and texture of building materials; and type and character of all windows, doors, light fixtures, signs, fences, and architectural and appurtenant elements subject to public view from a public street, public alley, or other public place.

B. ARCHITECTURAL REVIEW BOARD.

1. **Creation.** A review board is hereby established and shall be known as the Architectural Review Board (ARB). The ARB shall be composed of a minimum of five (5) nor more than seven (7) regular voting members, a majority of whom shall be City residents or property owners. The members of the ARB shall be appointed by the City Council. Members shall have a demonstrated interest, competence, or knowledge in architecture or historic preservation.
2. **Appointment terms.**
 - a. A member's term shall be four years. No member shall serve more than two consecutive four (4) year terms.
 - b. A member may be reappointed to additional terms after being out of office for at least one four (4) year term.
3. **Organization.** The ARB shall elect from its own membership a chairperson and a vice chairperson, who shall serve annual terms as such and may succeed themselves. The City shall designate a staff member to advise the ARB and maintain all records, minutes, and files relating to the meetings.
4. **Rules of Procedure.**
 - a. The ARB shall adopt by-laws providing meeting rules of procedure.
 - b. All members, except for advisory members, shall be entitled to vote, and the decisions of the ARB shall be determined by a majority vote of those present.
 - c. A quorum shall be a majority of the membership. A quorum is required before the ARB may take any official action.
 - d. The ARB shall vote and announce its decision on any matter properly before it no later than

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sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. Failure of the ARB to render a decision within this period shall entitle the applicant to proceed to the City Council for the issuance of a Certificate of Appropriateness.

- e. If an application is denied, no application substantially the same as that which has been previously denied will be accepted for a period of one (1) year. This does not preclude re-applications for modified proposals that incorporate recommendations from staff or the ARB.

5. Powers and Duties.

- a. The ARB shall approve, approve with modifications, or deny applications for Certificates of Appropriateness for the construction, reconstruction, exterior alteration, demolition, or relocation of historic landmarks or buildings, structures, and physical improvements within a historic district.
- b. The ARB shall have the following duties, which it may exercise in its discretion and shall exercise upon direction from City Council:
- (i) When requested by application for a zoning or building permit in a historic district or for a historic landmark, advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
 - (ii) Assist and advise the City Council, the Planning Commission, other City departments and agencies, property owners, and individuals in matters involving historic resources.
 - (iii) Advise on additional areas or structures to be included in or removed from a historic district or designated as a historic landmark.
 - (iv) Adopt design guidelines for the City's historic districts, to be considered when granting or denying Certificates of Appropriateness.
 - (v) In matters governing the procedure for meetings not covered by this article, the ARB may establish its own rules and procedures; provided they are not contrary to the spirit of this article.

C. ESTABLISHMENT OF HISTORIC DISTRICTS.

1. The ARB shall advise City Council on the consideration of the need for establishing or expanding a historic district in a specified geographical area of the City. In rendering such advice to the City Council, the ARB shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district.
2. Prior to the establishment or expansion of a historic district, an inventory and recommendations shall be prepared regarding all landmarks, buildings and other structures, sites, and objects being considered for inclusion within the proposed district pursuant to the requirements of Code of Virginia § 15.2-2306(C), as amended.
3. No historic district shall be established or expanded unless the area to be encompassed thereby contains one or more places, buildings, or other structures:

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- a. Listed on the Virginia Landmarks Register or the National Register of Historic Places;
 - b. That are of significant historic, architectural, archaeological or cultural interest;
 - c. In which historic events occurred;
 - d. That have special public value because of notable architectural, archaeological, or other features relating to the cultural or artistic heritage of the community, state, or country that are of such significance as to warrant conservation and preservation; or
 - e. That provide for a landscape unit needed to control potentially adverse influences on lands closely related to and bearing upon the character of historic site or sites.
4. Only the geographical area in which a majority of the properties meet the criteria established above shall be designated as a historic district; provided, however, that parcels of land contiguous to arterial streets or highways found to be significant routes of tourist access to the City or to designated historic landmarks, buildings, structures, or districts therein may also be included in a historic district.
 5. The Planning Commission shall conduct a public hearing in accordance with Virginia Code § 15.2-2204, as amended, to review the report, together with the ordinance establishing or expanding a historic district and any proposed zoning and other regulations to be applied within the district, and shall recommend to the City Council approval in whole or in part, with or without modifications, or shall recommend rejection thereof.
 6. The City Council may, by ordinance, establish or expand a historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district in accordance with Virginia Code § 15.2-2204, as amended. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.
 7. The establishment or expansion of historic districts shall be subject to the applicable provisions of Virginia Code § 15.2-2280 et seq., as amended, or any successor ordinances or statutes.

D. INDIVIDUALLY-PROTECTED LANDMARK PROPERTIES.

1. **Establishment.** The City Council may adopt a list of historic landmarks in the City, which shall be individually-protected landmark properties. For inclusion in this list, historic landmarks shall be documented as being at least 50 years old and meet at least one of the following criteria:
 - a. Is on the National Register of Historic Places as called for by the United States Congress in the Historic Preservation Act of 1966;
 - b. Is on the state landmarks register pursuant to Code of Virginia, § 10.1-2200 et seq.;
 - c. Exemplifies or reflects the architectural, cultural, political, economic, social, or military history of the nation, state, or community;
 - d. Is associated with persons of national, state, or local historical significance;

- e. Is a good example of local or regional architectural design or exemplifies the local craftsmanship, making it valuable for study of period, style, or method of construction;
 - f. Is a work of a nationally recognized architect;
 - g. Is attributed to an architect or builder of local prominence; or
 - h. Fosters civic pride in the City's past and enhances the City's attractiveness to visitors.
2. Amendments to historic landmark list. Following notice to the property owner, the ARB may propose to the Planning Commission and/or the City Council such amendments as deemed appropriate for revision to the historic landmarks list in accordance with the zoning map amendment requirements of this chapter.

E. ESTABLISHMENT OF HISTORIC PLAQUE.

Within any historic district, the ARB shall design an appropriate plaque, bearing the seal of the City and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

F. CERTIFICATES OF APPROPRIATENESS.

1. When Required. Unless otherwise exempted by this ordinance:
 - a. No building, structure, or sign within a historic district shall be erected, reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
 - b. No historic landmark shall be reconstructed, altered, or restored unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
 - c. No historic landmark, building, or structure shall be razed, demolished, or moved unless a Certificate of Appropriateness has been issued by the ARB or, on appeal, by the City Council in accordance with this section.
2. Exemptions.
 - a. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this article; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal official shall certify as required by public safety to correct an unsafe condition that would endanger life or property.
 - b. For the purpose of this section, ordinary maintenance and repair is defined as any work that preserves and does not alter the appearance of the exterior elements of the building or structure as long as there is no change in design, color, and/or materials.
 - c. The following minor work or actions deemed not to have permanent effects upon the character of the HOD are exempted from review for a Certificate of Appropriateness:
 - (i) Repainting of structures or features resulting in the same color. At no time shall painting of original masonry be exempt.

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- (ii) Replacing siding or shingles resulting in the same design, material, and color.
 - (iii) Additions or deletions on residential structures of storm doors, storm windows, window gardens, air conditioners, or similar appurtenances when installed in or upon existing windows or wall openings.
3. Application Procedures.
- a. Application shall be made on the appropriate application form provided by the City and submitted in accordance with established submission requirements and deadlines.
 - b. Applications will be accepted only from the record owner of the subject property or their agent after authorization in writing.
 - c. Upon receipt of an application, the City shall review the submission for completeness and advise the applicant of any omitted information required for review. Once all submission requirements are met, the application will be set for the next available agenda.
4. Standards of Review.
- a. Construction and alteration. Before a Certificate of Appropriateness is issued for the erection, reconstruction, alteration, or restoration of a historic landmark or building or structure in a historic district, the ARB shall consider:
 - (i) The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place, and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - (ii) The appropriateness of the exterior architectural features of such building, structure, or change to such building, land, place, or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs. This includes, but is not limited to, considerations of whether the material, texture, scale, mass, color, height, style, and placement are visually and architecturally compatible with the site and the district.
 - (iii) The harmony of the proposed change in terms of overall proportion and the size and placement of elements such as entrances, windows, awnings, exterior stairs, and signs.
 - (iv) Whether the proposed method of construction, renovation, or restoration would have an adverse impact on the historic or architectural character of the structure or site, or on adjacent buildings or structures.
 - (v) The Secretary of the Interior’s Standards for Historic Preservation, as may be relevant.
 - (vi) Any applicable provisions of the adopted design guidelines and zoning ordinance.
 - (vii) The ARB shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, alley, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration, or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

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- b. Demolition. No application for a Certificate of Appropriateness for demolition of a historic landmark, building, or structure shall be considered by the ARB until a public hearing has been held thereon, following notice as required under Code of Virginia § 15.2-2204, as amended. Before a Certificate of Appropriateness is issued, the ARB shall consider:
 - (i) Whether the building or structure is of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest.
 - (ii) Whether the building or structure is of such interest or significance that it could be made into a national, state, or local historic landmark.
 - (iii) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense.
 - (iv) Whether retention of the building or structure will help preserve the historic character of or historic interest in the district.
 - (v) Whether retention of the building or structure will promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the City a more attractive and desirable place in which to live.
 - (vi) Whether, and to what extent, the applicant proposes means, methods, or plans for moving, removing or demolishing the historic structure that preserves portions, features, or materials that are significant to the property's historic, architectural, or cultural value.
- c. Relocation. The ARB shall consider the following criteria in determining whether or not to issue a Certificate of Appropriateness to relocate a historic landmark, building, or structure which exists in a historic district:
 - (i) Whether moving the building or structure will likely have a detrimental effect on its structural soundness.
 - (ii) Whether moving the building or structure will have a detrimental effect on the historical aspects of other historic structures in the district.
 - (iii) If the building or structure is moved to a site within the City, whether the new surroundings are harmonious with the historical and architectural aspects of the historic structure.
 - (iv) If relocation is the only feasible means of saving the building or structure from demolition or neglect.
 - (v) Any applicable provisions of the adopted design guidelines.
- 5. Issuance. Upon approval by the ARB of any erection, reconstruction, alteration, restoration and/or rehabilitation, relocation, or demolition, a Certificate of Appropriateness, signed by the Zoning Administrator or designee and bearing the date of issuance, shall be provided to the applicant.
- 6. Expiration.

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- a. A Certificate of Appropriateness shall expire twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or if any such work is suspended or abandoned for a period of twelve (12) months after being commenced.
 - b. A Certificate of Appropriateness shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months of issuance. "Substantial Completion" shall be defined as 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:
 - (i) Necessary final approval by the Hopewell Building Official has been given (if required); and
 - (ii) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
 - (iii) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
 - (iv) Any work remaining on the project is minor or "punch list" in nature.
 - c. Any period during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the twelve (12) or eighteen (18) month period.
7. Denial.
- a. In the case of denial of the erection, reconstruction, alteration, or restoration of a building or structure, the ARB shall briefly state its reasons for such disapproval in writing and may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location, and the like.
 - b. In the case of disapproval of the demolition of a building which exists in a historic district, the review shall state specifically its reason in writing.
8. Appeals.
- a. Appeal to City Council.
 - (i) Any applicant aggrieved by a final decision of the ARB shall have the right to appeal such decision to the City Council, provided that such appeal is filed with the City Clerk within thirty (30) calendar days after the ARB has made its decision. The City may require the appeal be accompanied by a filing fee.
 - (ii) Any opponents of the ARB's decision to approve a Certificate of Appropriateness to demolish a historic landmark, building, or structure shall have the right to appeal and be heard before the City Council provided the appeal is filed with the City Clerk within 30 calendar days after the ARB's decision. An appeal by a third party under this section shall be accompanied by a written petition, signed by at least 10 residents of the City of Hopewell.

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- (iii) The filing of the petition shall stay the ARB’s decision, pending the outcome of the appeal to the City Council, except that a decision denying a request to raze or demolish a historic landmark, building, or structure shall not be stayed.
 - (iv) The City Council shall, after giving the required public notice, conduct a full and impartial public hearing within 90 days of the filing of the appeal.
 - (v) The City Council shall affirm, reverse, modify, or remand back to the ARB for reconsideration of the decision, in whole or in part. Another appeal may be taken to the City Council after any remand.
 - (vi) City Council’s decision to affirm, reverse, or modify the ARB decision shall be final, subject only to an appeal to the applicable circuit court.
- b. Appeal to Circuit Court.
- (i) Any applicant or body of at least 10 residents of the City of Hopewell who previously appealed to the City Council and are aggrieved by the decision shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body.
 - (ii) The filing of said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that a decision denying a request to raze or demolish a historic landmark, building, or structure shall not be stayed.
 - (iii) The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.
- c. The filing of an appeal hereunder shall not operate as a de facto approval of any application disapproved or denied by the ARB.

G. PROTECTIVE MAINTENANCE.

1. All historic landmarks and buildings and structures within a historic district shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the ARB or Building Code Official, result in permanent damage to the structural components, the building exterior or portions thereof, or produce a detrimental effect upon the character of the district as a whole or upon the integrity and character of the structure itself.
2. Upon a determination of a protective maintenance violation, the Zoning Administrator shall notify the owner by certified mail, return receipt requested, of the determination and compliance timeframes set forth below.
3. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and shall complete the repairs within one hundred-twenty (120) days of such notice. Upon written request from the owner, the ARB may extend these timeframes with approval of an abatement plan.

4. If appropriate action is not taken within the established timeframes, the City may initiate appropriate legal action as a violation of this chapter.
5. The boarding of a vacant structure within a historic district or a historic landmark shall constitute the alteration of the exterior architectural features of such structure. In the event such boarding is accomplished pursuant to an order from the Building Code Official to secure a hazardous structure against entry, the owner shall comply with such order, and within 15 days of the date of such order shall apply for a Certificate of Appropriateness. In considering any application under this section, the ARB may impose such conditions as may be appropriate to secure or preserve the historic elements of the structure against further loss, damage, or deterioration.

H. RIGHT TO DEMOLISH A HISTORIC STRUCTURE.

1. When a historic structure is not permitted to be demolished under the requirements of this article, the property owner shall, as a matter of right, be entitled to raze or demolish it in accordance with the requirements of the Code of Virginia § 15.2-2306, as amended. The owner shall submit evidence to support such claim of right to the City, and the City shall determine whether the evidence establishes such a right.
2. Notice. Before making a bona fide offer to sell pursuant to Code of Virginia § 15.2-2306, as amended, an owner shall first file a statement with the City. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No minimum offer to sell period required in the Code of Virginia § 15.2-2306, as amended, shall begin until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of City Council, members of the Planning Commission, and the ARB.
3. Question as to price.
 - a. The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the Zoning Administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) residents of the City of Hopewell.
 - b. Upon receipt of such a petition, three (3) disinterested real estate appraisers familiar with property values in the historic district shall be appointed: one (1) by the ARB, one (1) by the property owner, and one (1) by the ARB and the property owner. The cost of the appraisals shall be divided equally between the property owner and the City. Said appraisers shall forthwith make an appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the Zoning Administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market value.
 - c. If the opinion is that the price reasonably related to its fair market value, the owner may continue as if no question had been raised.
 - d. If the opinion is that the price the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect; and the owner, if he wishes to take advantage of the right to demolish said building or structure provided for above in this section, must file a notice provided for above to proceed with the demolition.

City of Hopewell Zoning Ordinance Update March 15, 2024
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- e. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers filed their report with the Zoning Administrator, the price shall be deemed reasonably related to fair market value.

DRAFT

REGULAR BUSINESS

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: Towing Ordinance

ISSUE: VA Code §46.2-1217 requires a locality to establish a towing advisory board; to create and adopt a tow truck ordinance and to appoint volunteers for the tow advisory board to be comprised of local law enforcement, private citizens and tow truck companies in order to comply with all legal requirements necessary for tow truck contracts with the City of Hopewell.

RECOMMENDATION:

1. Creation of Towing Advisory Board by City Council by resolution.
2. Appoint volunteers to the Towing Advisory Board for a two year period by resolution
 - a. Chief Gregory Taylor (HPD)
 - b. Captain Trevor Terry (HPD)
 - c. Officer Michael Redavid (HPD)
 - d. Sophie Benkendorf (Hopewell citizen)
 - e. _____
 - f. _____
 - g. _____
3. Approval of the towing ordinance on first reading.

TIMING: Ordinance to become effective on March 26, 2024. Appointments will become effective March 26, 2024

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4			

BACKGROUND: Virginia Code 46.2-1217 requires Hopewell City Council to create a tow advisory board and adopt an ordinance which regulates towing services.

ENCLOSED DOCUMENTS: Proposed towing ordinance.

STAFF: Chief Gregory Taylor

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

Y N

- Councilor Rita Joyner, Ward #1
- Councilor Michael Harris, Ward #2
- Mayor John B. Partin, Ward #3
- Vice Mayor Jasmine Gore, Ward #4

Y N

- Councilor Janice Denton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Councilor Dominic Holloway, Sr., Ward #7

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A MEMBER TOWING ADVISORY BOARD FOR THE CITY OF HOPEWELL

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board; and

WHEREAS §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the towing contract, ; and

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the Hopewell City Council with the authority to appoint volunteer from law enforcement, local towing and recovery operators and the general public as members to serve on the Hopewell Towing Advisory Board, and;

BE IT RESOLVED that the Hopewell City Council does hereby appoint Officer Michael Redavid, Hopewell Police Department as a law enforcement representative to the Towing Advisory Board for the City of Hopewell for a two year term to commence on _____ of March, 2024 and to end on the _____ day of March, 2026.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Brittani Williams, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A MEMBER TOWING ADVISORY BOARD FOR THE CITY OF HOPEWELL

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board; and

WHEREAS §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the towing contract, ; and

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the Hopewell City Council with the authority to appoint volunteer from law enforcement, local towing and recovery operators and the general public as members to serve on the Hopewell Towing Advisory Board, and;

BE IT RESOLVED that the Hopewell City Council does hereby appoint Captain Trevor Terry, Hopewell Police Department as a law enforcement representative to the Towing Advisory Board for the City of Hopewell for a two year term to commence on _____ of March, 2024 and to end on the _____ day of March, 2026.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Brittani Williams, City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE CREATION OF A TOWING ADVISORY BOARD FOR THE
CITY OF HOPEWELL**

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board; and

WHEREAS §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the towing contract, ; and

BE IT RESOLVED that the Hopewell City Council does hereby create and establish a tow advisory board in compliance with and for the purposes set forth in §46.2-1217 of the Code of Virginia, 1950.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:

ABSTAINING:

ABSENT:

ATTEST:

Brittani Williams, City Clerk

Towing, Towing Advisory Board And Tow Contracts

Purpose.

Pursuant to the authority provided in Code of Virginia (1950), § 46.2-1217, as amended, the City Council hereby enacts this article to regulate law enforcement requested towing. Towing pursuant to the provisions of this article is for law enforcement requested towing only and shall not be applicable to towing not at the request of official law enforcement personnel.

Sec. _____ . - Definitions.

For the purposes of this article, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section unless the context clearly indicates a different meaning:

Application means an application for towing service in the City of Hopewell.

Authorized tower means a towing firm or service that meets the requirements of the Hopewell Police Department Towing Policy and has entered into a towing service agreement to provide towing services at the request of the chief's office or other law enforcement personnel.

Chief means the executive head of the Hopewell Police Department office or designee.

City means the City of Hopewell.

DMV means the Department of Motor Vehicles.

Emergency means a critical traffic problem, snow storm, ice storm, hurricane or other extreme weather condition; parade or other similar public event or a riot; disaster or similar event not ordinarily or usually occurring.

Law enforcement personnel or *law enforcement agency* means a law enforcement officer of the City or a state police officer or agency of said officers.

Law enforcement requested towing or *law enforcement towing request* includes all requests made by law enforcement personnel or law enforcement agency pursuant to this policy, and towing requests made by a law enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

Log means a list of vehicles towed at the request of the Hopewell Police Department or other law enforcement personnel that is maintained by each tower.

Police Department means the City of Hopewell Police Department Office.

Policy means the Hopewell Police Department Towing Policy.

Receipt means a printed, numerated, and dated receipt that includes company name, company address, and business telephone number, and receipt signed by owner/operator.

Suspension means temporary removal from the City's towing list for a violation of the policy or breach of the towing service agreement.

Tardiness means delayed beyond the expected or proper time.

Termination means permanent removal from the City's towing list and rescission of the towing service agreement.

Tower means a person or firm engaged in the business of or offering of a vehicle towing service, whereby motor vehicles are or may be towed or otherwise removed from one (1) place to another by the use of a motor vehicle adapted to or designed for that purpose.

Towing board means the City of Hopewell Towing Advisory Board, which consists of seven (7) members: three (3) law enforcement officers (one of which must be the Chief), three (3) towing and recovery operators, and one (1) citizen.

Towing business or business means a single towing operation owned and operated by an individual, corporation, partnership, or firm having legal or equitable title in said operation at one location within the City for a minimum of one (1) year which consists of an office and an appropriately sized storage lot.

Towing list or list means the list maintained by the chief of those towers authorized to respond to the Hopewell's Chief of Police or other law enforcement personnel's requests for the towing of vehicles.

Towing panel means the towing board minus the chief.

Towing service contract means the agreement between the chief's office and a tower.

Zone means geographic area tower is approved to operate in, specifically the City of Hopewell.

Towing policy.

- (a) The Towing Board is hereby authorized to promulgate policies and procedures for law enforcement requested towing services. These policies and procedures, known as the Hopewell Police Department, establish rules and regulations for the administration of law enforcement requested towing services. Such rules and regulations shall be consistent with this article and the laws of the United States and the commonwealth and shall have the force and effect of law.
- (b) The rules and regulations which may be promulgated by the Towing Board in accordance with subsection (a) above shall be in effect following a public hearing before the City Council. The City Council additionally reserves to itself the authority to amend, alter or repeal any provision of the rules and regulations promulgated by the Towing Board.
- (c) Copies of towing policy shall be available through the offices of the Chief of Police and City Manager.
- (d) Copies of the towing contracts shall be housed in the office of the City Attorney or some other City Council designee.

Application for law enforcement requested towing.

Any tower desiring to perform law enforcement requested towing services shall make application with the chief in conformance with the provisions of the towing policy. Said application shall be accompanied by a nonrefundable application fee in the amount of one hundred dollars (\$100.00). After completion of an investigation, the chief shall determine whether the applicant meets the requirements of the towing policy. If he/she finds applicant qualified, tower and chief shall enter into a towing service agreement.

Insurance.

All authorized towers shall maintain insurance in the amounts specified in the towing policy.

Sec. _____. - Duties and requirements of authorized towers.

Towers will be obligated to perform those duties required under the towing policy. Failure to perform said duties may result in suspension or termination from the towing list.

Equipment and maintenance of towing vehicles.

All authorized towers under this article shall maintain vehicles and equipment required pursuant to the towing policy. All equipment is subject to an annual inspection performed by the chief which shall be evidenced by a valid sticker. The annual inspection of the vehicles will occur on or about the anniversary date of the tower's application approval.

Storage and security of vehicles by authorized towers.

All vehicles towed under this article shall be stored in a secured location as designated in the towing policy. All applicable City laws and regulations shall apply to storage facilities.

Sec. _____. - Responsibilities and records maintained by authorized towers.

- (a) Tower shall be required to maintain all records required under state law and in accordance with the provisions of the towing policy.
- (b) Tower shall be reasonably responsible for vehicle(s) towed and any contents from the time the vehicle is towed until vehicle is either released or disposed of in accordance with the towing policy and state and local laws.
- (c) There shall be an attendant physically on duty between the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. The owner or attendant must be available twenty-four (24) hours a day, each day of the year, for the purpose of releasing stored vehicles.

- (d) Tower shall be required to adhere to all responsibilities under the towing policy.

Compensation to authorized towers.

Towers shall be compensated for their services by the owner or authorized person of the towed and stored vehicle. The towing and storage fees charged by the tower shall be reasonable in light of those charged by other towers in the City for comparable service and in the amount established by the individual tow company's contract with the City of Hopewell.

Rotation system.

Request for towing in the City shall be done on a rotating basis in accordance with the provisions of the towing policy.

Solicitation of business by tower.

- (a) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by law enforcement personnel or the person involved in the accident or emergency.
- (b) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of soliciting business.
- (c) Violations of this section shall result in suspension from the towing list for thirty (30) days for the first offense, sixty (60) days for the second offense, and suspension from the towing list for a third offense for one (1) calendar year. Violations of this section may also be punishable as a Class 3 misdemeanor.
- (d) Any authorized tower violating this section may also be suspended or terminated from the towing list.
- (e) Towers are prohibited from soliciting business at the scene of accidents, emergencies, or mechanical breakdowns; however, a tower is not otherwise prohibited from contracting with any person, firm or corporation.

Prohibited practices.

Violation of any provision of this policy may subject the tower to suspension from the towing list, for reasons such as but not limited to:

- (1) Deliberate failure of tower to respond to calls;
- (2) Securing a towing service agreement by fraud or concealment of a material fact which, if known, would cause disapproval of the application;
- (3) Violation of the towing service agreement;

- (4) Chronic or repeated violations, even if minor in nature, of this policy;
- (5) A single serious violation of this policy, including but not limited to:
 - Running unauthorized calls;
 - Overcharges; over submitted prices.
 - Alcohol or drug use;
 - Tardiness more than twenty percent (20%) of calls for a three-month period.
 - Failure to notify the chief with immediate changes regarding insurance, taking on new partner(s), owner(s), agent(s), corporate officer(s) or any other changes regarding anything listed in the "application for towing service";
 - Fraudulent acts with respect to this policy;
 - Failure to comply with the rules and regulations of this policy, etc.

Complaints.

- (a) Any tower who believes he or she has been unfairly treated by any law enforcement personnel may file a complaint against that person. Such complaint shall be in writing and directed to the executive head of the applicable law enforcement agency.
- (b) Any person who believes a violation of the towing policy or ordinance has occurred may file a complaint against such tower. The complaint shall be in writing and directed to the chief. The Hopewell Police Department will make provide the complainant with a complaint form to be filled out and returned to the chief. The complaints shall be investigated by the chief.
 - (1) After an investigation of the complaint, the chief shall notify the complainant of the results of the investigation and any action as a result of the complaint.

Suspension or termination of authorized towers.

- (a) The chief, upon investigation of the facts, may recommend that a tower be heard by the towing panel for any violation of the provisions of this article or of the towing policy.
- (b) The chief shall provide the tower with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided to tower and towing panel.

Hearing and appeals process.

- (a) In the event that a member of the towing panel lodges a complaint against another tower, said towing panel member shall be excused from the hearing.
- (b) The chief or his/her designee shall be responsible for presenting the allegations against a towing company to the towing panel members and may call witnesses and ask questions of any witness.
- (c) The tower will be allowed to present evidence/testimony supporting his/her case to the towing panel. If complainant is not present, the complaint form will be presented to the towing panel as complainant's evidence/testimony.
- (d) The accused towing company (owner or manager) shall be allowed an opportunity to attend the hearing and bring any witness(es) that were directly involved in the incident in which the accused towing company has been charged with a violation of this policy. The owner or manager may make an opening statement, ask witness(es) questions, and make a closing statement.
 - (1) No party shall be allowed to be represented by an attorney at this administrative hearing.
 - (2) No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.
- (e) The towing panel, after hearing evidence presented, shall render a decision. The chief shall not be present during deliberations or voting.
- (f) The chairman presiding over the hearing shall notify the accused towing owner in writing of the towing panel's decision. A copy of the decision will be sent to the chief and the City Manager.
- (g) When a tower is aggrieved by the decision of the towing panel, he/she may, within 10 calendar days of the notification of such decision, appeal the decision to the City Council. Such appeal shall be made in writing to the chief and shall state the specific act (or failure to act) and/or the specifics for the appeal.
- (h) Upon an appeal under section Q (3) [of the towing policy], the City Council shall consider whether the decision of the towing panel, based on the record before the towing panel, was based on a reasonable application of the prescribed standards. When the City Council finds the towing panel's decision reasonable, the City Council shall affirm; if unreasonable, the City Council may modify and affirm or reverse the decision.

- (i) The City Council shall act upon any appeal filed under this section within 30 days unless otherwise agreed in writing by the aggrieved tower. Failure of the City Council to act within this time shall be deemed an affirmation of the towing panel's decision.
- (j) The decision of the Board, in an appeal under this section, shall be final. In the event, the City Council, after hearing the appeal, refers the matter back to the towing panel, the decision of the towing panel shall be final.

Amendments to policy.

- (a) The Towing Board is hereby authorized to promulgate revisions to the towing policy and make those recommendations to City Council.
- (b) All proposed revisions shall be submitted to the City Council for consideration and may be discussed with the Towing Board for their input on each proposed revision.
- (c) Revisions shall be in effect from the date on which they are adopted by the City Council.
- (d) Towers on the towing list shall be given written notification of any changes ten (10) days prior to the revision being adopted. Proposed changes should be given to towers on the towing list ten (10) days prior to consideration by the Towing Board.



Towing Ordinance

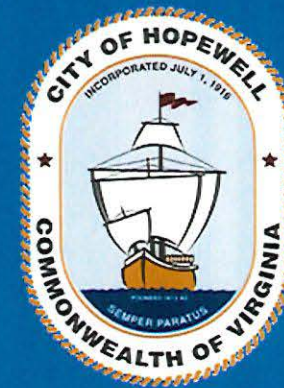
City of Hopewell

City Council

March 12, 2024

Problem

- The tow truck contracts used by the City of Hopewell had expired.
- New contracts were necessary for all tow truck drivers.



Problem



- City needed to comply with §46.2-1217 of Code of Virginia.
- State statute requires that a locality
 - draft a towing ordinance
 - create a tow advisory board
 - draft a tow contract to comply with state requirements

Solution

- Draft of a towing ordinance for the City of Hopewell Police Department.
- Creation of a Towing Board (advisory) staffed with Hopewell volunteers.
- Revision of towing contracts.



Requests



- Adoption of the ordinance on 1st Reading.
- Resolution appointing members to the Tow Advisory Board.



The End

Towing, Towing Advisory Board And Tow Contracts

Purpose.

Pursuant to the authority provided in Code of Virginia (1950), § 46.2-1217, as amended, the City Council hereby enacts this article to regulate law enforcement requested towing. Towing pursuant to the provisions of this article is for law enforcement requested towing only and shall not be applicable to towing not at the request of official law enforcement personnel.

Sec. _____ - Definitions.

For the purposes of this article, the following words, terms, and phrases shall have the meanings respectively ascribed to them in this section unless the context clearly indicates a different meaning:

Application means an application for towing service in the City of Hopewell.

Authorized tower means a towing firm or service that meets the requirements of the Hopewell Police Department Towing Policy and has entered into a towing service agreement to provide towing services at the request of the chief's office or other law enforcement personnel.

Chief means the executive head of the Hopewell Police Department office or designee.

City means the City of Hopewell.

DMV means the Department of Motor Vehicles.

Emergency means a critical traffic problem, snow storm, ice storm, hurricane or other extreme weather condition; parade or other similar public event or a riot; disaster or similar event not ordinarily or usually occurring.

Law enforcement personnel or *law enforcement agency* means a law enforcement officer of the City or a state police officer or agency of said officers.

Law enforcement requested towing or *law enforcement towing request* includes all requests made by law enforcement personnel or law enforcement agency pursuant to this policy, and towing requests made by a law enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

Log means a list of vehicles towed at the request of the Hopewell Police Department or other law enforcement personnel that is maintained by each tower.

Police Department means the City of Hopewell Police Department Office.

Policy means the Hopewell Police Department Towing Policy.

Receipt means a printed, numerated, and dated receipt that includes company name, company address, and business telephone number, and receipt signed by owner/operator.

Suspension means temporary removal from the City's towing list for a violation of the policy or breach of the towing service agreement.

Tardiness means delayed beyond the expected or proper time.

Commented [SRR1]: Note to self: do we want to expressly include code enforcement?

Termination means permanent removal from the City's towing list and rescission of the towing service agreement.

Tower means a person or firm engaged in the business of or offering of a vehicle towing service, whereby motor vehicles are or may be towed or otherwise removed from one (1) place to another by the use of a motor vehicle adapted to or designed for that purpose.

Towing board means the City of Hopewell Towing Advisory Board, which consists of seven (7) members: three (3) law enforcement officers (one of which must be the Chief), three (3) towing and recovery operators, and one (1) citizen.

Towing business or *business* means a single towing operation owned and operated by an individual, corporation, partnership, or firm having legal or equitable title in said operation at one location within the City for a minimum of one (1) year which consists of an office and an appropriately sized storage lot.

Towing list or *list* means the list maintained by the chief of those towers authorized to respond to the Hopewell's Chief of Police or other law enforcement personnel's requests for the towing of vehicles.

Towing panel means the towing board minus the chief.

Towing service contract means the agreement between the chief's office and a tower.

Zone means geographic area tower is approved to operate in, specifically the City of Hopewell.

Towing policy.

- (a) The Towing Board is hereby authorized to promulgate policies and procedures for law enforcement requested towing services. These policies and procedures, known as the Hopewell Police Department, establish rules and regulations for the administration of law enforcement requested towing services. Such rules and regulations shall be consistent with this article and the laws of the United States and the commonwealth and shall have the force and effect of law.
- (b) The rules and regulations which may be promulgated by the Towing Board in accordance with subsection (a) above shall be in effect following a public hearing before the City Council. The City Council additionally reserves to itself the authority to amend, alter or repeal any provision of the rules and regulations promulgated by the Towing Board.
- (c) Copies of towing policy shall be available through the offices of the Chief of Police and City Manager.
- (d) Copies of the towing contracts shall be housed in the office of the City Attorney or some other City Council designee.

Application for law enforcement requested towing.

Any tower desiring to perform law enforcement requested towing services shall make application with the chief in conformance with the provisions of the towing policy. Said application shall be accompanied by a nonrefundable application fee in the amount of one hundred dollars (\$100.00). After completion of an investigation, the chief shall determine whether the applicant meets the requirements of the towing policy. If he/she finds applicant qualified, tower and chief shall enter into a towing service agreement.

Insurance.

All authorized towers shall maintain insurance in the amounts specified in the towing policy.

Sec. _____ . - Duties and requirements of authorized towers.

Towers will be obligated to perform those duties required under the towing policy. Failure to perform said duties may result in suspension or termination from the towing list.

Equipment and maintenance of towing vehicles.

All authorized towers under this article shall maintain vehicles and equipment required pursuant to the towing policy. All equipment is subject to an annual inspection performed by the chief which shall be evidenced by a valid sticker. The annual inspection of the vehicles will occur on or about the anniversary date of the tower's application approval.

Storage and security of vehicles by authorized towers.

All vehicles towed under this article shall be stored in a secured location as designated in the towing policy. All applicable City laws and regulations shall apply to storage facilities.

Sec. _____ . - Responsibilities and records maintained by authorized towers.

- (a) Tower shall be required to maintain all records required under state law and in accordance with the provisions of the towing policy.
- (b) Tower shall be reasonably responsible for vehicle(s) towed and any contents from the time the vehicle is towed until vehicle is either released or disposed of in accordance with the towing policy and state and local laws.
- (c) There shall be an attendant physically on duty between the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. The owner or attendant must be available twenty-four (24) hours a day, each day of the year, for the purpose of releasing stored vehicles.

- (d) Tower shall be required to adhere to all responsibilities under the towing policy.

Compensation to authorized towers.

Towers shall be compensated for their services by the owner or authorized person of the towed and stored vehicle. The towing and storage fees charged by the tower shall be reasonable in light of those charged by other towers in the City for comparable service and in the amount established by the individual tow company's contract with the City of Hopewell.

Rotation system.

Request for towing in the City shall be done on a rotating basis in accordance with the provisions of the towing policy.

Solicitation of business by tower.

- (a) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by law enforcement personnel or the person involved in the accident or emergency.
- (b) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of soliciting business.
- (c) Violations of this section shall result in suspension from the towing list for thirty (30) days for the first offense, sixty (60) days for the second offense, and suspension from the towing list for a third offense for one (1) calendar year. Violations of this section may also be punishable as a Class 3 misdemeanor.
- (d) Any authorized tower violating this section may also be suspended or terminated from the towing list.
- (e) Towers are prohibited from soliciting business at the scene of accidents, emergencies, or mechanical breakdowns; however, a tower is not otherwise prohibited from contracting with any person, firm or corporation.

Prohibited practices.

Violation of any provision of this policy may subject the tower to suspension from the towing list, for reasons such as but not limited to:

- (1) Deliberate failure of tower to respond to calls;
- (2) Securing a towing service agreement by fraud or concealment of a material fact which, if known, would cause disapproval of the application;
- (3) Violation of the towing service agreement;

- (4) Chronic or repeated violations, even if minor in nature, of this policy;
- (5) A single serious violation of this policy, including but not limited to:
 - Running unauthorized calls;
 - Overcharges; over submitted prices.
 - Alcohol or drug use;
 - Tardiness more than twenty percent (20%) of calls for a three-month period.
 - Failure to notify the chief with immediate changes regarding insurance, taking on new partner(s), owner(s), agent(s), corporate officer(s) or any other changes regarding anything listed in the "application for towing service";
 - Fraudulent acts with respect to this policy;
 - Failure to comply with the rules and regulations of this policy, etc.

Complaints.

- (a) Any tower who believes he or she has been unfairly treated by any law enforcement personnel may file a complaint against that person. Such complaint shall be in writing and directed to the executive head of the applicable law enforcement agency.
- (b) Any person who believes a violation of the towing policy or ordinance has occurred may file a complaint against such tower. The complaint shall be in writing and directed to the chief. The Hopewell Police Department will make provide the complainant with a complaint form to be filled out and returned to the chief. The complaints shall be investigated by the chief.
 - (1) After an investigation of the complaint, the chief shall notify the complainant of the results of the investigation and any action as a result of the complaint.

Suspension or termination of authorized towers.

- (a) The chief, upon investigation of the facts, may recommend that a tower be heard by the towing panel for any violation of the provisions of this article or of the towing policy.
- (b) The chief shall provide the tower with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided to tower and towing panel.

Hearing and appeals process.

- (a) In the event that a member of the towing panel lodges a complaint against another tower, said towing panel member shall be excused from the hearing.
- (b) The chief or his/her designee shall be responsible for presenting the allegations against a towing company to the towing panel members and may call witnesses and ask questions of any witness.
- (c) The tower will be allowed to present evidence/testimony supporting his/her case to the towing panel. If complainant is not present, the complaint form will be presented to the towing panel as complainant's evidence/testimony.
- (d) The accused towing company (owner or manager) shall be allowed an opportunity to attend the hearing and bring any witness(es) that were directly involved in the incident in which the accused towing company has been charged with a violation of this policy. The owner or manager may make an opening statement, ask witness(es) questions, and make a closing statement.
 - (1) No party shall be allowed to be represented by an attorney at this administrative hearing.
 - (2) No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.
- (e) The towing panel, after hearing evidence presented, shall render a decision. The chief shall not be present during deliberations or voting.
- (f) The chairman presiding over the hearing shall notify the accused towing owner in writing of the towing panel's decision. A copy of the decision will be sent to the chief and the City Manager.
- (g) When a tower is aggrieved by the decision of the towing panel, he/she may, within 10 calendar days of the notification of such decision, appeal the decision to the City Council. Such appeal shall be made in writing to the chief and shall state the specific act (or failure to act) and/or the specifics for the appeal.
- (h) Upon an appeal under section Q (3) [of the towing policy], the City Council shall consider whether the decision of the towing panel, based on the record before the towing panel, was based on a reasonable application of the prescribed standards. When the City Council finds the towing panel's decision reasonable, the City Council shall affirm; if unreasonable, the City Council may modify and affirm or reverse the decision.

- (i) The City Council shall act upon any appeal filed under this section within 30 days unless otherwise agreed in writing by the aggrieved tower. Failure of the City Council to act within this time shall be deemed an affirmation of the towing panel's decision.
- (j) The decision of the Board, in an appeal under this section, shall be final. In the event, the City Council, after hearing the appeal, refers the matter back to the towing panel, the decision of the towing panel shall be final.

Amendments to policy.

- (a) The Towing Board is hereby authorized to promulgate revisions to the towing policy and make those recommendations to City Council.
- (b) All proposed revisions shall be submitted to the City Council for consideration and may be discussed with the Towing Board for their input on each proposed revision.
- (c) Revisions shall be in effect from the date on which they are adopted by the City Council.
- (d) Towers on the towing list shall be given written notification of any changes ten (10) days prior to the revision being adopted. Proposed changes should be given to towers on the towing list ten (10) days prior to consideration by the Towing Board.

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A MEMBER TOWING ADVISORY BOARD FOR THE CITY OF HOPEWELL

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board; and

WHEREAS §46.2-1217 of the Code of Virginia, 1950 provides the authority for Hopewell City Council to establish a towing advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the towing contract, ; and

WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the Hopewell City Council with the authority to appoint volunteer from law enforcement, local towing and recovery operators and the general public as members to serve on the Hopewell Towing Advisory Board, and;

BE IT RESOLVED that the Hopewell City Council does hereby appoint Chief Gregory Taylor, Hopewell Police Department as a law enforcement representative to the Towing Advisory Board for the City of Hopewell for a two year term to commence on _____ of March, 2024 and to end on the _____ day of March, 2026.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Brittani Williams, City Clerk

RESOLUTION NO. _____

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WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the Hopewell City Council with the authority to appoint volunteer from law enforcement, local towing and recovery operators and the general public as members to serve on the Hopewell Towing Advisory Board, and;

BE IT RESOLVED that the Hopewell City Council does hereby appoint Sophie Benkendorf, as a Hopewell citizen to the Towing Advisory Board for the City of Hopewell for a two year term to commence on _____ of March, 2024 and to end on the _____ day of March, 2026.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:
ABSTAINING:
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WHEREAS, §46.2-1217 of the Code of Virginia, 1950 provides the Hopewell City Council with the authority to appoint volunteer from law enforcement, local towing and recovery operators and the general public as members to serve on the Hopewell Towing Advisory Board, and;

BE IT RESOLVED that the Hopewell City Council does hereby appoint _____, as a towing company representative to the Towing Advisory Board for the City of Hopewell for a two year term to commence on _____ of March, 2024 and to end on the _____ day of March, 2026.

In witness whereof, the foregoing was adopted by City Council of Hopewell, Virginia on _____ day of March, 2024.

VOTING AYE: (7) Mayor Partin, Vice Mayor Gore, Councilor Denton, Councilor Pelham, Councilor Holloway, Councilor Joyner, Councilor Harris.

VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

Brittani Williams, City Clerk

CITY OF HOPEWELL TOWING AGREEMENT

THIS CONTRACT, made this _____ day of _____, 2024 (“Effective Date”) by and between _____ (hereinafter, referred to as “CONTRACTOR”) and the CITY OF HOPEWELL, a Virginia municipality (hereinafter, CITY”), to establish an eligibility list of businesses to provide towing services.

WITNESSETH:

WHEREAS, the City, by and through the Hopewell Police Department, desires to establish an eligibility list of business establishments to provide towing services; and

WHEREAS, the City deems it desirable to ensure that fair, uniform rates are charged for services rendered while serving on the Police Department’s towing list and to protect the integrity of the City and the towing facilities from unfair pricing and/or incompetent services.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, the Parties hereto do hereby agree as follows:

1. TERMS AND CONDITIONS

1.1. CONTRACTOR shall certify that its operation complies with and will continue to comply with all conditions, equipment specifications and requirement under this Agreement and under the established laws of the Commonwealth of Virginia. The Contractor shall report to the Support Services Captain, (“towing coordinator”). Failure to comply or false statements, material or otherwise, concerning the Contractor’s compliance and/or the compliance of any of its agents or assignees shall be grounds for termination.

1.2. CONTRACTOR maintain and furnish the City with no more than one day phone number and one night phone number. The Contractor agrees to give twenty-four (24) hour notice to the City prior to any changes in either day or night phone numbers. The CONTRACTOR shall notify the City of a temporary change in telephone number. Such notice must be provided to the City of Hopewell Emergency Communications Center (804.541.2222) of a temporary change of telephone number. Any permanent change in address or telephone number shall be made in writing to the Support Services Captain, City of Hopewell Police Department, 150 W. Randolph Road; Hopewell, Virginia 23860.

1.3. CONTRACTOR shall have conducted towing services in the City of Hopewell under its current business name for a minimum of one (1) year. Prior performance and reputation in the community, as reported through the Police Department and criminal history information on the applicant. Input from the City of Hopewell Towing Advisory Board (if active) will be considered when a contractor submits his/her application.

1.4. The Contractor shall supply a copy of his/her criminal history record to the towing coordinator. Such criminal history record will be obtained from the Virginia State Police. An applicant with a felony conviction on his/her criminal history will general be ineligible for a towing contract. All felony convictions will be evaluated by the Hopewell Police Department for the severity of the offense, number of offenses, repeat offenses and the length of time since the most recent felony conviction in addition to any other relevant factors. The purpose of this evaluation is to assess the applicant's propensity for truthfulness, trustworthiness and character. The Hopewell Police Department reserves the right to make the final approval for all submitted applications.

1.5. CONTRACTOR must provide a current copy of his or her driving record. The applicant's driving record must be obtained through the Virginia Department of Motor Vehicles.

1.6. CONTRACTOR shall provide proof of insurance that meets the requirements as stated in §46.2-649.1 of the Code of Virginia and shall maintain the same. The Contractor shall notify the towing coordinator immediately upon any lapse of insurance for any period of time.

1.7. CONTRACTOR shall install and maintain a clearly visible sign at the storage lot providing the company name, telephone number where the owner, manager or attendant may be reached at any time so a towed vehicle may be reclaimed by its owner during hours of operation. The sign must be placed in a conspicuous location and must be legible and in good condition.

1.8. The tow yard must be within one (1) mile from the City of Hopewell.

1.9. If the CONTRACTOR declares bankruptcy personally or on behalf of the business or otherwise ceases operations during the terms of this Agreement, the CONTRACTOR shall notify the City in writing immediately.

2. RESPONSIBILITIES AND OPERATIONS

2.1. CONTRACTOR shall insure that service is provided for its storage lot five (5) days a week with the exception of legal holidays from 8:00 am to 5:00 pm.

2.2. CONTRACTOR shall return all vehicles upon proper payment for towing and/or storage fees.

2.3. When a vehicle has been claimed by the CONTRACTOR, the response time to the tow lot shall not exceed one (1) hour by the contractor, its employees, agents or assignees.

2.4. No office facilities are required to be maintained at the storage lot and the lot does not have to be consistently manned during service hours.

2.5. CONTRACTOR shall not charge for storage over a weekend.

2.6. CONTRACTOR shall provide adequate security for all vehicles towed and their contents, including appropriate fencing.

2.7. CONTRACTOR shall be responsible for the towed vehicle and all its legal contents from the time that it is claimed until: the vehicle is delivered to a location specified by the owner or operator, however, the owner, manager or agent of the specified location refuses the delivery of the vehicle, the mileage charge will continue to the Contractor's tow lot; the vehicle is released and accepted by the owner and/or the owner's agent; or the vehicle is otherwise disposed of according to law.

2.8. CONTRACTOR may charge a separate fee for the release of a vehicle after normal business hours (5:00 pm to 8:00 am). Fees allowed are listed on Addendum D of this Agreement.

2.9. As mandated by the Commonwealth of Virginia Work Area Protection Manual, towing and recovery personnel who are exposed to traffic shall wear high-visibility safety apparel that meets Performance Class 3 requirements.

2.10. The CONTRACTOR shall be able to respond and shall respond to police calls for impoundment or seizure for towing and wrecker services every day of the week on a twenty-four hour a day basis. Inoperable vehicles or abandoned vehicles shall be towed Monday – Friday; 6:00 am to 6:00 pm or as needed by the City. If an inoperable or abandoned vehicle tow is required after hours or on the weekend, CONTRACTOR will need to be available. If the CONTRACTOR is not available, then the City will move on the rotation to the next CONTRACTOR on the tow list.

2.11. Response time for the CONTRACTOR'S arrival on scene when called shall not exceed thirty (30) minutes from the time the call for service is made by the City. Where a larger than normal wrecker is required given the circumstances, the CONTRACTOR shall have an additional thirty (30) minutes to respond to the scene. Where the CONTRACTOR'S response time exceeds thirty (30) minutes, the City reserves the right to call any other available CONTRACTOR. Frequent failures to respond in the appropriate amount of time limits shall be considered grounds for termination of this Agreement and removal from the eligibility list. The above time limit may be waived by the City for good cause shown.

2.12. Where the vehicle's owner/operator requests that another business other than the CONTRACTOR tow their vehicle, the City shall honor the selection unless circumstances dictate otherwise.

2.13. CONTRACTOR is responsible for determining the appropriate wrecker for the call for service. If additional assistance is required, the CONTRACTOR shall notify the City on this fact on scene and the police officer will call for another CONTRACTOR to respond to assist. No CONTRACTOR shall accept called for service that are beyond their capability or equipment limitations. No CONTRACTOR shall accept a service call from the City and then split the call with another CONTRACTOR or assign the call to another CONTRACTOR.

2.14. CONTRACTOR shall be responsible for debris removal from the scene before departing. The CONTRACTOR shall also be responsible for the removal of injurious substances dropped by the vehicle upon the highway per §18.2-324 of the Code of Virginia. If the cleanup

of any injurious substance warrants the use of resources beyond those required for a basic cleanup, the CONTRACTOR may charge an hourly fee as per Addendum D for additional labor and may also charge for its additional equipment and supply expenses. The CONTRACTOR is required to document the before and after condition of the scene with photographs. The CONTRACTOR is required to maintain for a period of two (2) years the photographic documentation, as well as the documentation substantiating the additional expenses charged. The documentation must be available for inspection by the City upon request. Where two or more wreckers are on scene, CONTRACTOR agrees to cooperate with all drivers as necessary for cleanup. If all other tow trucks have left the scene, the last tow truck operator will be responsible for cleanup.

2.15. CONTRACTOR shall not release any vehicles "seized" or "seized for forfeiture" by the City until the City gives its permission to release the vehicle or at the direction of the towing coordinator and upon official letter from the Hopewell Police Department. Release shall only be given to the person(s) lawfully permitted to possess such a vehicle. Where CONTRACTOR releases such a vehicle in violation of this section, the City may elect to terminate this Agreement and/or remove the CONTRACTOR from the eligibility list.

2.16. In performance of its duties under this Agreement, the CONTRACTOR shall use only that equipment which has previously inspected and approved by the City. All approved equipment shall be listed on Addendum A by the CONTRACTOR, which is made part of the Agreement. Use of equipment any other towing facility by the CONTRACTOR, regardless of ownership, or any use of unapproved equipment, shall constitute just cause for immediate termination of this Agreement. If a CONTRACTOR'S wrecker is temporarily disabled a rental wrecker may utilized, with the written approval of the Hopewell Police Department for up to thirty (30) days. Extension of time of the thirty (30) day time limit may be given at the discretion of the City. The rental wrecker must meet all of the requirements of this Agreement and magnetic signs displaying the name, address and telephone number of the CONTRACTOR shall be affixed to both sides of the rental wrecker. (Magnetic signs are not otherwise allowed on wreckers owned and used by the Contractor). CONTRACTOR shall notify the City of Hopewell Police Department towing coordinator for approval prior to the use of the rental wrecker. This provision shall not prohibit the use of "specialty equipment" under emergency conditions. When so instructed by the police, CONTRACTOR shall provide the necessary equipment to move the designated motor vehicle. Such "specialty equipment" may include but is not limited to , dollies, winches, cable extensions and off-road work.

2.17. CONTRACTOR grants the City permission to inspect periodically all equipment and storage facilities listed by the CONTRACTOR in Addendums A and B. Upon a determination by the City that the facilities or equipment is unacceptable, the City shall provide to the CONTRACTOR written or verbal notification of its determination. Said unacceptable equipment or storage facility shall not be used by the CONTRACTOR in the performance of its obligations until corrected and if not corrected within 10 days, such equipment or storage facility shall be deleted from Addendum A. All unacceptable equipment will be documented in the tow company's file at the City of Hopewell Police Department.

2.18. CONTRACTOR shall keep all records related to the towing of vehicles towed under this contract for a period of two (2) years. These records shall include copies of itemized bills given to the owner or operator as outlined in this Agreement. CONTRACTOR shall keep separate all towing charges billed under this Agreement and such records must be available at any time for inspection by the City.

2.19. CONTRACTOR represents that no current employee or member of the governing body of the City of Hopewell has any interest, direct or indirect in the CONTRACTOR'S business.

3. TERMINATION, EXPIRATION AND RENEWAL

3.1. This contract shall expire on _____.

3.2. The contract may also be terminated pursuant to the terms listed herein.

3.3. The City reserves the right to terminate this Agreement at any time for any breach of the terms of this Agreement.

3.4. The City may at any time, in its discretion, suspend or terminate this Agreement after providing the CONTRACTOR with 24-hour advance written notice at the place of business provided to the City. However, the City reserves the right immediately, without 24-hour advance written notification, suspend the Agreement and remove the CONTRACTOR from the Authorized Towing List if such suspension and removal is in the best interest of public safety. Grounds for termination shall include but is not limited to:

a. failure to respond to requests from the City within the prescribed thirty (30) minute time limit.

b. failure to maintain equipment or storage facilities in accordance with this Agreement and/or failure to have new equipment or storage facilities approved prior to their use.

c. lack of adequate insurance as required by §46.2-649.1 of the Code of Virginia

d. arriving at the tow scene where tow trucks are required without being called by the City.

e. operating in a manner that is inefficient or unsafe or allowing an inexperienced or unlicensed person(s) to drive or operate any equipment used to tow a vehicle.

f. storing a vehicle at a location other than an approved storage lot.

g. failure to comply with any of the terms of this contract.

h. conviction of the violation of any federal, state or local laws, to include but is limited to involvement in criminal offenses or activity and failure to comply with all laws, ordinances, codes and regulations relative to the operation of a motor vehicle towing and storage business.

- i. failure to clean roadways at the time of an accident.
- j. use of satellite (multiple) phone numbers or business locations to increase the number of operating points for contractors in the City.
- k. substantiated complaint(s) of excessive or unnecessary fees for towing or storage charged to customers.
- l. any action or activity by the CONTRACTOR which, in the determination of the police, is not in the best interests of the police, the City or the citizens of the City of Hopewell.
- m. operation of a towing business in the City of Hopewell without a valid City of Hopewell business license.
- n. failure to pay city, state or federal taxes.

3.5. CONTRACTOR shall receive from the City of Hopewell Police Department written notice of such removal or suspension and the grounds therefor. The Chief of Police or designee's decision for removal or suspension shall be final unless the CONTRACTOR appeals in writing to the Chief of Police for the City of Hopewell within ten (10) days of notice of removal or suspension.

3.6. The CONTRACTOR'S written appeal to the Chief of Police shall include the basis for its appeal and the relief sought, and shall state whether the CONTRACTOR wishes to have a hearing with respect to the appeal. If no hearing is requested, the Chief of Police or his/her designee shall render a decision to the CONTRACTOR within ten (10) days of receipt of appeal.

a. If a hearing is requested, it shall be held within ten (10) days of receipt of the written appeal or as soon as thereafter possible, and a final decision shall be rendered by the Chief of Police or his designee within ten (10) days of the hearing. During the hearing the CONTRACTOR shall have the opportunity to present pertinent information, and to cross-examine adverse witnesses as in a due process hearing. The administrative hearing shall be informal and shall be conducted by the Chief of Police or his/her designee. The CONTRACTOR may be represented by counsel at its own expense.

b. If the final decision of the Chief of Police or his/her designee is removal of the CONTRACTOR from the Authorized Tow List and/or termination of the Agreement, the CONTRACTOR may appeal in writing to the City Manager. Such appeal must be made to the City Manager within ten (10) days of receipt of the Chief of Police's final decision issued pursuant to this Agreement. The City Manager may consider the CONTRACTOR'S written appeal and any supporting documentation that he/she may provide or evidence submitted to the Chief of Police. The City Manager shall issue a written decision as a finding which may uphold, reverse or modify the decision of the Chief of Police within thirty (30) days after receipt of the written appeal.

3.7. This contract may be renewed by the City for additional one-year period under the terms and conditions of the original contract upon written agreement of both parties. In order to effect a renewal, the CONTRACTOR must submit a signed and notarized form (Addendum C)

and an updated criminal history obtained from the Virginia State Police. The CONTRACTOR must also submit an updated driving history obtained from the Virginia Department of Motor Vehicles.

3.8. Price increases may only be negotiated at the time of the renewal.

3.9. Renewal shall depend upon the performance of CONTRACTOR and the CONTRACTOR'S compliance with the terms of this Agreement.

4. CONTRACTOR MINIMUM REQUIREMENTS

4.1. CONTRACTOR shall meet all requirements established by the Virginia Department of Criminal Justice Services (DCJS) and any other reasonable requirements the City may impose in its discretion from time to time.

4.2. All tow truck drivers must be duly licensed and registered with DCJS and such license or registration must be maintained and renewed in accordance with DCJS requirements. CONTRACTOR shall maintain a copy of each tow truck driver's DCJS issued license or registration. All employees who actively operate a tow truck under the towing contract are required to complete the four-hour National Traffic Incident Management Responder Training. Owners who are not active operators are also encouraged to complete this training.

4.3. All wreckers must be registered pursuant to §46.2-649.1 and any other applicable state law. CONTRACTOR or the driver must display proper license plates as required by DMV.

4.4. All wreckers must have business name (see Code of Virginia §46.2-1076 (C)) and phone number on both sides of the vehicle and visible to the naked eye from a distance of fifty (50) feet. The lettering will be permanently affixed to the wrecker. Magnetic signs are prohibited except in the use of rental wreckers.

4.5. No truck having wheels of the dual-tire type in excess of 6,000 pounds and no trailer, semitrailer or cab for such trailer shall be parked on any road in the City within any residential district as defined in the zoning ordinance.

4.6. All wreckers must have current Virginia state inspections.

4.7. All wreckers shall be standard vehicles originally designed and built as wreckers and shall not be pick-up or similar trucks with towing slings on the body.

4.8. All wreckers shall be equipped with at least one shovel, one broom, one container or pail for glass and debris, one 5lb operational/charged multi-purpose fire extinguisher and a sufficient amount of absorbent material equal to a five gallon bucket and any other equipment required by the City.

4.9. In addition to the required standard lighting equipment, each wrecker shall be outfitted with a flashing, blinking or alternating (rotating) amber light(s) as required by §§46.2-1025 and 46.2-1030(C) of the Code of Virginia.

4.10. Additions or changes in equipment must be reported by the CONTRACTOR to the City immediately.

5. EMPLOYMENT DISCRIMINATION AND A DRUG-FREE WORKPLACE

5.1. As part of its contractual obligations, CONTRACTOR commits to conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended; where applicable, the Virginians with Disabilities Act; the Americans with Disabilities Act and §2.2-4311 of the Virginia Public Procurement Act.

5.2. CONTRACTOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to employment discrimination.

5.3. CONTRACTOR agrees to post in a conspicuous place, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana is prohibited in the shelter and/or any other workplace.

5.4. For the purposes of this section, a “drug-free workplace” means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during performance of the contract.

6. INDEMNITY

6.1. CONTRACTOR agrees to defend, indemnify and hold harmless, the City of Hopewell and its members, officers, directors, employees, agents, and representatives from and against any and all claims, damages, demands, losses, costs and expenses, including attorney’s fees and any other losses of any kind or nature whatsoever including claims for bodily injuries, illness, disease or death and physical property loss or damage in favor of CONTRACTOR , a subcontractor, their employees, agents, third parties arising out of the performance of services and resulting from tort liability, strict liability or negligent acts or omissions of CONTRACTOR , its employees, agents or subcontractors under this agreement or resulting from breach of contract, whatever by statute or otherwise.

6.2. CONTRACTOR shall assume the responsibility for damage to or loss of its material, equipment or facilities located at the site and, in order to effect this limitation of liability, CONTRACTOR agrees to insure or self-insure such property against any such risk.

7. DEFAULT

7.1. In case of default of the CONTRACTOR, the City may procure towing services from another source and hold the contractor responsible for any excess cost incurred thereafter. This remedy shall be in addition to any other remedies that the City may have.

8. PAYMENT

8.1. Payment by the City is due thirty (30) days after the receipt of approved invoice unless otherwise specifically provided: subject to any discounts allowed. If an invoice requires modifications by the City, the thirty (30) day period begins after receipt of an acceptable invoice.

8.2. Additional costs, fees or other charges are not authorized under the terms of this agreement.

9. ASSIGNMENT

9.1. This agreement shall not be assignable by the CONTRACTOR in whole or in part without the written consent of the City.

10. FEES

10.1. CONTRACTOR may charge three (3) basic fees for its services: (1) a night tow fee to cover the period from 6:00 pm to 6:00 am; (2) a day tow fee to cover the period from 6:01 am to 5:59 pm a; and (3) a holiday fee. The holiday fee may be charged on holidays recognized by the City of Hopewell. The City service fees are listed in Addendum D of this Agreement. These basic fees shall include any charge for the storage of the vehicle towed.

10.2. All fees shall be listed on Addendum D of this Contract and approved by the City.

10.3. To determine the proper category of the charge, (disabled vehicle, accident, traffic infraction, etc.) the CONTRACTOR must verify with the police officer on the scene as to the nature of classification to be assigned to the incident.

10.4. CONTRACTOR shall give each owner/operator a written copy of the approved towing fees at the time of the tow. The City shall provide master copies to the CONTRACTOR. The CONTRACTOR will provide copies of the master copies to the owner or operator. Only the copy approved by the City will be supplied to the owner or operator. If the operator or owner is not available at the time of the tow, a copy may be given when the customer picks up the vehicle.

10.5. When requested at the scene of the tow or at the CONTRACTOR'S storage lot, the CONTRACTOR shall release to the owner or his or her designee personal contents of the vehicle. At no time can the CONTRACTOR hold personal items not permanently affixed to the vehicle in lieu of payment of the tow bill or fees.

a. The allowable fees are listed on Addendum D of this Agreement.

CONTRACTOR can charge for an additional wrecker, person or equipment it utilized for the same vehicle. The fee listed in Addendum D for additional person, wrecker or equipment shall not exceed the fee for disabled passenger vehicles, pick-ups, SUVs or vans. With prior approval from the Police Department Towing Coordinator, CONTRACTOR may charge a fee not to exceed \$100 for extraordinary circumstances. At no time can this charge be levied without prior approval by the Police Department on duty supervisor.

b. If a wrecker responds and services are not required, no charge will be made by the CONTRACTOR if it has not hooked up to the vehicle.

c. CONTRACTOR shall present to the owner or operator of a towed vehicle an itemized bill which shall contain the following information:

i. vehicle's owner's name and address;

ii. vehicle description including make, model, color, license plate number and vehicle identification number.

iii. date and time vehicle towed, incident number and assigned by Police Communications Center, location from which the vehicle was towed and the reason for the tow, list of services provided and individual cost.

iv. location, date and time the vehicle was released.

11. COMPLAINTS

11.1. The City of Hopewell Police Department Chief of Police shall designate an officer to investigate all complaints made by the owner and/or operator of vehicles which are towed or stored pursuant to this Agreement.

11.2. When necessary, the Chief of Police or his/her designee shall make written recommendations for corrective actions, which shall be binding on the CONTRACTOR.

11.3. The Chief of Police or his/her designee will determine whether the CONTRACTOR is providing satisfactory service. If service is determined to be unsatisfactory, the CONTRACTOR may be terminated and this Agreement will be dissolved.

12. INSPECTION

9.1. The City reserves the right to conduct an inspection of the premises and evaluate the services as it may deem appropriate to assure goods and services conform to the specifications.

9.2. The City shall have access to the CONTRACTOR'S facilities, shall have access to all necessary records in order to conduct audits in compliance with this Agreement. The City shall give the CONTRACTOR reasonable advance notice of intended inspections and audits.

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10.1. Any changes must be made to the contract with agreement of both the City and the CONTRACTOR. Proposed changes will need to be in writing in order to modify the scope of the contract.

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11.1. The parties to the contract each reserve the right to cancel and terminate the agreement, in whole or in part, without penalty, upon 30 days written notice to the other party. Any contract cancellation notice shall not relieve either party of the obligation to deliver and perform all outstanding services due prior to the effective date of the cancellation.

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12.1. This agreement shall be governed in all respects by the laws of the Commonwealth of Virginia. Any litigation with respect thereto shall be brought in the courts of the City of Hopewell.

12.2. CONTRACTOR shall comply with all applicable federal, state and local laws, rules and regulations.

13. INCORPORATION BY REFERENCE

13.1. This agreement specifically incorporates by reference all documents specifically mentioned herein.

This Agreement and the terms listed herein constitute the entire understanding and obligations of all parties with respect to the towing and storage of motor vehicles by the CONTRACTOR at the request of the City. No changes to this contract shall be made except in writing with notarized signature by both parties. This Agreement supersedes all other agreements between parties with respect to towing and storage of motor vehicles.

City Manager

Chief of Police

City Attorney (approved as to form)

CONTRACTOR

Name: _____
Title: _____
Signature: _____
Date: _____

COMMONWEALTH OF VIRGINIA:
City of Hopewell

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by _____ (Contractor) of _____ (Company Name)

Notary Public
My Commission expires _____

CITY OF HOPEWELL TOWING AGREEMENT

THIS CONTRACT, made this _____ day of _____, 2024 (“Effective Date”) by and between _____ (hereinafter, referred to as “CONTRACTOR”) and the CITY OF HOPEWELL, a Virginia municipality (hereinafter, CITY”), to establish an eligibility list of businesses to provide towing services.

WITNESSETH:

WHEREAS, the City, by and through the Hopewell Police Department, desires to establish an eligibility list of business establishments to provide towing services; and

WHEREAS, the City deems it desirable to ensure that fair, uniform rates are charged for services rendered while serving on the Police Department’s towing list and to protect the integrity of the City and the towing facilities from unfair pricing and/or incompetent services.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, the Parties hereto do hereby agree as follows:

1. TERMS AND CONDITIONS

1.1. CONTRACTOR shall certify that its operation complies with and will continue to comply with all conditions, equipment specifications and requirement under this Agreement and under the established laws of the Commonwealth of Virginia. The Contractor shall report to the Support Services Captain, (“towing coordinator”). Failure to comply or false statements, material or otherwise, concerning the Contractor’s compliance and/or the compliance of any of its agents or assignees shall be grounds for termination.

1.2. CONTRACTOR maintain and furnish the City with no more than one day phone number and one night phone number. The Contractor agrees to give twenty-four (24) hour notice to the City prior to any changes in either day or night phone numbers. The CONTRACTOR shall notify the City of a temporary change in telephone number. Such notice must be provided to the City of Hopewell Emergency Communications Center (804.541.2222) of a temporary change of telephone number. Any permanent change in address or telephone number shall be made in writing to the Support Services Captain, City of Hopewell Police Department, 150 W. Randolph Road; Hopewell, Virginia 23860.

1.3. CONTRACTOR shall have conducted towing services in the City of Hopewell under its current business name for a minimum of one (1) year. Prior performance and reputation in the community, as reported through the Police Department and criminal history information on the applicant. Input from the City of Hopewell Towing Advisory Board (if active) will be considered when a contractor submits his/her application.

1.4. The Contractor shall supply a copy of his/her criminal history record to the towing coordinator. Such criminal history record will be obtained from the Virginia State Police. An applicant with a felony conviction on his/her criminal history will general be ineligible for a towing contract. All felony convictions will be evaluated by the Hopewell Police Department for the severity of the offense, number of offenses, repeat offenses and the length of time since the most recent felony conviction in addition to any other relevant factors. The purpose of this evaluation is to assess the applicant's propensity for truthfulness, trustworthiness and character. The Hopewell Police Department reserves the right to make the final approval for all submitted applications.

1.5. CONTRACTOR must provide a current copy of his or her driving record. The applicant's driving record must be obtained through the Virginia Department of Motor Vehicles.

1.6. CONTRACTOR shall provide proof of insurance that meets the requirements as stated in §46.2-649.1 of the Code of Virginia and shall maintain the same. The Contractor shall notify the towing coordinator immediately upon any lapse of insurance for any period of time.

1.7. CONTRACTOR shall install and maintain a clearly visible sign at the storage lot providing the company name, telephone number where the owner, manager or attendant may be reached at any time so a towed vehicle may be reclaimed by its owner during hours of operation. The sign must be placed in a conspicuous location and must be legible and in good condition.

1.8. The tow yard must be within one (1) mile from the City of Hopewell.

1.9. If the CONTRACTOR declares bankruptcy personally or on behalf of the business or otherwise ceases operations during the terms of this Agreement, the CONTRACTOR shall notify the City in writing immediately.

2. RESPONSIBILITIES AND OPERATIONS

2.1. CONTRACTOR shall insure that service is provided for its storage lot five (5) days a week with the exception of legal holidays from 8:00 am to 5:00 pm.

2.2. CONTRACTOR shall return all vehicles upon proper payment for towing and/or storage fees.

2.3. When a vehicle has been claimed by the CONTRACTOR, the response time to the tow lot shall not exceed one (1) hour by the contractor, its employees, agents or assignees.

2.4. No office facilities are required to be maintained at the storage lot and the lot does not have to be consistently manned during service hours.

2.5. CONTRACTOR shall not charge for storage over a weekend.

2.6. CONTRACTOR shall provide adequate security for all vehicles towed and their contents, including appropriate fencing.

2.7. CONTRACTOR shall be responsible for the towed vehicle and all its legal contents from the time that it is claimed until: the vehicle is delivered to a location specified by the owner or operator, however, the owner, manager or agent of the specified location refuses the delivery of the vehicle, the mileage charge will continue to the Contractor's tow lot; the vehicle is released and accepted by the owner and/or the owner's agent; or the vehicle is otherwise disposed of according to law.

2.8. CONTRACTOR may charge a separate fee for the release of a vehicle after normal business hours (5:00 pm to 8:00 am). Fees allowed are listed on Addendum D of this Agreement.

2.9. As mandated by the Commonwealth of Virginia Work Area Protection Manual, towing and recovery personnel who are exposed to traffic shall wear high-visibility safety apparel that meets Performance Class 3 requirements.

2.10. The CONTRACTOR shall be able to respond and shall respond to police calls for impoundment or seizure for towing and wrecker services every day of the week on a twenty-four hour a day basis. Inoperable vehicles or abandoned vehicles shall be towed Monday – Friday; 6:00 am to 6:00 pm or as needed by the City. If an inoperable or abandoned vehicle tow is required after hours or on the weekend, CONTRACTOR will need to be available. If the CONTRACTOR is not available, then the City will move on the rotation to the next CONTRACTOR on the tow list.

2.11. Response time for the CONTRACTOR'S arrival on scene when called shall not exceed thirty (30) minutes from the time the call for service is made by the City. Where a larger than normal wrecker is required given the circumstances, the CONTRACTOR shall have an additional thirty (30) minutes to respond to the scene. Where the CONTRACTOR'S response time exceeds thirty (30) minutes, the City reserves the right to call any other available CONTRACTOR. Frequent failures to respond in the appropriate amount of time limits shall be considered grounds for termination of this Agreement and removal from the eligibility list. The above time limit may be waived by the City for good cause shown.

2.12. Where the vehicle's owner/operator requests that another business other than the CONTRACTOR tow their vehicle, the City shall honor the selection unless circumstances dictate otherwise.

2.13. CONTRACTOR is responsible for determining the appropriate wrecker for the call for service. If additional assistance is required, the CONTRACTOR shall notify the City on this fact on scene and the police officer will call for another CONTRACTOR to respond to assist. No CONTRACTOR shall accept called for service that are beyond their capability or equipment limitations. No CONTRACTOR shall accept a service call from the City and then split the call with another CONTRACTOR or assign the call to another CONTRACTOR.

2.14. CONTRACTOR shall be responsible for debris removal from the scene before departing. The CONTRACTOR shall also be responsible for the removal of injurious substances dropped by the vehicle upon the highway per §18.2-324 of the Code of Virginia. If the cleanup

of any injurious substance warrants the use of resources beyond those required for a basic cleanup, the CONTRACTOR may charge an hourly fee as per Addendum D for additional labor and may also charge for its additional equipment and supply expenses. The CONTRACTOR is required to document the before and after condition of the scene with photographs. The CONTRACTOR is required to maintain for a period of two (2) years the photographic documentation, as well as the documentation substantiating the additional expenses charged. The documentation must be available for inspection by the City upon request. Where two or more wreckers are on scene, CONTRACTOR agrees to cooperate with all drivers as necessary for cleanup. If all other tow trucks have left the scene, the last tow truck operator will be responsible for cleanup.

2.15. CONTRACTOR shall not release any vehicles "seized" or "seized for forfeiture" by the City until the City gives its permission to release the vehicle or at the direction of the towing coordinator and upon official letter from the Hopewell Police Department. Release shall only be given to the person(s) lawfully permitted to possess such a vehicle. Where CONTRACTOR releases such a vehicle in violation of this section, the City may elect to terminate this Agreement and/or remove the CONTRACTOR from the eligibility list.

2.16. In performance of its duties under this Agreement, the CONTRACTOR shall use only that equipment which has previously inspected and approved by the City. All approved equipment shall be listed on Addendum A by the CONTRACTOR, which is made part of the Agreement. Use of equipment any other towing facility by the CONTRACTOR, regardless of ownership, or any use of unapproved equipment, shall constitute just cause for immediate termination of this Agreement. If a CONTRACTOR'S wrecker is temporarily disabled a rental wrecker may utilized, with the written approval of the Hopewell Police Department for up to thirty (30) days. Extension of time of the thirty (30) day time limit may be given at the discretion of the City. The rental wrecker must meet all of the requirements of this Agreement and magnetic signs displaying the name, address and telephone number of the CONTRACTOR shall be affixed to both sides of the rental wrecker. (Magnetic signs are not otherwise allowed on wreckers owned and used by the Contractor). CONTRACTOR shall notify the City of Hopewell Police Department towing coordinator for approval prior to the use of the rental wrecker. This provision shall not prohibit the use of "specialty equipment" under emergency conditions. When so instructed by the police, CONTRACTOR shall provide the necessary equipment to move the designated motor vehicle. Such "specialty equipment" may include but is not limited to , dollies, winches, cable extensions and off-road work.

2.17. CONTRACTOR grants the City permission to inspect periodically all equipment and storage facilities listed by the CONTRACTOR in Addendums A and B. Upon a determination by the City that the facilities or equipment is unacceptable, the City shall provide to the CONTRACTOR written or verbal notification of its determination. Said unacceptable equipment or storage facility shall not be used by the CONTRACTOR in the performance of its obligations until corrected and if not corrected within 10 days, such equipment or storage facility shall be deleted from Addendum A. All unacceptable equipment will be documented in the tow company's file at the City of Hopewell Police Department.

2.18. CONTRACTOR shall keep all records related to the towing of vehicles towed under this contract for a period of two (2) years. These records shall include copies of itemized bills given to the owner or operator as outlined in this Agreement. CONTRACTOR shall keep separate all towing charges billed under this Agreement and such records must be available at any time for inspection by the City.

2.19. CONTRACTOR represents that no current employee or member of the governing body of the City of Hopewell has any interest, direct or indirect in the CONTRACTOR'S business.

3. TERMINATION, EXPIRATION AND RENEWAL

3.1. This contract shall expire on _____.

3.2. The contract may also be terminated pursuant to the terms listed herein.

3.3. The City reserves the right to terminate this Agreement at any time for any breach of the terms of this Agreement.

3.4. The City may at any time, in its discretion, suspend or terminate this Agreement after providing the CONTRACTOR with 24-hour advance written notice at the place of business provided to the City. However, the City reserves the right immediately, without 24-hour advance written notification, suspend the Agreement and remove the CONTRACTOR from the Authorized Towing List if such suspension and removal is in the best interest of public safety. Grounds for termination shall include but is not limited to:

a. failure to respond to requests from the City within the prescribed thirty (30) minute time limit.

b. failure to maintain equipment or storage facilities in accordance with this Agreement and/or failure to have new equipment or storage facilities approved prior to their use.

c. lack of adequate insurance as required by §46.2-649.1 of the Code of Virginia

d. arriving at the tow scene where tow trucks are required without being called by the City.

e. operating in a manner that is inefficient or unsafe or allowing an inexperienced or unlicensed person(s) to drive or operate any equipment used to tow a vehicle.

f. storing a vehicle at a location other than an approved storage lot.

g. failure to comply with any of the terms of this contract.

h. conviction of the violation of any federal, state or local laws, to include but is limited to involvement in criminal offenses or activity and failure to comply with all laws, ordinances, codes and regulations relative to the operation of a motor vehicle towing and storage business.

i. failure to clean roadways at the time of an accident.

j. use of satellite (multiple) phone numbers or business locations to increase the number of operating points for contractors in the City.

k. substantiated complaint(s) of excessive or unnecessary fees for towing or storage charged to customers.

l. any action or activity by the CONTRACTOR which, in the determination of the police, is not in the best interests of the police, the City or the citizens of the City of Hopewell.

m. operation of a towing business in the City of Hopewell without a valid City of Hopewell business license.

n. failure to pay city, state or federal taxes.

3.5. CONTRACTOR shall receive from the City of Hopewell Police Department written notice of such removal or suspension and the grounds therefor. The Chief of Police or designee's decision for removal or suspension shall be final unless the CONTRACTOR appeals in writing to the Chief of Police for the City of Hopewell within ten (10) days of notice of removal or suspension.

3.6. The CONTRACTOR'S written appeal to the Chief of Police shall include the basis for its appeal and the relief sought, and shall state whether the CONTRACTOR wishes to have a hearing with respect to the appeal. If no hearing is requested, the Chief of Police or his/her designee shall render a decision to the CONTRACTOR within ten (10) days of receipt of appeal.

a. If a hearing is requested, it shall be held within ten (10) days of receipt of the written appeal or as soon as thereafter possible, and a final decision shall be rendered by the Chief of Police or his designee within ten (10) days of the hearing. During the hearing the CONTRACTOR shall have the opportunity to present pertinent information, and to cross-examine adverse witnesses as in a due process hearing. The administrative hearing shall be informal and shall be conducted by the Chief of Police or his/her designee. The CONTRACTOR may be represented by counsel at its own expense.

b. If the final decision of the Chief of Police or his/her designee is removal of the CONTRACTOR from the Authorized Tow List and/or termination of the Agreement, the CONTRACTOR may appeal in writing to the City Manager. Such appeal must be made to the City Manager within ten (10) days of receipt of the Chief of Police's final decision issued pursuant to this Agreement. The City Manager may consider the CONTRACTOR'S written appeal and any supporting documentation that he/she may provide or evidence submitted to the Chief of Police. The City Manager shall issue a written decision as a finding which may uphold, reverse or modify the decision of the Chief of Police within thirty (30) days after receipt of the written appeal.

3.7. This contract may be renewed by the City for additional one-year period under the terms and conditions of the original contract upon written agreement of both parties. In order to effect a renewal, the CONTRACTOR must submit a signed and notarized form (Addendum C)

and an updated criminal history obtained from the Virginia State Police. The CONTRACTOR must also submit an updated driving history obtained from the Virginia Department of Motor Vehicles.

3.8. Price increases may only be negotiated at the time of the renewal.

3.9. Renewal shall depend upon the performance of CONTRACTOR and the CONTRACTOR'S compliance with the terms of this Agreement.

4. CONTRACTOR MINIMUM REQUIREMENTS

4.1. CONTRACTOR shall meet all requirements established by the Virginia Department of Criminal Justice Services (DCJS) and any other reasonable requirements the City may impose in its discretion from time to time.

4.2. All tow truck drivers must be duly licensed and registered with DCJS and such license or registration must be maintained and renewed in accordance with DCJS requirements. CONTRACTOR shall maintain a copy of each tow truck driver's DCJS issued license or registration. All employees who actively operate a tow truck under the towing contract are required to complete the four-hour National Traffic Incident Management Responder Training. Owners who are not active operators are also encouraged to complete this training.

4.3. All wreckers must be registered pursuant to §46.2-649.1 and any other applicable state law. CONTRACTOR or the driver must display proper license plates as required by DMV.

4.4. All wreckers must have business name (see Code of Virginia §46.2-1076 (C)) and phone number on both sides of the vehicle and visible to the naked eye from a distance of fifty (50) feet. The lettering will be permanently affixed to the wrecker. Magnetic signs are prohibited except in the use of rental wreckers.

4.5. No truck having wheels of the dual-tire type in excess of 6,000 pounds and no trailer, semitrailer or cab for such trailer shall be parked on any road in the City within any residential district as defined in the zoning ordinance.

4.6. All wreckers must have current Virginia state inspections.

4.7. All wreckers shall be standard vehicles originally designed and built as wreckers and shall not be pick-up or similar trucks with towing slings on the body.

4.8. All wreckers shall be equipped with at least one shovel, one broom, one container or pail for glass and debris, one 5lb operational/charged multi-purpose fire extinguisher and a sufficient amount of absorbent material equal to a five gallon bucket and any other equipment required by the City.

4.9. In addition to the required standard lighting equipment, each wrecker shall be outfitted with a flashing, blinking or alternating (rotating) amber light(s) as required by §§46.2-1025 and 46.2-1030(C) of the Code of Virginia.

4.10. Additions or changes in equipment must be reported by the CONTRACTOR to the City immediately.

5. EMPLOYMENT DISCRIMINATION AND A DRUG-FREE WORKPLACE

5.1. As part of its contractual obligations, CONTRACTOR commits to conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended; where applicable, the Virginians with Disabilities Act; the Americans with Disabilities Act and §2.2-4311 of the Virginia Public Procurement Act.

5.2. CONTRACTOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to employment discrimination.

5.3. CONTRACTOR agrees to post in a conspicuous place, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana is prohibited in the shelter and/or any other workplace.

5.4. For the purposes of this section, a “drug-free workplace” means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during performance of the contract.

6. INDEMNITY

6.1. CONTRACTOR agrees to defend, indemnify and hold harmless, the City of Hopewell and its members, officers, directors, employees, agents, and representatives from and against any and all claims, damages, demands, losses, costs and expenses, including attorney’s fees and any other losses of any kind or nature whatsoever including claims for bodily injuries, illness, disease or death and physical property loss or damage in favor of CONTRACTOR, a subcontractor, their employees, agents, third parties arising out of the performance of services and resulting from tort liability, strict liability or negligent acts or omissions of CONTRACTOR, its employees, agents or subcontractors under this agreement or resulting from breach of contract, whatever by statute or otherwise.

6.2. CONTRACTOR shall assume the responsibility for damage to or loss of its material, equipment or facilities located at the site and, in order to effect this limitation of liability, CONTRACTOR agrees to insure or self-insure such property against any such risk.

7. DEFAULT

7.1. In case of default of the CONTRACTOR, the City may procure towing services from another source and hold the contractor responsible for any excess cost incurred thereafter. This remedy shall be in addition to any other remedies that the City may have.

8. PAYMENT

8.1. Payment by the City is due thirty (30) days after the receipt of approved invoice unless otherwise specifically provided: subject to any discounts allowed. If an invoice requires modifications by the City, the thirty (30) day period begins after receipt of an acceptable invoice.

8.2. Additional costs, fees or other charges are not authorized under the terms of this agreement.

9. ASSIGNMENT

9.1. This agreement shall not be assignable by the CONTRACTOR in whole or in part without the written consent of the City.

10. FEES

10.1. CONTRACTOR may charge three (3) basic fees for its services: (1) a night tow fee to cover the period from 6:00 pm to 6:00 am; (2) a day tow fee to cover the period from 6:01 am to 5:59 pm a; and (3) a holiday fee. The holiday fee may be charged on holidays recognized by the City of Hopewell. The City service fees are listed in Addendum D of this Agreement. These basic fees shall include any charge for the storage of the vehicle towed.

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iii. date and time vehicle towed, incident number and assigned by Police Communications Center, location from which the vehicle was towed and the reason for the tow, list of services provided and individual cost.

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City Manager

Chief of Police

City Attorney (approved as to form)

CONTRACTOR

Name: _____

Title: _____

Signature: _____

Date: _____

COMMONWEALTH OF VIRGINIA:

City of Hopewell

The foregoing instrument was acknowledged before me this _____ day of _____,
2024 by _____ (Contractor) of _____ (Company
Name)

Notary Public

My Commission expires _____

R-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

ISSUE: City Council Request Economic Development Strategic Plan

RECOMMENDATION: The Robert Bob Group recommends that the City Council of Hopewell adopt a strategic Plan for Economic Development. It is recommended that Charles Bennett, Director of Economic Development and Tourism work with the Hopewell Economic Development Authority to prepare and updated strategic plan for presentation to City Council.

TIMING: The draft plan is due to City Council by June 1st 2024. The Council will review and provide feedback on the plan by June 15th 2024. An updated and final plan will be presented to City Council at the 1st regular meeting of City Council in July 2024.

BACKGROUND: In 2013, the Hopewell Economic Development Authority in coordination with the City of Hopewell prepared a strategic plan.

ENCLOSED DOCUMENTS: Vision Statement 2030 Draft Strategic Economic Development Plan

STAFF:**FOR IN MEETING USE ONLY****SUMMARY:**

- | Y | N | | Y | N | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |

MOTION:_____ Charles Bennett, Director of Economic Development and Tourism work with the Hopewell Economic Development Authority to prepare and updated strategic plan for presentation to City Council. The draft plan is due to City Council by June 1st 2024. The Council will review and provide feedback on the plan by June 15th 2024. An updated and final plan will be presented to City Council at the 1st regular meeting of City Council in July 2024.

—

Roll Call

SUMMARY:

Y N
 Councilor Rita Joyner, Ward #1
 Councilor Michael Harris, Ward #2
 Mayor John B. Partin, Ward #3
 Vice Mayor Jasmine Gore, Ward #4

Y N
 Councilor Janice Denton, Ward #5
 Councilor Brenda Pelham, Ward #6
 Councilor Dominic Holloway, Sr., Ward #7

Strategic Economic Development Plan

Vision Statement 2030

Draft

While Hopewell has been known as an industrial town, the City has been transformed into an attractive community serving a larger regional economic and population base. The City has been able to capitalize on the economic growth of the region, particularly to expansion of the military presence at Fort Lee. City residents and residents from the surrounding communities stroll through the vibrant historic downtown shopping at specialty retailers, dining at restaurants and attending shows at the Beacon and other entertainment venues. The City provides a broad range of housing options for higher income families looking for waterfront and historic amenities to working families searching for quality affordable housing. The waterfront now is bustling with activity from boaters and kayakers on the water to walkers and bikers traversing the waterfront trail system. The City school system is working to be one of the best in the region boasting that the graduates are "college or career ready". The quality of comprehensive health care services and cultural and recreational offerings attract retirees and pre-retirees to the community. The newly constructed interpretation centers at our historical venues attract tourists from across the world. The commercial development along Rt. 36 at the I- 295 interchange has helped bolster tax revenues coming to the City. Advances in the manufacturing have allowed the industrial base to expand and support a large highly-skilled workforce. Today, Hopewell is a revitalized waterfront community providing a unique quality and variety of life experiences unmatched in the Richmond/Tri-cities metropolitan region.

Goals

- I-295 Interchange – Accelerate the development/redevelopment of the highway oriented commercial district emanating out from the I-295 interchange along the Rt. 36 corridor.
- Downtown – Revitalize the historic downtown to be a vibrant district offering specialty shopping and dining experience with multiple entertainment venues.
- Riverfront - Redevelop the riverfront providing a variety of activities associated with the use and enjoyment of the two rivers.
- Housing – Redevelop many of the older functionally obsolete residential neighborhoods into mixed-income communities meeting modern-day market preferences.

- History and Tourism – Develop or redevelop the historical venues to provide additional interpretation and quality visitor experiences. Provide a variety of auxiliary activities, shopping, dining, lodging, that will enhance the visitor's stay in the community.
- Health Care – Develop a comprehensive medical care campus that expands the medical offerings in the City and supports the continued expansion of the facilities and resources at the John Randolph Hospital.
- Manufacturing Base – Assist the existing and new manufactures to be more competitive and help them be in a position to expand their operations in the future.
- Education and Youth – To create a "career ready community" where all students are provided quality educational experiences preparing them for college or for work.
- Gateways – Improve/redevelop the major gateway highway corridors leading to and through the City.

Goals, Objectives and Strategies

- **I-295 Interchange** – Accelerate the development/redevelopment of the highway oriented commercial district emanating out from the I-295 interchange along the Rt. 36 corridor.

Objective

- Develop and implement a comprehensive development/redevelopment strategy for the Rt. 36 corridor from I-295 heading east.

Strategies

- Prepare a comprehensive commercial revitalization plan for the western Rt. 36 corridor.
- Gain site control and assemble strategic properties at the intersection of I-295 and Rt. 36 and along Rt. 36 for future commercial development
- Aggressively market the available commercial properties along the Rt. 36 corridor from I-295.
- Improve the landscaping, lighting and streetscaping along Rt. 36 leading towards downtown from I-295
- Discourage commercial businesses locating in residential structures along the Rt. 36 corridor.

- **Downtown** – Revitalize the historic downtown to be a vibrant district offering specialty shopping and dining experiences with multiple entertainment venues.

Objectives

- Continue to implement a comprehensive strategy for the revitalization of downtown.
- Provide a safe, secure and attractive downtown environment for shoppers, visitors and residents

- Foster the location of arts and entertainment activities/functions in the downtown.
- Undertake an aggressive marketing campaign for shoppers and new businesses
- Create physical connections to other strategic development areas in the City
- Enhance the streetscapes along the Rt. 10 corridor leading to the downtown as a part of a comprehensive "Gateway" improvement program.

Strategies

- Revise and adopt the comprehensive redevelopment plan for the Downtown Business District developed in 2002.
- Create a physical connection between the Downtown Business District and the Appomattox River.
- Conduct a series of successful performances and events at the newly renovated Beacon Theater during 2014.
- Focus on improving the safety and attractiveness of the area around the newly renovated Beacon Theater including the travel paths to and from the facility.
- Increase the entertainment offerings and events conducted in the Downtown.
- Renovate the existing commercial buildings to modern day standards and renovate the upper stories into modern residential apartments.
- Selectively replace/demolish obsolescent structures without major historic significance with buildings consistent with the Downtown Plan.
- Implement an aggressive marketing campaign for the Downtown businesses and recruit new businesses to the downtown.
- Create a marketing "Brand" for the downtown as a part of the overall marketing "Brand" for the City.
- Increase police presence in the Downtown and institute a neighborhood security program.
- Conduct an annual Downtown beautification campaign starting in 2014.
- Review and modify the existing land use regulations to accommodate the proposed mixed-use development.
- Continue to support the Hopewell Downtown Partnership and other public/private downtown development partnerships.
- Provide activities in the Downtown and transportation services to the Downtown for the military and civilian personnel at Fort Lee.

- **Riverfront** - Redevelop the riverfront providing a variety of activities associated with the use and enjoyment of the two rivers.

Objectives

- Develop/redevelop the marina area and Coleman property as mixed-use waterfront oriented developments.
- Develop a continuous waterfront trail system on land and on the water connecting the major activity centers along the waterfront and providing connection to neighborhoods inland.

Strategies

- Redevelop and expand the City owned marina into a mixed-use complex
- Construct a riverfront pedestrian and bike trail system, Appomattox Riverwalk and Trail System, from City Point to the Appomattox Regional Park west of the City
- Create a water trail, "Blueways Trail" along the two rivers.
- Sponsor a series of "on-the-water" events, fishing tournaments, boating rendezvous, raft races, etc.
- Develop a series of accessible canoe and kayak launch facilities along the water trail.
- Establish a series of greenways connecting the residential and commercial neighborhoods to the riverfront
- Create an enhanced/enlarged Civil War interpretation center at City Point and Broadway Landing.
- Recruit a river cruise operator to provide a river cruise of the Appomattox and James Rivers based out of the City Marina.
- Develop an event center with views and access to the riverfront.

- **Housing** – Redevelop many of the older functionally obsolete residential neighborhoods into mixed-income mixed-use communities meeting modern-day market preferences.

Objectives

- Reduce the percentage of rental housing stock in the City from 50% of the total housing stock to 40% of the housing stock (900 unit reduction) by 2020 and further reduce that percentage to 33% by 2030. The emphasis should be placed on the reduction in the concentration of poorer quality, older and functionally obsolete rental housing in the City.
- Target select neighborhoods for major renovation of existing housing stock.
- Continually add higher-priced housing to the range of housing options available in the City

Strategies

- Review/modify the "B" Village Plan and adopt a revised version of the plan.

- Recruit a non-profit developer(s) to carry out neighborhood revitalization efforts in the target neighborhoods.
 - Recruit developers for higher-priced housing on City owned and private properties along the riverfront.
 - Encourage private sector development of vacant residential zoned land and the redevelopment of existing property for residential and mixed-use purposes.
 - Replace the existing public housing projects with scattered-site subsidized housing including home ownership.
 - Vigorously enforce the existing rental inspection program and neighborhood nuisance ordinances. Strengthen the rental inspection program to the full extent allowed by State law. Petition the General Assembly to allow Hopewell to adopt additional blight abatement provisions in the City code.
 - Discourage commercial businesses locating in residential structures along the major Rt 10 and Rt. 36 commercial corridors.
- **Health Care** – Health Care – Develop a comprehensive medical care campus that expands the medical offerings in the City and supports the continued expansion of the facilities and resources at the John Randolph Hospital.

Objective

- In partnership with John Randolph Hospital develop and implement a master redevelopment plan for a "medical care campus".

Strategies

- The City in collaboration with the EDA develop and adopt a plan for a "Health Care Campus" in the area adjacent to the John Randolph Hospital bounded by 2nd and 6th Avenues and the Appomattox River to West Broadway Avenue. The Health Care Campus is envisioned to be an office complex housing a variety of health related businesses that provide a broad range of health specialties and services. This Campus would provide office space for doctors practicing at the John Randolph Hospital.
- Partner with John Randolph Hospital to develop facilities that would support their future needs and support a full range of auxiliary medical services.
- Improve the transportation infrastructure along the Rt 10 corridor to accommodate the expansion of John Randolph Hospital and the proposed Medical Care Campus.
- Provide significant landscaping and streetscaping, sidewalks, street lighting, signage, benches, banners, etc., along the Rt. 10 corridor through the City.

- Provide a full range of quality housing options, price and type, for health care workers. Construct a housing development targeted for teachers, health care workers and other City employees such as the "Mercer Place" in Lancaster County.
 - Recruit a "high-end" assisted living facility to the City.
- **Tourism and History** – Develop or redevelop the historical venues to provide additional interpretation and quality visitor experiences. Provide a variety of auxiliary activities, shopping, dining, lodging, that will enhance the visitor's stay in the community.

Objectives

- Increase tourist visitation and expenditures annually by 2% over the next 20 years.
- Enhance the existing tourism venues within the City.
- Create additional tourism venues/activities concentrated in the downtown area.
- Develop additional shopping, dining and lodging supporting tourism.

Strategies

- Expand the existing tourism marketing program and increase the funding for tourism marketing.
- Create strategic regional partnership for targeted tourism marketing efforts and special events/activities
- Forge a stronger partnership with the National Park Service for the marketing and future development of Appomattox Manor and other historic sites in the City
- Create a significant Civil War Center near City Point to provide a more complete interpretation of the roll of City Point in the Civil War
- Increase the financial support to the Historic Hopewell Foundation for the repair, maintenance and operation of their historic properties in the City.
- Develop the Hunter House as the site for the Civil War interpretation center.
- Provide better signage from I-295 to the historic sites in the City.
- Develop a system of pedestrian and bike trails leading to and along the waterfront.
- Recruit a river cruise operator to provide a river cruise of the Appomattox and James Rivers based out of the City Marina.
- Develop an event center with views and access to the riverfront.

- **Manufacturing Base** – Assist the existing and new manufactures to be more competitive and help them be in a position to expand their operations in the future.

Objectives

- Prepare the workforce with the knowledge, skills and abilities needed by the manufacturing operations in the City.
- Have an abundant supply of suitable industrial sites to accommodate the expansion of the existing industrial base and location of new industries.
- Maintain a moderate and competitive cost of business within the City.

Strategies

- Partner with John Tyler Community College and other institutions of higher education in the region to develop a virtual workforce development center in the City serving the needs of the manufactures and other commercial businesses.
- Develop/redevelop "brownfield" sites making them suitable for industrial usage adjacent to existing manufacturing operations ensuring that the land has the appropriate environmental clearances for development.
- Aggressively market available industrial properties for expansion of existing industrial companies or the location of new manufactures.
- Strengthen the existing lines of communications between the existing industrial companies and the leadership of the City.
- Partner with Prince George County on the future development to industrial properties along the City line.

- **Education and Youth** – To create a "career ready community" where all students are provided quality educational experiences preparing them for college or for work.

Objectives

- Adequately prepare preschool students for entry into the public school system.
- Steadily increase the graduation requirements to be compatible with surrounding school divisions.
- Increase the career and technical education offerings available to students and adults.
- Increase the preparedness of the graduates entering college.

Strategies

- Increase the availability of quality, affordable and licensed day care for youth.
- Provide additional opportunities for students to Expand the "Smart Beginnings" program for pre-school youth in the City

- Partner with John Tyler Community College and other institutions of higher education in the region to develop a "virtual" workforce development center in the City serving the needs of the manufactures and other commercial businesses.
 - Expand the dual enrollment program in the Hopewell High School.
 - Raise the graduation requirements for High School Students
 - Increase the funding level for the school system consistent with the school demographic profile.
 - Construct a housing development targeted for teachers, health care workers and other City employees such as the "Mercer Place" in Lancaster County.
- **Gateways** – Improve/redevelop the major gateway highway corridors leading to and through the City.

Objectives

- Provide significant landscaping and streetscaping, sidewalks, street lighting, signage, benches, banners, etc., along the major corridors, Rt. 10 and Rt. 36, leading to and through the City.
- Based upon the "Branding" recommendations create a wayfaring system of signage throughout the City including new entrance signs at the major entrances to the City.

Strategies

- Develop and adopt an overall gateway development plan as a part of the capital improvements plan for the City to stage the sequence of improvements along the corridors.
- Partner with civic and community groups to install and maintain the landscaping and streetscaping along the corridor.
- Place the appropriate signage on I-295 and major routes leading to the City directing travelers to the historic and other attractions in the City.

Hopewell Action Plan

Goal	Objective	Strategy	Timeframe (Start Time)	Lead Responsibility
I-295 Interchange				
	Comprehensive Redevelopment Strategy	Redevelopment Plan		
		Property Acquisition		
		Marketing Campaign		
		Streetscaping		
		Discourage Commercial in Residential Structures		
Downtown				
	Comprehensive Downtown Revitalization	Revise/Adopt "Downtown Plan"		
	Safety and Security	River Connection		
	Arts and Entertainment	Beacon Theater Performances		
	Marketing Campaign	Beacon Area Improvements		
	development areas	Entertainment Offerings		
	Rt. 10 Corridor Improvements	Building Renovations		
		Selective Demolition		
		"Brand" Downtown		
		Marketing Campaign		

Hopewell Action Plan

Goal	Objective	Strategy	Timeframe (Start Time)	Lead Responsibility
Downtown		Safety		
		Beautification		
		Zoning update		
		Strengthen Partnerships		
		Fort Lee Connection		
Riverfront				
	Mixed-use Waterfront Development	Marina Redevelopment		
	Waterfront Trail System	River Trail		
		Water Trail		
		"On-the-Water" events		
		Canoe and Kayak Launches		
		Greenway Development		
		River Cruises		
		Event Center		
		Civil War Center		
Housing				
	Reduce the % of rental housing	Adopt revised "B" Village Plan		
	Neighborhood Revitalization	Recruit Non-profit Developer		
Goal	Objective	Strategy	Timeframe (Start Time)	Lead Responsibility

Hopewell Action Plan

Housing	Add higher priced housing options	Riverfront Housing		
		Market-rate Housing Development		
		Repalce Public Housing Program		
		Discourage Commercial in Residential		
Health Care				
	Medical Care Campus	Health Care Campus Plan		
		Medical Support Facilities		
		Transportation Infrastructure		
		Rt. 10 Streetscaping		
		Health Worker Housing Assisted Living Facility		
History and Tourism				
	Increase Tourism Visitation and Expenditures	Increased Marketing		
	Enhance Tourism Venues	Regional Marketing		
	New Tourism Venues	NPS Partnership		
Goal	Objective	Strategy	Timeframe (Start Time)	Lead Responsibility

Hopewell Action Plan

History and Tourism				
	Added Shopping, Dining and Lodging	Civil War Center Historic Hopewell Support		
		Hunter House Renovation		
		Wayfaring Signage		
		Waterfront Trail		
		River Cruises		
		Event Center		
Manufacturing Base				
	Workforce Preparedness	Virtual Workforce Development Center		
	Industrial Sites	"Brownfield" Redevelopment		
	Cost of Doing Business	Marketing Campaign		
		"Community-Industry Partnership		
		Prince George Partnership		
Education and Youth				
	Preschool Preparedness	New Licensed Day Care		
Goal	Objective	Strategy	Timeframe (Start Time)	Lead Responsibility

Hopewell Action Plan

Education and Youth				
	Increase Graduation Requirements	Expand "Smart Beginings"		
	Career and Technical Education	Virtual Workforce Development Center		
	College Preparedness	Expand Dual Enrollment		
		Raise Graduation Requirements		
		Teacher Housing		
Gateways				
	Corridor Streetscaping	Gateway Development Plan		
	Wayfaring	Community		
		I-295 Signage		

COUNCILOR REQUESTS

CCR-1

Section _____ . Protection of legitimate political activity of employees; restrictions.

A. Definitions.

For the purposes of this section:

Political campaign” means activities engaged in for the purposes of promoting a political issue, for influencing the outcome of an election for local or state or federal office, or for influencing the outcome of a referendum or a special election.

Political candidate means any person who has made known his or her intention to seek, or campaign for, local or state or federal office in a general, primary, or state election.

Political party means any party organization or group having as its purpose the promotion of political candidates or political campaigns.

Political activities includes, but is not limited to, voting, registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.

Employee means any person in the competitive or exempt service of the City, including, but not limited to, appointees, compensated committee members, departmental workers, full time and part-time and or seasonal employees, firefighters, emergency medical technicians, police officers, and deputies, appointees, and employees of the Commonwealth's Attorney, the Clerk of the Circuit Court, and the Sheriff.

B. Employees

(1) (a) All employees, appointees or committee members shall be protected against any unwarranted infringement of their rights as American citizens to vote as they choose, to express their opinions, and to join any legitimate political organization whose purposes are not inconsistent with their loyalty to the United States.

(b) It is the intent of this section to grant employees the full latitude to participate in political activities provided by state statute, subject to all of the restrictions placed on such participation by state law, including, but not limited to, Virginia. Code § 15.2-1512.2, in a manner that is consistent with the proper and efficient performance of their duties as employees.

2) To this end, all employees, appointees or committee members may participate in political activities while they are off duty, out of uniform, and not on city-owned premises or leased premises of the City.

3) (a) Employees, appointees and committee members may attend or participate in a candidate forum or debate sponsored by a non-partisan organization held on City premises. Non-partisan organizations shall necessarily exclude City Council.

(b) Employees, appointees or committee members who are not on duty and not in uniform may engage in political activities on City-owned or leased premises shall be subject to the same terms and conditions that apply to members of the general public.

4) (a) Any employee, appointee or committee member may be a candidate for political office but shall resign, or shall be released, from employment with the City upon successful election to political office within the City, or other political office due to the responsibilities of that office will interfere with the employee's ability to perform the duties of his/her City position.

(b) Any member of the governing body who seeks employment with the City shall resign from their elected office and may be eligible for such employment one year from their date of resignation in order to avoid the appearance of impropriety and any potential conflicts of interest.

(c) Any Constitutional Officer who seeks employment with the City shall resign from their elected office and may become eligible for such employment one year from the date of their resignation in order to avoid the appearance of impropriety and any potential conflicts of interest.

5) No employees, appointees or committee member in the service of the City or of a constitutional officer shall reward or discriminate against any applicant for a position as an employee or any employee because of his or her political affiliations or political activities as permitted by this section, except as such affiliation or activity may be established by law as disqualification for employment by the City or by the constitutional officer.

6) (a) No employee, appointee or committee member in the employ of the City shall initiate, maintain or resume a secondary contract with the City for professional services, technical services or goods either personally or through a company in which he/she maintains a majority ownership interest.

(b) This section shall include the immediate family and household members of the employee, appointee or committee member.

C. (a) The City Manager is hereby authorized and directed to acquaint employees with the provisions of this Article protecting them against intimidation, coercion and discrimination on account of such legitimate political activities.

(b) The City Manager is also hereby authorized to promulgate such procedural directives as he or she deems appropriate to administer the provisions of this section.

D. City Council, the City Manager, and the Human Resources Director shall give no consideration to any endorsements or recommendations from any national, state or local political party or officer thereof in making appointments, promotions or dismissals or in any other personnel action.

E. Employees, appointees and committee members are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

F. Employees, appointees and committee members are prohibited from discriminating in the provision of public services, including, but not limited to firefighting, emergency medical, or law enforcement services, or responding to requests for such services on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.

G. (a) Employees, appointees and committee members are prohibited from suggesting or implying that any county, city, or town has officially endorsed a political party, candidate, or campaign.

(b) If any employee, appointee or committee member violates a provision of this section, the individual(s) shall be subject to disciplinary action, up to and including dismissal.

(c) It shall be unlawful for a person other than an employee to violate any provision of this section.

H. Nothing in this section shall be construed as relieving an employee from complying with the provisions of any applicable federal law, including, but not limited to, the Hatch Act, 5 U.S.C. §§ 1501, et seq. (7-87-3; 26-98-3; 35-05-3; 15-11-3.)

CCR-2

Finance Committee
Expansion – Mayor
Partin

ADJOURNMENT