

AGENDA



CITY OF HOPEWELL
Hopewell, Virginia 23860

CITY COUNCIL

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

AGENDA

(804) 541-2408

www.hopewellva.gov
info@hopewellva.gov
cityclerk@hopewellva.gov

John M. Altman, Jr., City Manager
Sandra R. Robinson, City Attorney
Mollie P. Bess, City Clerk

September 14, 2021

ELECTRONIC MEETING

Closed Meeting: 6:30 p.m.
Work Session – 7:00 p.m.
Regular Meeting – 7:30 p.m.

OPEN MEETING

6:30 p.m. Call to order, roll call, and welcome to visitors

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Sections 2.2-3711(A)(3) to discuss and/or consider the disposal of publicly-held real property where discussion in open meeting would adversely affect the negotiating and bargaining strategy of the City.

CLOSED MEETING

RECONVENE OPEN MEETING

Roll Call

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?

Roll Call

WORK SESSION

WS-1 – Conditional Use Permit for 1216 1st Avenue

WS-2 – Rezoning request at 303 North 3rd Avenue from B-2 (Limited Commercial) to RO-4 (High Density Offices)

REGULAR MEETING

Call to order, roll call, and welcome to visitors

Prayer by Rev. Danny Tucker, 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: August 24, 2021 City Council Minutes, August 19, 2021 City Council Minutes; February 23, 2021 City Council Minutes;

C-2 Pending List:

C-3 Information for Council Review: ARB Minutes – 6/28/21; Downtown Review Committee Minutes– 7/7/21; Planning Commission Minutes – 6/3/21 & 8/5/21 & 8/19/21

C-4 Personnel Change Report: Personnel Change Report – August 2021

C-5 Public Hearing Announcements:

C-6 Routine Approval of Work Sessions:

C-7 Ordinances on Second & Final Reading:

C-8 Routine Grant Approval:

C-9 Resolutions, Proclamations and Presentations

SUGGESTED MOTION: To amend/adopt consent agenda

Roll Call

INFORMATION/PRESENTATIONS

Financial Report – Mr. Terry

City Attorney Recruitment Process

Creation of Finance Committee Resolution

PUBLIC HEARINGS

CITY CLERK: *All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to five minutes. No person shall be permitted to address the Council a second time until all others have been heard, and no one may speak more than twice on any subject in any one meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. 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*

PH-1- Vacation of a portion of Texas Street between 221 and 301 9th Avenue

PH-2 - Substantial Amendment of the 2020-22 Community Development Block Grant Consolidated Plan and the 2021 Action Plan

UNFINISHED BUSINESS

UB-1.– Fraud, Waste, and Abuse Policy (CR-Gore)

MOTION: _____

Roll Call

UB-2 – Review/Revise Hopewell Historic Preservation Sub-Committee Membership Criteria

MOTION: _____

Roll Call

COMMUNICATIONS FROM CITIZENS

*CITY CLERK: A Communications 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 the regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. 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.)*

Reports of Boards and Commissions:

Reports of City Manager:

REGULAR BUSINESS

R-1 – Residency Waiver

MOTION: _____

Roll Call

R-2 – Virginia Opioid Abatement Fund & Settlement Allocations MOU

MOTION: _____

Roll Call

R-3 – Stormwater Resiliency Plan

MOTION:

Roll Call

R-4 – American Rescue Plan Act

MOTION:

Roll Call

Reports of City Attorney:

Reports of City Clerk:

Reports of City Council:

Committees

COUNCILORS REQUEST

CR-1 – Boards & Commissions, timeframe for appointments. (Randolph)

MOTION:

Roll Call

Presentations from Boards and Commissions

Other Council Communications

Adjournment

CLOSED
MEETING

WORK SESSION

WS-1



City Council Work Session

September 14, 2021

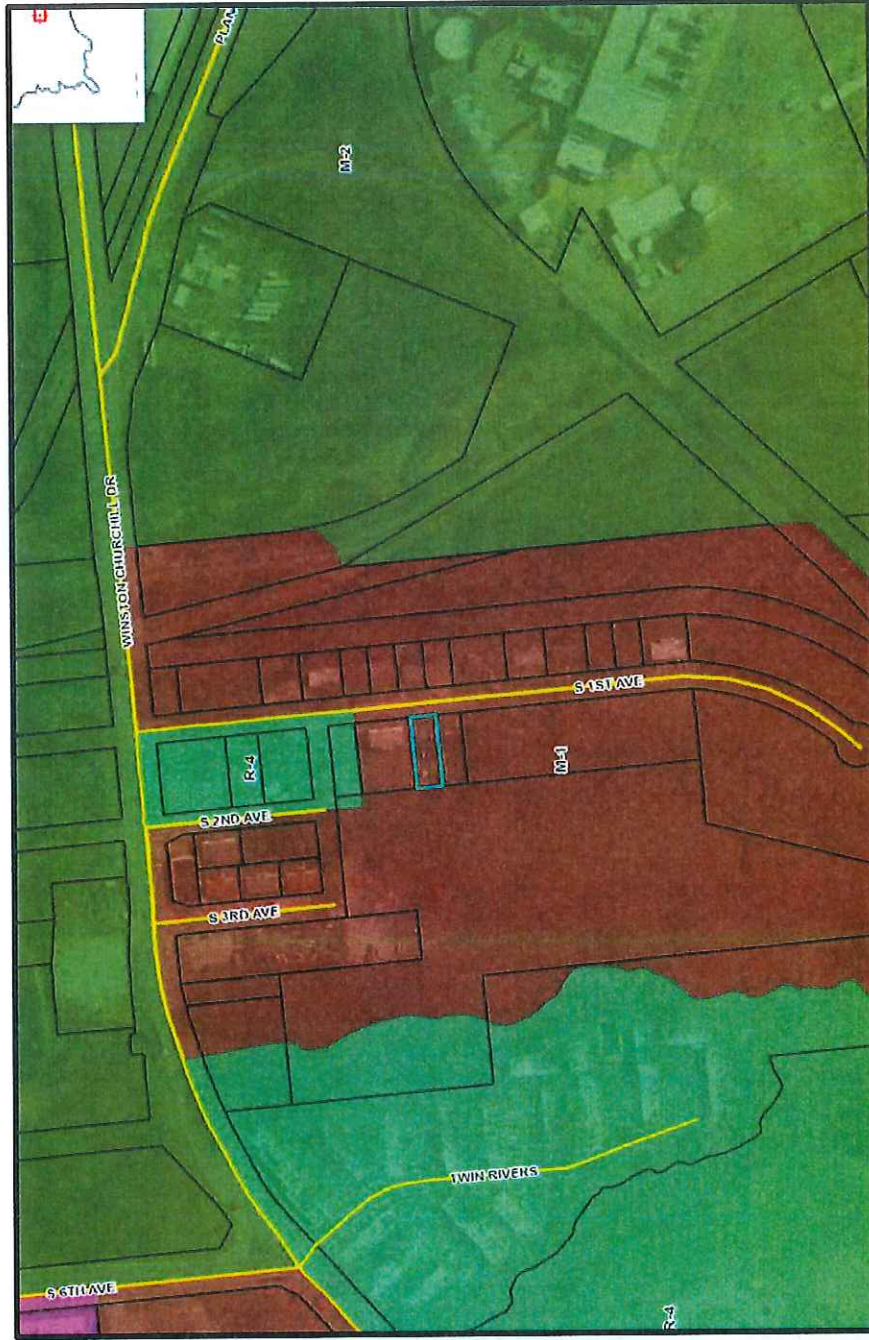


Work Session #1

1216 1st Avenue



1216 1st Avenue
Conditional
Use Permit



Zoned M-1 Limited Industrial

Area Information

- Zoned M-1, Light Industrial
- Ward 6
- Parcel # 071-0195
- Use: Residential
- Built: 1955
- Original Square Footage: 955
- Surrounding Zoning: M-2, Heavy Industrial & R-4, Residential, Apartments

1216
1st
Avenue

Article XVII
Nonconforming
Uses, Section C.
Repairs,
Maintenance and
Expansions

- No change or expansion of a structure containing a non-conforming use shall be allowed with the exception that:
- The City Council may grant a Conditional Use Permit for alterations or additions to such structures provided that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen (15) percent of the gross floor area of the existing structure.
- **2013 Expansion** (kitchen and bedroom) added 394 square feet to residence (1,348) 34% ^
- **2021 Expansion** added 350 square feet (expanded kitchen, bedroom, and front porch) (1,698) 22% ^

Planning Commission Resolution

- At their September 2, 2021 meeting, the Planning Commission voted 4-1 (Jenkins) to deny the request submitted by Nathaniel W. Blanding for a Conditional Use Permit to increase the non-conformity of a single family detached home located at 1216 1st Avenue, also identified as Sub-Parcel #071-0195. The Planning Commission made this decision based on the criteria outlined in Article XVII, Nonconforming Uses, that an expansion of a non-conforming use could not exceed 15% of gross floor area.



Conditional Use Permit
1216 South 1st Avenue

Staff Report prepared for the September 14, 2021 City Council Work Session

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

I. PUBLIC HEARINGS & WORK SESSIONS:

Planning Commission Public Hearing	August 5, 2021	Tabled
Planning Commission Work Session	August 19, 2021	
Planning Commission Meeting	September 2, 2021	Recommended Denial
City Council Work Session	September, 14, 2021	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: N/A
Existing Zoning: M-1, Limited Industrial
Acreage: 6,500 square feet
Owner: Nathaniel W. Blanding
Location of Property: 1216 South 1st Avenue

Election Ward: Ward 6
Land Use Plan Recommendation: Light Industry/Economic Development
Sub-Parcel #: 071-0195
Zoning of Surrounding Property: North: M-1 & R-4
South: M-1
East: M-1 & M-2
West: M-1 & R-4

III. EXECUTIVE SUMMARY:

A request from Nathaniel W. Blanding for a Conditional Use Permit to increase the non-conformity of a single family detached home located at 1216 1st Avenue, also identified as Sub-Parcel #071-0195.

APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this request for a Conditional Use Permit are the following:

Article XVII. Nonconforming Uses

A. REPAIRS, MAINTENANCE, AND EXPANSION:

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done for any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixture wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structures or nonconforming portion of the structure, as the case may be, provided that the cubic content, existing when it became nonconforming, shall not be increased.
2. If a nonconforming structure or portion of a structure thereof, containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.
3. No change or expansion of a structure containing a non-conforming use shall be allowed with the exception that:
 - a. The City Council may grant a Conditional Use Permit for alterations or additions to such structures provided that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen (15) percent of the gross floor area of the existing structure.
 - b. An application for a Conditional Use Permit shall be made to and upon forms furnished by the Director of Development and shall include the minimum information required by Article XVIII (G)(3) of the Zoning Ordinance for a Conditional Use Permit.
 - c. A Conditional Use Permit for the expansion of a structure containing a nonconforming use shall become null and void twelve (12) months from the date granted if no substantial work has commenced.
(Ord. 2002-02)

Article XXI, Amendments, Section D, Conditional and Special Use Permits, Sub-Section c. 1-3:

1. When the Director has certified that the application is complete, it shall be deemed received and referred to the Planning Commission for its review and recommendation to City Council.
2. The Planning Commission shall, within ninety (90) days after the first meeting of the Planning Commission after such referral, report to the City Council its recommendation as to the approval or disapproval of such application and any recommendation for establishment of conditions, in addition to those set forth in this Article, deemed necessary to protect the public interest and welfare. Failure of the Planning Commission to report within ninety (90) days shall be deemed a recommendation of approval.
3. Upon receipt of the recommendation of the Planning Commission, the City Council, after public notice in accordance with Virginia Code § 15.2-2204, shall hold at least one public hearing on such application, and as a result thereof, shall either approve or deny the request.

IV. SUBJECT PROPERTY:

The City of Hopewell has received an application from Nathaniel W. Blanding to expand a nonconforming use located at 1216 South 1st Avenue, further identified as Sub-Parcel #071-. The property is zoned M-1, Limited Industrial District. The applicant is requesting a Conditional Use Permit in accordance with Article XVII, Nonconforming Uses, Section C – Repairs, Maintenance, and Expansion.

VI. ZONING/STAFF ANALYSIS:

In filing a building permit in the City, the first step is to obtain zoning approval. This approval confirms that the use is consistent with the zoning district in which the property is located. If zoning is confirmed, the Building Inspections Division reviews the building plans. If this process is not followed problems will arise.

In February 2021, a City Building Inspector visited the property and posted a stop work order for working without permits. In March, a courtesy letter was written and the Inspector revisited the property but did not make contact with the owner. A notice of violation was provided in May. The property owner was advised to hire a third party engineer that would inspect and approve the structural integrity of the additions. Approval from a third party engineer was provided to the City in May. The Zoning

Administrator is not authorized to approve an addition to a non-conforming structure, therefore the applicant is requesting a Conditional Use Permit.

The request is for City Council to approve the expanded kitchen, and bedroom; approximately 350 square feet.

SFD's located in the M-1 district are nonconforming use/structures. This means they are incompatible with the zoning district. SFD's currently located within a M-1 District are allowed to remain, but new SFC's cannot be constructed, and must, under certain circumstances, receive City Council approval to expand through the Conditional Use process.

The then 955 square feet home was built in 1955. In 2013, additions to the kitchen and bedroom were added, increasing the square footage to 1,348 square feet. In approving a Conditional Use Permit associated with a non-conforming use, the criteria is that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen percent of the gross floor area of the existing structure. The addition is over 15% or 202 square feet of the existing structure.

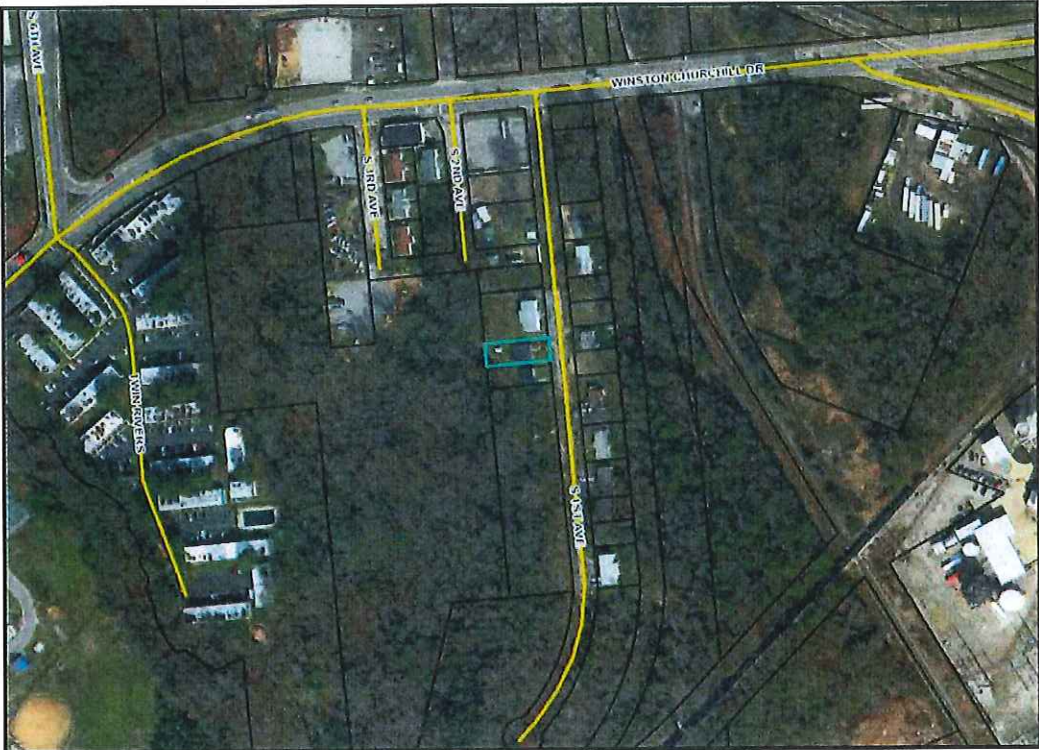
VII. PLANNING COMMISSION RESOLUTION:

At their September 2, 2021 meeting, the Planning Commission voted 4-1 (Jenkins) to deny the request submitted by Nathaniel W. Blanding for a Conditional Use Permit to increase the non-conformity of a single family detached home located at 1216 1st Avenue, also identified as Sub-Parcel #071-0195. The Planning Commission made this decision based on the criteria outlined in Article XVII, Nonconforming Uses, that an expansion of a non-conforming use could not exceed 15% of gross floor area.

Attachment(s):

1. Application for Conditional Use Permit
2. Location Maps & Site Plan

Aerial Map highlighting 1216 1st Avenue



1216 1st Avenue Zoning District Area





The City
of
Hopewell, Virginia

City of Hopewell, VA
1216 1st Avenue • 20219-2610 • 2021
1216 1st Avenue • 20219-2610 • 2021
0
COND. USE PERMIT REVIEW
Payment Amount: \$00.00
Construction Fee: \$00.00
TOTAL: \$0.00

300 N. Main Street • Department of Development • (804) 541-2220 • Fax: (804) 541-2318

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION # 20210476

APPLICANT: NATHANIEL BLANDING
ADDRESS: 1216 1st Ave.
Hopewell VA
PHONE #: 804 892-8526 FAX #: _____
EMAIL ADDRESS: ERRINGTONCONSTRUCTION1@GMAIL.COM

INTEREST IN PROPERTY: _____ OWNER OR AGENT
IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER
OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.

OWNER: NATHANIEL BLANDING
ADDRESS: 1216 1st Ave.
Hopewell Va
PHONE #: 804 892 8526 FAX #: _____

PROPERTY ADDRESS / LOCATION:
1216 1st Ave. Hopewell Va.

PARCEL #: 0710195 ACREAGE: _____ ZONING: INDUSTRIAL

*** IF REQUIRED BY ARTICLE 16 OF THE ZONING ORDINANCE, ***
A SITE PLAN MUST ACCOMPANY THIS APPLICATION

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

- 1. FLOOR PLANS OF THE PROPOSED BUILDINGS. _____
- 2. THE PROPOSED DEVELOPMENT WITH FRONT, SIDE, AND REAR ELEVATIONS. _____

w6

THIS REQUEST FOR A CONDITIONAL USE PERMIT IS FILED UNDER SECTION _____ OF THE ZONING ORDINANCE.

PRESENT USE OF PROPERTY:

single family living

THE CONDITIONAL USE PERMIT WILL ALLOW:

The use of the extension to the house that was built without proper permits. ASA

PLEASE DEMONSTRATE THAT THE PROPOSAL AS SUBMITTED OR MODIFIED WILL NOT AFFECT ADVERSELY THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE.

All work done was very professionally done. The whole street is residential use. ASA

PLEASE DEMONSTRATE THAT THE PROPOSAL WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD.

All work is complete. This house by far is the best house on this street. ASA

PLEASE DEMONSTRATE HOW THE PROPOSAL AS SUBMITTED OR MODIFIED WILL CONFORM TO THE COMPREHENSIVE PLAN AND THE PURPOSES AND THE EXPRESSED INTENT OF THE ZONING ORDINANCE.

MR BLANDING PLANS TO LIVE OUT THE REST OF HIS LIFE HERE, WHEN HE IS DEAD AND GONE HE HAS SAID HE DIDN'T CARE WHAT HOPEWELL DOES WITH THE HOUSE. ASA

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT THEREFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Nathaniel Blanding
APPLICANT SIGNATURE

6-8-21
DATE

NATHANIEL BLANDING
APPLICANT PRINTED NAME

OFFICE USE ONLY

DATE RECEIVED 6/10/2021 DATE OF ACTION _____

APPROVED _____ DENIED

APPROVED WITH THE FOLLOWING CONDITIONS:

WS-2



Work Session #2

303 North 3rd Avenue



Zoned B-2,
Limited
Commercial

303
North 3rd
Avenue

Area Information

- Zoned B-2, Limited Commercial
- Ward 1
- Parcel # 071-0195
- Use: Commercial
- Built: 1920
- Original Square Footage: 1,076
- Surrounding Zoning: B-2 & RO-4

Comprehensive Plan: Future Land Use Designation

Hopewell's 2028 Comprehensive Land Use Plan designates the property and surrounding properties as Downtown Commercial Mixed-Use. This land use category calls for a focus on attached and multi-family residences. The Downtown Commercial Mixed-Use category provides flexible densities linked to the individual dwelling types.

Primary Land Uses:

Encourage mixed-use projects regulated by a form-based development code. Prioritizes commercial activities over residential uses in the downtown core area.

Typical Density Ranges:

Commercial Emphasis with Urban Development Area Designation
Pedestrian Oriented Mixed Retail; Financial Institutions, Professional Services and General Offices. Entertainment Establishments. Residential Mixed Use.

Planning Commission Resolution

- At their meeting on October 2, 2021, the Planning Commission voted 5-0 to deny the request submitted by Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub – Parcel # 011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High Density-Offices (RO-4). The Planning Commission made the decision to deny this request based on the following reasons:
 1. To continue continuity of commercial zoning along West Broadway;
 2. Current zoning is in keeping with Comprehensive Plan; and
 3. There was no indication by the applicant that there was an attempt to jointly list this property with corner property (which is empty) as a joint business property.



Andrew G. & Larry D. Spivey
303 N. 3rd Avneue (Sub-Parcel # 011-0620)
Rezoning from B-2, Limited Commerical District to
RO-4, Residential High Density Offices

Staff Report prepared for the Hopewell City Council Work Session, September 14, 2021

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

I. PUBLIC HEARINGS & WORK SESSION:

Planning Commission Public Hearing	August 5, 2021	Tabled
Planning Commission Work Session	August 19, 2021	
Planning Commission Meeting	September 2, 2021	Recommended Denial
City Council Work Session	September 14, 2021	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Proposed Zoning:	RO-4, Residential High Density Offices
Existing Zoning:	B-2, Limited Business District
Owner	Andrew G & Larry D. Spivey
Election Ward:	Ward 1
Land Use Plan Recommendation:	Downtown Mixed Residential
Zoning of Surrounding Property:	North: RO-4 South: B-2 East: B-1 West: B-2

III. EXECUTIVE SUMMARY:

A request from Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub – Parcel # 011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High Density-Offices (RO-4).

IV. FUTURE LAND USE

The City of Hopewell's 2028 Comprehensive Land Use Plan designates the property and surrounding properties as Downtown Commercial Mixed-Use. This land use category calls for a focus on attached and multi-family residences. The Downtown Commercial Mixed-Use category provides flexible densities linked to the individual dwelling types.

Primary Land Uses:

Encourage mixed-use projects regulated by a form-based development code. Prioritizes commercial activities over residential uses in the downtown core area.

Typical Density Ranges:

Commercial Emphasis with Urban Development Area Designation
Pedestrian Oriented Mixed Retail; Financial Institutions, Professional Services and General Offices. Entertainment Establishments. Residential Mixed Use.

V. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this rezoning request are found in Article XXI, *Amendments*, and include the following:

Article XXI-A, *Initiation:*

"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."

Article XXI-B, *Action by Planning Commission*

"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. SUBJECT PROPERTY:

The subject property is located in the B Village Subdivision. The property is zoned B-2, Limited Commercial District. The purpose of the current zoning designation is to protect the existing commercial establishments presently located there and to enhance these areas in order to attract similar types of establishments. Because of the unusual shallowness and/or narrowness of the lots in these areas, only certain commercial uses which will not cause an increase in traffic volumes will be allowed. To this end, the following requirements have been devised.

The purpose of the proposed district, RO-4, is to provide for the appropriate integration of professional offices and high-density multifamily residential dwellings in suitable locations where public facilities and services are adequate to accommodate this type of development. Uses such as schools, churches, and certain public facilities that serve the residents of the district are permitted. The regulations are designed to provide a suitable environment for persons desiring the amenities of apartment living.

VII. STAFF/ZONING ANALYSIS:

The property in question is zoned Limited Commercial, B-2. The property is legally identified as Lot 8, Block 12, B Village Subdivision. It is located 60 feet from the intersection of N 3rd Avenue and West Broadway. There is a single family detached home on the property built in 1920. The structure is vacant and can only be used for commercial uses, except the B-2 Zoning District allows accessory apartments on the second and subsequent floors of mixed-used buildings. The single family detached home is a non-conforming use in the B-2 District and can be used as a residence only if approved by City Council.

The applicant reports there have been attempts to rent the building as a business with no success but there is demand for the building as a residence and therefore desires to rezone.

The zoning map dated August 1, 1989 depicts West Broadway from North 3rd Avenue to North 11th Avenue as B-2. This area was zoned B-2 to transition from the B-1 District shopping district. The B-2 designation is on the north and south side of the corridor. The designation is strategic and uniform in size.

Consider the following questions when making a decision about this request:

1. Is the current zoning compatible with the future land use designation?
2. What is the benefit of the property remaining B-2?
3. Will rezoning the property make it more or less compatible with the future land use designation, Downtown Residential Mixed-Use?

4. Will rezoning the property alter the character of surrounding properties?
5. How will the rezoning effect West Broadway?

VIII. PLANNING COMMISSION RESOLUTION:

At their meeting on October 2, 2021, the Planning Commission voted 5-0 to deny the request submitted by Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub – Parcel # 011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High Density-Offices (RO-4). The Planning Commission made the decision to deny this request based on the following reasons:

1. To continue continuity of commercial zoning along West Broadway;
2. Current zoning is in keeping with Comprehensive Plan; and
3. There was no indication by the applicant that there was an attempt to jointly list this property with corner property (which is empty) as a joint business property.

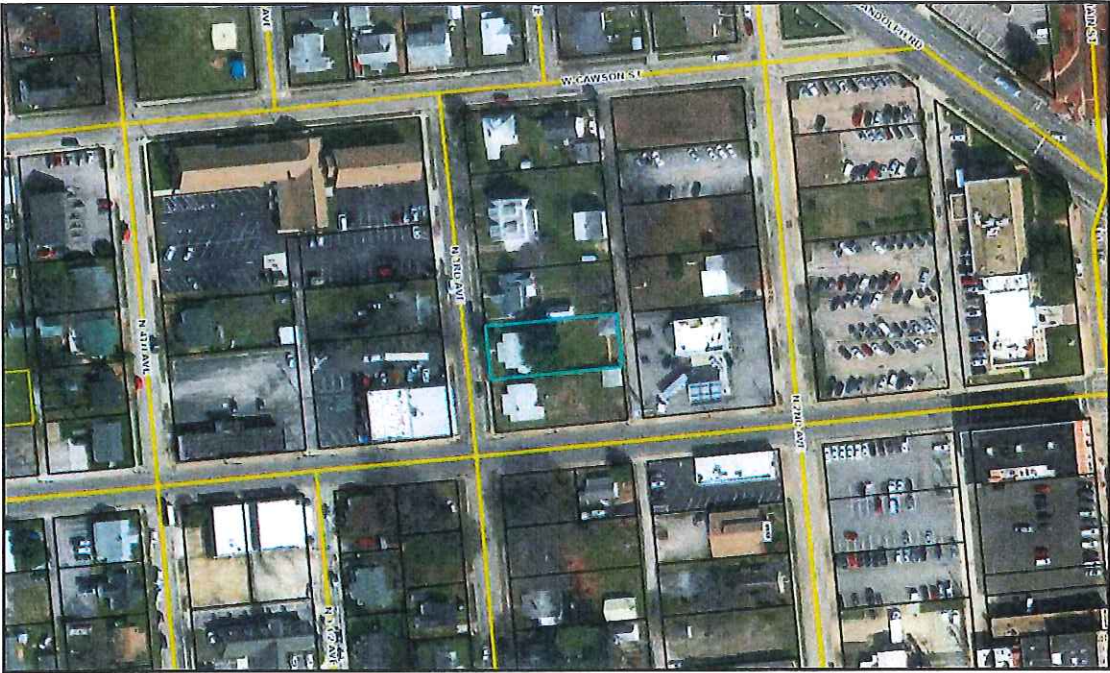
Attachments:

1. Rezoning Application
2. R0-4 Zoning District
3. B-2 Zoning District



303 N. 3rd Avenue- zoned B-2, used as office

Ariel Map highlighting 303 N. 3rd Avenue





The City
of
Hopewell, Virginia

300 N. Main Street · Department of Development · (804) 541-2220 · Fax: (804) 541-2318

City of Hopewell
Department of Development
300 N. Main Street
Hopewell, VA 23860
(804) 541-2220
Fax: (804) 541-2318

APPLICATION FOR REZONING

APPLICATION FEE: \$300

APPLICANT: Andrew M. & Larry D. Spivey
ADDRESS: 303 N. 3rd Ave.
Hopewell, VA 23860
PHONE #: 804-370-1306 FAX #: drewspivey@msa.com

INTEREST IN PROPERTY: OWNER OR AGENT Elizabeth Abernethy
Parr + Abernethy Realty
804-731-7105
IF CONTRACT PURCHASER, PROVIDE A COPY OF THE CONTRACT OR A LETTER
OF THE PROPERTY OWNER'S CONSENT TO MAKE APPLICATION.

OWNER: Andrew & Larry D. Spivey
ADDRESS: 303 N. 3rd Ave.
Hopewell, VA 23860
PHONE #: 804-370-1306 FAX #: _____

PROPERTY ADDRESS / LOCATION: 303 N. 3rd Avenue, Hopewell, VA

LEGAL DESCRIPTION: Lot 8, Blk 12, B Village

PARCEL #: 011-0620 ACREAGE: .206

PRESENT ZONING DISTRICT: B2

REQUESTED ZONING DISTRICT: R04

PRESENT USE OF PROPERTY: Had been office but property has been on the market for a while and there are many people interested in the house to live in.

IT IS PROPOSED THAT THE FOLLOWING BUILDINGS WILL BE CONSTRUCTED:
none

NEED AND JUSTIFICATION FOR THE CHANGE IN CLASSIFICATION:
Property is not having any showing activity as a business (office) going at all.

App 2021-0583

ANTICIPATED EFFECT OF THE PROPOSED CHANGE (IF ANY) ON PUBLIC SERVICES AND FACILITIES:

One more single family residence,
no change

APPROPRIATENESS OF THE PROPERTY FOR THE PROPOSED CHANGES, AS IT RELATES TO THE INTENT OF THE ZONING DISTRICT DESIRED:

It borders homes on most of the sides &
front of the property with single family
residences

WAY IN WHICH THE PROPOSED CHANGE WILL FURTHER THE PURPOSES OF THE ZONING ORDINANCE AND GENERAL WELFARE OF THE COMMUNITY:

There will be no change in the look of the
property just another single family residence

COMMENTS FROM APPLICANT / OWNER:

See attached sheet

*** ATTACH A COPY OF A SURVEY BY A LICENSED SURVEYOR OF THE PROPERTY

A PROFFER STATEMENT IS ATTACHED Y N

AS OWNER OF THIS PROPERTY OR THE AUTHORIZED AGENT THEREFOR, I HEREBY CERTIFY THAT THIS APPLICATION AND ALL ACCOMPANYING DOCUMENTS ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

[Signature]
APPLICANT SIGNATURE

7/9/2021
DATE

OFFICIAL USE ONLY

DATE RECEIVED: 7/9/2021 DATE OF FINAL ACTION: _____

ACTION TAKEN:

_____ APPROVED _____ DENIED

_____ APPROVED WITH THE FOLLOWING CONDITIONS/ PROFFERS:

Comment From Applicant/Owner

This property was a residence when we purchased it. It has remained intact as a residence and still looks like a residence. We feel the blanket zoning that was originally put into place for the B Village subdivision should be re-evaluated and relaxed. The property on the corner next to this home has not been ideal for a business location. The home appears and functions totally as a residence, whereas the zoning has created a hardship for my brother and I to be able to sell this home. If the property were zoned residential, something other than B2, it would have already sold.

CONSENT AGENDA

MINUTES

**MINUTES OF THE JUNE 28, 2021 MEETING
OF THE ARCHITECTURAL REVIEW BOARD
City of Hopewell**

A meeting of the Architectural Review Board for the City of Hopewell was in person on Monday, June 28, 2021 at 6:00PM.

Architectural Review Board Members present:

Rita E. Joyner, Chairman
Joseph Bailey, Vice Chairman
Stephanie Dayberry
Mary Calos

Absent:

Kathleen Vincent

Staff:

Chris Ward, Senior Planner

Guests:

Caroline Shumar – COA applicant
Pat Lamb

The meeting was called to order at 6:01 p.m. by Ms. Joyner. Mr. Ward conducted the roll call. A quorum was established. Ms. Joyner welcomed the ARB members and guests.

ADMINISTRATIVE MATTERS / CONSENT ITEMS

Ms. Joyner asked if there were any requested changes to the agenda. Mr. Bailey made a motion to add board vacancies to New Business. Ms. Dayberry seconded. Ms. Joyner asked if there were any corrections to the minutes. There were none. Mr. Bailey made a motion to approve the ARB meeting minutes from May 24, 2021. Ms. Dayberry seconded. The motion carried 4-0. Ms. Dayberry made a motion to approve the Consent Agenda. Mr. Bailey seconded. The motion carried 4-0.

CITIZEN COMMENTS

None

CERTIFICATES OF APPROPRIATENESS (COAs)

Mr. Ward introduced Caroline Shumar as the COA applicant for 1000 Pecan and the installation of a new black porch light. Ms. Dayberry made a motion to approve the installation of the black, low-profile porch light as presented. Ms. Calos seconded. The motion carried 4-0.

OLD BUSINESS

None

NEW BUSINESS

Ms. Shumar informed the members that she and her husband have been meeting with a contractor to develop a plan to put an addition on the house at 1000 Pecan Avenue. She continued that they want to add another 4 feet to the rear room so that it's large enough to create a bedroom for her children. Ms. Shumar stated the current width would remain the same but that the roof over the room would have to change from a shed roof to a hipped roof. She added that they wanted siding that would complement the existing siding and settled on a vertical hardiplank board and batten siding. Ms. Calos stated that she thought the board and batten fit in nicely with the military history of the structure and the other members agreed.

Mr. Ward asked how close the addition would come the existing sidewalk. Ms. Shumar answered that the new addition would come within inches of the sidewalk. Mr. Ward stated that the structure and the lot are non-conforming and that a Conditional Use Permit is required to expand a non-conforming structure. He continued that Public Works would be consulted on the addition since the structure appears to already cross the property line onto public property.

Ms. Shumar also inquired about possibly having the City install protective bollards in front of the house in light of the recent incident that resulted in a vehicle crash into a power pole. She noted that the house sits very close to the street on a corner lot and worries about a vehicle hitting the house. Ms. Joyner suggested that she contact her Councilperson and inquire about the bollard installation.

Ms. Joyner stated the Wonder City Garden Club is maintaining the landscaping around Washington Circle but that the monument itself and related infrastructure requires refurbishing. She suggested that the ARB investigate nominating the monument to the state and federal registers. Ms. Calos noted that the monument was last addresses in 1978 when benches and planters were installed. She said they were unable to get the fountain working. Ms. Joyner commented that she met onsite with Councilor Partin to show him the level of deterioration. Ms. Calos asked if the two veterans organizations were onboard with the nomination. Ms. Joyner replied that she has received support from both the VFW and American Legion. Ms. Calos noted that this was the first WWI monument in Virginia. She made a motion to investigate and pursue nomination of Washington Circle to state and federal historic registers. Mr. Bailey seconded. The motion carried 4-0.

Ms. Joyner noted that Mr. Ward and Mr. Bailey will be unavailable the week of the regular July ARB meeting scheduled for July 26th and she recommended canceling the meeting. Mr. Ward stated that there are no COA application slated for that meeting and if any come in during July they could hold the meeting at another time. Ms. Dayberry made a motion to cancel the July 26th ARB meeting. Mr. Bailey seconded. The motion carried 4-0.

Ms. Joyner informed the board that Ms. Vincent sent an email stating that her ability to attend in-person meetings was nearly impossible due to work commitments and that she is thinking of resigning. Mr. Ward replied that he would verify from Ms. Vincent if she actually resigned and forward the email to the City Clerk.

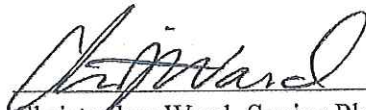
REPORTS FROM BOARD MEMBERS & STAFF

Ms. Calos asked about the status of the issues from the Walk the District event held last month. Mr. Ward provided an update to some of the code violations noted during the walk and that he is working on the Protective Maintenance letters to go out in the coming weeks.

Mr. Bailey made a motion to adjourn. Ms. Dayberry seconded. The motion carried 4-0. The meeting adjourned at 6:46 PM.

Submitted by 

Rita Joyner, Chairperson


Christopher Ward, Senior Planner

DATE: 8/23/2021

**MINUTES OF THE JULY 7, 2021 MEETING
OF THE DOWNTOWN DESIGN REVIEW COMMITTEE
City of Hopewell**

A meeting of the Downtown Design Review Committee for the City of Hopewell was held on Wednesday, July 7, 2021 in the City Council Conference Room located at 300 N. Main St. at 3:30pm.

Downtown Design Review Committee Members present:

Rita Joyner
Mary French Elder
Irma Gail Mahaney
Daniel Jones
Terry Ammons

Staff:

Chris Ward, Senior Planner

Guests:

Meredith Dean – COA applicant for 224 N. Main St.
Michael Benton – COA applicant for 224 N. Main St.

Ms. Joyner called the meeting to order at 3:33 p.m. Mr. Ward conducted the roll call. A quorum was established. Ms. Joyner welcomed the members and guests.

ADMINISTRATIVE MATTERS / CONSENT AGENDA ITEMS

Ms. Joyner asked if there were requests for withdrawal, deferral or amendment to the agenda. Ms. Elder made a motion to review the COA application for 224 N. Main first since the applicants were present. Mr. Ammons seconded. The motion carried 5-0.

Ms. Joyner asked if there were any corrections or changes to the meeting minutes from May 5, 2021. There were none. Ms. Mahaney made a motion to approve the meeting minutes. Ms. Elder seconded. The motion carried 5-0.

CITIZEN COMMENTS

Ms. Joyner asked if the guests had any comments on items not on the agenda. There were none.

CERTIFICATES OF APPROPRIATENESS (COAs)

Ms. Joyner introduced Ms. Dean as the first COA applicant and welcomed her and Mr. Benton to the meeting. Ms. Dean stated that she and Mr. Benton will be opening a new sandwich shop in the former Main Street Café space sometime in July. She continued that the proposed signage included a 3' x 3' graphic on a window, a wood sign in the transom over the door, and projecting sign where the Main Street Café had a projecting sign. Ms. Dean continued that the six transom 'blocks' above the windows will be painted red and blue, alternating between the two colors in the logo. Ms. Mahaney made a motion to approve the signage and paint scheme as presented. Ms. Elder seconded. The motion carried 5-0.

Mr. Ward introduced the next COA application for window and projecting signage at 115 E. Randolph Road, Suite A. He explained that the signage in this application and the three others for this property follows the designs and specifications set forth by Susan Lancaster of Frazier & Associates. Mr. Ward stated that the property owner, Gerald Bosch, has indicated that this is the final improvement that needs to be made to the property. Mr. Jones made a motion to approve the window and projecting signage for 115 E. Randolph Rd., Suite A, as presented. Ms. Elder seconded. The motion carried 5-0.

Mr. Ward introduced the next COA application for window and projecting signage at 115 E. Randolph Road, Suite B. Ms. Elder made a motion to approve the window and projecting signage for 115 E. Randolph Rd., Suite B, as presented. Mr. Jones seconded. The motion carried 5-0.

Mr. Ward introduced the next COA application for window and projecting signage at 201 E. Broadway, Suite A. Mr. Ammons made a motion to approve the window and projecting signage for 201 E. Broadway, Suite A, as presented. Mr. Jones seconded. The motion carried 5-0.

Mr. Ward introduced the next COA application for projecting signage at 201 E. Broadway, Suite B. Ms. Elder made a motion to approve the projecting signage for 201 E. Broadway, Suite B, as presented. Ms. Mahaney seconded. The motion carried 5-0.

UNFINISHED BUSINESS

Ms. Joyner asked Mr. Ward if there were any updates about 320 Appomattox Street. Mr. Ward replied that he did not have any information at this time but would get an update from Code Enforcement. Ms. Mahaney asked if anyone knew about the status of the fencing at the daycare center on E. Poythress. Mr. Ward answered that the business owners are waiting on the property owner to install the fence. Ms. Joyner stated that she received an update from Ed Watson at Public Works and the dumpster enclosure contract is ready to be awarded and scheduling of the pre-construction conference has begun. Mr. Ward stated that Rahim at the Broadway Express convenience store has removed the hand-painted signs from the side of the building and is working to de-clutter the window signage. Ms. Elder asked if the hand-painted signage at the Skrimp Shack had been removed. Mr. Ward replied that Heather Lyne had been successful in getting them to remove it.

NEW BUSINESS

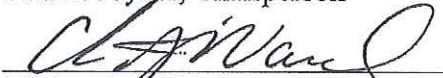
There was no new business.

Ms. Mahaney made a motion to adjourn. Mr. Ammons seconded. The motion carried 5-0. The meeting adjourned at 4:21PM.

Submitted by,



Rita E. Joyner, Chairperson



Christopher Ward, Senior Planner

9/1/2021
Date

902

HOPEWELL REDEVELOPMENT AND HOUSING AUTHORITY
350 East Poythress Street
Hopewell, VA 23860

REGULAR MEETING OF June 14, 2021

*** MINUTES ***

Minutes of Regular Meeting of the Board of Commissioners of the Hopewell Redevelopment and Housing Authority of the City of Hopewell, Virginia, held Monday, June 14, 2021 at 6:00 p.m.

The meeting was called to order by the Chairman. Roll call, those present and absent were as follows:

Present: Sheila Flowers, Chairman
John Tunstall, Vice-Chairman
Ruth Johnson, Commissioner
Shamika Lewis, Commissioner
Anthony Bennett, Jr., Commissioner
Susan Temple, Commissioner

Absent: None

Also Present: Steven Benham, Chief Executive Officer
Madelyn Peay, Chief Operating Officer
Tarvaris McCoy, Chief Development Officer
Sherry Henderson, Executive Secretary
Kameko Coleman, Administrative Assistant
CaMicha Robertson, Property Manager

CONSENT AGENDA

C-1 Upon motion made by Commissioner Johnson and seconded by Vice-Chairman Tunstall, with all Commissioners present responding, the Consent Agenda was approved.

Upon roll call, the vote resulted:

Chairman Flowers - Yes
Vice-Chairman Tunstall - Yes
Commissioner Johnson - Yes
Commissioner Lewis - Yes
Commissioner Bennett - Yes
Commissioner Temple - Yes

6 Yes; Motion Passed

COMMUNICATIONS FROM CITIZENS: None

R-1 Summary Report Discussion.

Mr. Benham advised there were no significant matters to discuss.

R-2 Discussion of Pending List

Mr. Benham discussed the pending list with the Board of Commissioners. The following will be completed for the pending list:

1. Item number 55 was added, set date for Board to meet with Council.
2. Item number 54 will remain as a pending item.
3. Item number 48 will be moved to Items Removed.
4. Item numbers 53 was removed.

R-3 Request approval of Resolution No. 895, Procedures for Citizens Comments.

Upon motion made by Vice-Chairman Tunstall and seconded by Commissioner Temple, with all Commissioners present responding, Resolution No. 895, Procedure for Citizen Comments was approved. The substantive changes to the procedure were: 1. Reduction in submission time for requests from 10 to five days; and 2. Changing the meeting time for board meetings.

Upon roll call, the vote resulted:

Chairman Flowers	- Yes
Vice-Chairman Tunstall	- Yes
Commissioner Johnson	- Yes
Commissioner Lewis	- Yes
Commissioner Bennett	- Yes
Commissioner Temple	- Yes

6 Yes; Motion Passed

R-4 Affordable Housing Procedures Discussion – Public Housing Annual Recertification Procedure.

Ms. Robertson presented the Board of Commissioners with a discussion on Affordable Housing Procedures – Public Housing Annual Recertification Procedure.

R-5 Other Matters

Mr. Benham informed the Board of Commissioners of: 1. Wendy Gant resigned as a Commissioner on April 30, 2021; 2. The work session for July 5 will need to be rescheduled or canceled due to the office being closed and no significant matters to discuss. All Commissioners were in favor of canceling the work session; and 3. I emailed March Altman, City Manager, regarding HRHA's quarterly joint meeting with City Council. I will notify the Board of Commissioners when I receive a response and date.

R-6 Commissioner Comments (and recommendations for next meeting).

No comments were received.

ADJOURNMENT

Upon motion made Vice-Chairman Tunstall seconded by Commissioner Johnson with all Commissioners present responding affirmatively, the meeting was adjourned at 6:22 p.m.

Sheila Flowers

Sheila V. Flowers, Chairman

Steven A. Benham, Jr.

Steven A. Benham, Secretary-Treasurer

**MINUTES OF THE JUNE 3, 2021 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, June 3, 2021 at 6:00 p.m. Pursuant to the authority granted by Governor Northam's State of Emergency, by Va. Code §15.1- 1413, and by the Emergency Ordinance adopted by Council at its April 28, 2020 meeting the Planning Commission will conduct a regular meeting via zoom.

Planning Commission Members present:

Elliot T. Eliades, Chairman
Todd M. Butterworth, Vice Chairman
Fara Jenkins
Paul Reynolds
Cassandra Vanderkeift (participated via ZOOM)

Staff Members present:

Tevya W. Griffin, Director

Chairman Eliades opened the meeting at 6:01 p.m.
A prayer was rendered by Chairman Eliades.

By roll call a quorum was established with the above members of the Commission present.

Withdrawals/Deferrals

A motion was made by Vice Chairman Butterworth to move Public Hearing on the agenda to first item of business before reviewing the meeting minutes. Commissioner Jenkins seconded the motion. The motion was approved 5-0.

Public Hearing

The public hearing was opened at 6:18 p.m.

Public Hearing #1 Vacate a Portion of Undeveloped Right of Way

Mrs. Griffin provided an overview of the application to vacate a portion of undeveloped right of way identified as Texas Street between 221 and 301 South 9th Avenue, also identified as Sub-Parcel's 046-0120 and 046-0030. The property is located in the R4 residential apartment district multi-family dwelling units are allowed. Directly behind this right of way is Thomas Rolfe Court. There are two duplexes behind this right of way. The duplexes are on a hill, so there can never be a cut through with any type of vehicle due to small retaining wall. Mr. Singleton is requesting to vacate the portion of the driveway near his home at 221 S. 9th Avenue and the owner 301 S. 9th Avenue who is not interested in vacation. There is a signed letter by the owner at 301 S. 9th Avenue

stating he is not interested in the vacation. The letter was included in the Planning Commission packet. If this did go through the City Council, Mr. Singleton would have the entire right of way. That right of way is at least 5000 square feet. Mr. Singleton is aware that council may require him to pay for the property because he can build a house on it in the future.

We have reached out to different departments within the city to include Department of Engineering, Department of Storm Water, Department of Real Estate, and the Department of Planning. The previous Storm Water Program Manager was able to provide his opinion prior to leaving. Based on his opinion staff recommends the denial of this request if the applicant wants to vacate to construct a single family detached home. However, if the applicant simply choose to vacate the right of way to add to 221 S. 9th Avenue to continue to use for access with no permanent building, staff recommends approval. Ms. Griffin spoke to Mr. Singleton who state he wanted to use it for access to a garage he wants to put in the rear of his home at a later date. He wants to continue the driveway surface and put down some gravel but did not want to do this if the property did not belong to him. Mr. Singleton does have the staff report, so he is aware of the information and has called in to be able to answer questions.

The Planning Commission had several questions.

Vice Chairman Butterworth asked for clarification on what was wanted from the commission.

Ms. Griffin stated the commission is there to decide if the right a way meet the City Council conditions, if it is safe, and conducive and if you think it should be vacated.

Commissioner Jenkins asked if the garage would be placed on existing property or the new property.

Mr. Singleton replied it would be on his existing property behind the house.

Commissioner Jenkins also asked if the garage would have livable space with an accessible apartment.

Mr. Singleton stated no there would not be.

Vice Chairman Butterworth posed the question to Mr. Singleton about wanting to clean up the property and the use of gravel.

Mr. Singleton replied that there is so many overgrown bushes and trees he wanted to cleanup and he had spoken to someone about coming out and cutting down the trees and cleaning up the brush.

Chairman Eliades asked if and when the commission approves does the commission have any say in what Mr. Singleton purchases the property for and if any conditions could be applied.

The commission discussed the impervious surface, removal of trees, and land disturbance permit if trees are cut down and properly replace.

The public hearing was closed at 6:35 p.m.

Vice Chairman Butterworth recommended the approval of the vacation of a portion of Texas Street on the conditions, including not limited to if the trees are cut down, replacement of the ground covered and for the satisfaction of the city as it relates to the runoff.

Motion was removed from the floor due to lack of a second.

Motion was made by Commissioner Reynolds in the accordance with City Council's right of way policy, the Planning Commission recommends the approval of the vacation between undeveloped Texas Street between 221 and 301 South 9th Avenue, with the provision that Mr. Singleton would get an engineering study showing the runoff coefficient to ensure that there's no adverse effect from the run off if he was to remove any tree more than three inches in diameter at four feet off the ground, motion was seconded by Vice Chair Butterworth. The motion was approved 5-0.

Ms. Griffin informed Mr. Singleton that this would go to the City Council in a work session, and the next work session is scheduled for June 22, 2021. She also advised him that the City Council likes to hear the application prior to public hearing to get a better understanding. There would not be a public hearing that night nor would there be a vote. At the next meeting of City Council the application would be heard if there was enough time to advertise it.

Meeting Minutes

April 4, 2021 minutes motioned to be approved with no revisions by Vice Chairman Butterworth. Motion seconded by Commissioner Reynolds. Motion passed 3-0.

May 6, 2021 minutes motioned to be approved as amended by Commissioner Jenkins. Motion seconded by Commissioner Reynolds. Motion passed 4-0.

Unfinished Business

Short Term Rentals

Ms. Griffin reached out to Colonial Heights and they do not do anything with short term rentals at this time. They don't feel they have any.

Colonial Heights does not allow accessory apartments. They only allow accessory apartments within a dwelling, which is opposite from Hopewell. Hopewell only allows accessory apartments that are detached in the district with the conditional use permit and only for people that are related. Colonial Heights only allows accessory dwelling units within a single family detached home, it cannot be within a townhouse and has to be a single family detached home. It also has to be a space that already has an exit door, you cannot convert the house to have an apartment if there is not an already defined exit door. Colonial Heights and Hopewell both received recommendations from Analysis of Impediments (AI) study. It was recommended that we make our accessory dwelling units more accessible to different people in the city, because right now the rules are confining. The guidelines imply that we don't want it, but if you want to do it, you've got to do it this way. Ms. Griffin explained the Analysis of Impediments is something required by HUD, and under President Trump he removed that requirement, but it is coming back around and because it's important

Hopewell decided to compete the analysis. Hopewell was part of a regional study. The jurisdictions that were included are Hopewell, Petersburg, Colonial Heights, Richmond, Henrico, and Chesterfield. Ms. Griffin will be reaching out to Chesterfield and Prince George to see what was found in their studies.

Chairman Eliades wants to discuss a resolution for Rev. Dunbar and seek guidance from the police department from Pastor Phil. Chairman Eliades and Ms. Griffin will get together and discuss.

Ms. Griffin shared information about the overlay district for the E. Broadway area. The City is in the process of purchasing 600 E. Broadway that is helpful information.

Ms. Griffin reported no cases for the July meeting. Motion was made by Vice Chairman Butterworth not to meet in July and to resume in August. Motion seconded by Commissioner Jenkins. Motion passed 4-0.

New Business of the Wetlands Board

No new business to report.

Report of Council's Boards & Commissions

Ms. Griffin reported on the items that would be discussed at the City Council level at their next meeting. The Board of Zoning Appeals did not meet in June. The Architecture Review Board will meet later this month on Monday June 28, 2021 and the Downtown Design Review Committee will meet on Wednesday July 7, 2021.

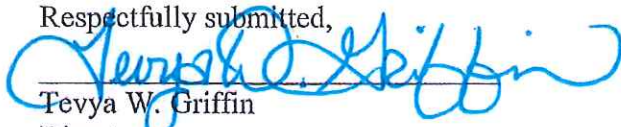
Report of the Director

There was discussion of rescheduling the July Planning Commission meeting. Vice Chair Butterworth made a motion to not meet in July but to resume in August. Commissioner Jenkins seconded the motion. The motion was approved 5-0.

Adjourn

A motion was made by Vice Chair Butterworth to adjourn the meeting. A second was made by Commissioner Jenkins. With unanimous approval, the meeting was adjourned at 7:29 p.m.

Respectfully submitted,



Tevya W. Griffin

Director



Elliot Eliades
Chairman

**MINUTES OF THE AUGUST 5, 2021 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, August 5, 2021 at 6:00 p.m. in City Council Chambers/City Council Board Room located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Elliot T. Eliades, Chairman
Todd M. Butterworth, Vice Chairman
Fara Jenkins
Paul Reynolds
Cassandra Vanderkeift

Staff Members present:

Tevya W. Griffin, Director

Chairman Eliades opened the meeting at 6:02 p.m.

A prayer was rendered by Vice Chairman Butterworth.

By roll call a quorum was established with the above members of the Commission present.

Withdrawals/Deferrals

A motion was made by Vice Chairman Butterworth to move Public Hearing on the agenda to first item of business before reviewing the meeting minutes. Commissioner Jenkins seconded the motion. The motion was approved 5-0.

Public Hearing

The public hearing was opened at 6:10 p.m.

Public Hearing #1 Conditional Use Permit

Mrs. Griffin provided an overview of the request from Nathaniel W. Blanding to increase the non-conformity of a single family detached home located at 1216 1st Ave., also identified as sub-parcel #071-0195. Mr. Arrington was there to speak on behalf of the owner. Mr. Arrington was the contractor who built the additions to the kitchen and bedroom in 2013. The 955 square foot home increased to a 1,348 square foot home.

In approving a Conditional Use Permit associated with a non-conforming use, the criteria is that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen percent of the gross floor area of the existing structure. The addition is over 15% or 202 square feet of the existing structure.

Mr. Ward, the City of Hopewell Senior Planner requested a building inspector visit the property since all the work had been done without permits. Randall Correll, building inspector, measured the property addition that consisted of kitchen, bedroom, front porch, and deck. He could not tell which part was added because the work was complete. The calculation that Mr. Ward gave Mr. Arrington was based on the measurement from Mr. Correll. Since then we have received an actual drawing from the owner that details of the addition with square footage for each room. With that information from the applicant, we have concluded the square footage is 350. The inspector went out and inspected but he did not go in the house, he was only on the outside and that's where he did the calculation. From a building inspector point of view they could not inspect it because of it being closed up. For approval, the Building Official required an engineer's report verifying the addition met building code requirements. A building permit requires building and zoning approval. The building portion of the permit is approved based on the engineer's report, but the zoning cannot be approved administratively. Mr. Blanding is before you tonight because he needs Planning Commission approval to construct an addition. The property is zoned M-1, Limited Industrial District, in order to build the addition by right, the property would need to be rezoned to a residential zoning district.

The public hearing was closed at 6:20 p.m.

The Planning Commission had several questions.

Commissioner Reynolds asked about taxes on the property. Ms. Griffin explained there are no outstanding taxes owed on the property. The square footage added in 2013 is included in the current assessment.

Ms. Griffin stated based on the criteria outlined in Article XVII, Nonconforming Uses, Staff recommends denial of the Conditional Use Permit because the addition exceeds the allowable 15% of gross floor area. If the Planning Commission decides to approve the Conditional Use Permit, Staff recommends a condition be added that no additions are allowed to be constructed on the property in the future. The Conditional Use Permit has to be recorded at the Circuit Court Clerk's Office so, if anyone purchases the property they would not be able to add due to this condition.

Commissioner Vanderkeift made a motion to table the discussion for further research. The Planning Commission ask that the planning staff look at other precedence that may have been set in the city for similar cases. Ms. Griffin is going to let Mr. Blanding know that the Planning Commission is going to study the situation more, look at the pictures provided, and consider adjunct property owners comments. Motion passed 4-1. Commissioner Jenkins voted against.

The public hearing was opened at 6:50 p.m.

Public Hearing #2 Amend the Official Zoning Map

Ms. Griffin provided an overview of the request from Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub – Parcel # 011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High Density-Offices (RO-4). The property is in Ward 1, located in the B-Village subdivision, and to the north of the property is zoned R-4, to the south it is zoned B-2, to the east it is zoned B-1, and to the west it is zoned B-2. The City of Hopewell 2028 Comprehensive Land Use plan designates the property and surrounding properties as Downtown Residential Mixed Use category. The land use category emphasis residential with urban development area designation, high density single, attached, multi-family residences; residential uses in mixed use buildings; live-work buildings.

The zoning map dated August 1, 1989 depicts West Broadway from North 3rd Avenue to North 11th Avenue as B-2. This area was zoned B-2 to transition from the B-1 District shopping district. The B-2 designation is on the north and south side of the corridor. The designation is strategic and uniform in size.

Staff recommends denial of the request to rezone 303 North 3rd Avenue, also identified as Sub-Parcel # 011-0620 from B-2 to RO-4. The purpose of the request is to use the single family detached home as a residence. The home is currently a non-conforming structure/use. Reverting it to a residence undermines the commercial designation and consistency along the West Broadway corridor.

The applicant approached the podium to speak. Mr. Spivey and his brother purchased the residence in 1995 and it has only been used as an office but never advertised as commercial. Mr. Spivey and his brother declared the house as their office for tax purposes. They have had a hard time trying to sell the property. The house has not been remodeled for business and it is still setup for a residence. The property next door that faces W. Broadway has remained vacant since the doctor's office closed some time ago.

Ms. Abernathy with Parr Abernathy Realty Inc. has had the property listed since April 28th and has received inquiries for residential. She stated that over the past 180 days eleven houses in B-Village have been listed, sold, or pending. It took less than 32 days for those houses to sell. There have been a total of 19 house sold over the past year in B-Village. She is seeing a lot of people buying these homes and fixing them up and are doing well. This is an area that could be beneficial to Hopewell with these house being within walking distance to the Beacon Theatre and other businesses around the library.

Ms. Abernathy stated other houses cannot be rented or used as a business. Why would you have both lots closest to W. Broadway residential, it should just be commercial adjacent to W. Broadway.

Vice-Chairman Butterworth asked Ms. Abernathy about extending commercial B-1 from the downtown to B-2. Ms. Abernathy stated that she did not think it was viable now, that other

businesses are going to the shopping centers. Ms. Abernathy stated that the mom and pop shops like the Herb Basket use to be a house and it is now sitting empty because you can't live there and no one is willing to purchase and fix it up for a business.

Chairman Eliades asked if an applicant or perspective customer comes to you and wants to buy commercial spot, what area are you showing them first. Ms. Abernathy responded The Crossing's shopping center area. The business owner wants visibility and traffic. Chairman Eliades asked about another case they had previously that was similar to this one. It was one of Ms. Abernathy's property he asked what was the difference in the two properties. Ms. Abernathy responded that the other house faced W. Broadway and the kitchen had been altered. This house faces 3rd Avenue.

Chairman Eliades asked Ms. Griffin how hard it would be to find out how many second lots in from W. Broadway are commercial business and how many are in use as residence. Ms. Griffin will gather this information to bring back to the Planning Commission.

Ms. Griffin read Anthony Sylvester's email that was received August 5, 2021 at 11 a.m. into record.

From: anthony sylvester <ninow187@yahoo.com>
Date: August 5, 2021 at 11:00:05 AM EDT
To: Tevya Griffin <tgriffin@hopewellva.gov>, "REALTOR Elizabeth M. Abernathy" <horserealtor@juno.com>, "Elliot (RIC) Eliades" <elliott.eliades@gmail.com>
Subject: Re-Zoning Request on 3rd Street

Good morning. I just saw the re-zoning request set for a hearing tonight on the parcel on 3rd Street - off Broadway.

I cannot be present tonight because I will be out of town with my son and father.

As you may recall, I own properties that front West Broadway and the front 3rd Street on the opposite side of Broadway.

I do not have firm or final opinion on the re-zoning request, but offer the following comments and observations.

1. As a general overarching and introductory comment, I would like to see the City develop a "plan" or sharpen its focus on the blocks situated between 6th Street and Main Street as bounded by Randolph Road and the railroad tracks south (?) of City Point. I do not know if this is loosely referred to as "B" Village, but it is what I here it identified as most often.

Specifically, these structures seem to be undergoing renovation that I have not previously seen in the past 10 years. Perhaps this is a function of the crazy market or demographics, or a combination of both.

To my point - these homes if probably renovated provide ideal first time homes for young families. Combined with my thoughts on Community Land Trusts, they could provide both a stabilizing and evolving market for increasing home ownership in the City. Utilizing some of the lots without structures as open or green/common spaces for gardens, small parks, etc. provides an aesthetically pleasing neighborhood. Located within walking distance to the Recreation Center, the Library, the Beacon Theater, Walker's Gym, Wonder City Bakery, the new yoga enterprise, etc. ---- well, you get the picture.

Maybe Hopewell can't create Carytown, however, we just possible could create some of the same features. I know this may be a pipe dream, but it is a worth pipe dream - in my opinion - for present home buyers and prospective home buyers, some of whom may just include a generation of students that want to stay or return to Hopewell.

So, if this is what is intended then I would support the re-zoning wholeheartedly.

2. Notwithstanding the former comments, my brain "pumps its brakes" with the realization that there remains the possibility that the house, once re-zoned, could be sold to a third party who does not intend to occupy it be but merely to use it for investment purposes as rental property.

So, I have the following material questions, which may or may not shed some light on my concerns:

- (a) Is there a contract pending that is contingent upon the rezoning?
- (b) If so, what is the contract price?
- (c) Do they appear to be homeowners or investors?
- (c) Can the City impose a condition on the re-zoning that it be for home ownership only? I seem to recall that the Maggie Walker Community Land Trust has restrictive covenants in place on its properties that require home ownership.
- (d) Would a Land Trust need to be in place to impose such a condition? When last I spoke with someone with the Maggie Walker Community Land Trust there was discussion about there being a statewide CLT which localities could use that would remove the necessity of Hopewell creating its own. I have not heard further if such a trust was created.

3. In general, I support the proposition that having B-zonings beyond the first property or structure abutting a "major" highway/road is not ideal. Peppering B-zonings within the interior of a block seems counterproductive to stabilizing neighborhoods, as does "peeling the onion" beyond the first layer of properties abutting a major or significant corridor, such as West Broadway.

In the end, my lean is in favor of it going residential (with the caveat that it be one or the other - not both, if that was being requested). I would like more

information, however, I appreciate the home owners desire to sell it as quickly as possible. In its current zoning classification, it seems unlikely to move as office space given its limited parking availability, its location tucked away further off Broadway, and an apparent saturation of other B-zoning properties up and down Broadway and 6th Street.

Lastly, it would be remiss of me not to say that the structure itself looks like a house and conforms to the appearance of other homes in the area.

I will be on the road beginning about 12:30, if anyone wishes to contact me by cell at (804) 896-6957.

Thank you for your time and I apologize in advance for typographical and grammatical errors, as I hasten out of town.

- Anthony Sylvester
200 West Broadway, Hopewell

The public hearing was closed at 7:20 p.m.

Commissioner Reynolds asked if they could qualify for a Conditional Use Permit. Ms. Griffin stated that the Zoning Ordinance when a Conditional Use Permit is applicable. This is not the case for the request. They are not asking for a use not allowed.

Vice-Chairman Butterworth made a motion and seconded by Commissioner Vanderkeift to table this matter to take a look at elements 2, 4, and 5. Vice-Chairman Butterworth stated putting emphasis on element 2 what is the benefit of the property being zoned B-2 right now; element 4 will rezoning property alter the character of surrounding properties; and element 5 how would rezoning effect W. Broadway. Motion passed 5-0.

Meeting Minutes

June 3, 2021 minutes motioned to be approved with as amended by Vice Chairman Butterworth. Motion second by Commissioner Jenkins. Motion passed 5-0.

Unfinished Business

Short Term Rentals

Chairman Eliades stated we should take our cue from our neighboring localities. Ms. Griffin reiterated that Colonial Heights is not doing anything with short term rentals at this time and do not allow accessory apartments. The Planning Commission has asked Planning Staff to revive when it's time to reconsider the issue and research where would we have short term rentals. Should they be focused in one section of the city?

House Bill 2053

House Bill 2053 is a Bill to direct the Department of Housing and Community Development to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. Commissioner Jenkins stated she has heard and read about people turning garages into accessory apartments and it has been a nightmare.

New Business of the Wetlands Board

Ms. Griffin gave an overview of a request from Mr. & Mrs. David Reynolds of 618 Mansion Drive to construct a 5' wide by 60' long private open pile pier with a 13' by 14' long L-head, and 13' by 16' floating dock adjacent to 618 Mansion Drive along the Appomattox River. (This is for information purposes, a wetlands permit isn't required per the Hopewell Wetlands Ordinance) Chairman Eliades and Commissioner Reynolds recused themselves and would have done without attorney's opinion. Ms. Griffin provided in the commission packet a copy of the Wetland Ordinance it does state there are certain conditions that do not require a Wetland Permit. VMRC recommends that the Planning Commission affirm while in the Wetlands according to ordinance a permit is not required because it is permit activity in the Wetlands. Commissioner Vanderkeift made the recommendation and seconded by Commissioner Jenkins the approval of the request and it does not require a permit from the Wetlands Board. Motion passed 3-0.

Chairman Eliades asked Ms. Griffin why the ward was included in the staff reports. She responded it was to give an accurate location so the Commission would know where the property was located. The Chairman was fine with keeping the Ward in the Staff report as long as it wasn't for political reasons.

Report of Council's Boards & Commissions

Ms. Griffin reported on the items that would be discussed at the City Council level at their next meeting August 10, 2021. The Council will hold a public hearing to consider citizen comments regarding a Modification of Development Standards to allow Mr. Jay Jones to build two homes along a piped stem driveway instead of a public street of record.

The Board of Zoning Appeals did not meet in July. The Architecture Review Board did not have a meeting in July but will be meeting on August 23, 2021. The Downtown Design Review Committee met on Wednesday August 4, 2021 they did not have any Certificates of Appropriateness.


Report of the Director

None

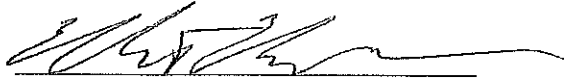
Adjourn

A motion was made by Commissioner Jenkins to adjourn the meeting. A second was made by Vice-Chairman Butterworth. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,



Tevya W. Griffin
Director



Elliot Eliades
Chairman

**MINUTES OF THE AUGUST 19, 2021 MEETING
OF THE PLANNING COMMISSION
CITY OF HOPEWELL, VA**

A meeting of the Planning Commission for the City of Hopewell was held on Thursday, August 19, 2021 at 6:00 p.m. in Police Multipurpose Room located at 300 North Main Street, Hopewell, Virginia.

Planning Commission Members present:

Elliot T. Eliades, Chairman
Todd M. Butterworth, Vice Chairman
Fara Jenkins
Paul Reynolds (EXCUSED ABSENCE)
Cassandra Vanderkeift

Staff Members present:

Tevya W. Griffin, Director

Chairman Eliades opened the meeting at 6:02 p.m.
A prayer was rendered by Chairman Eliades.

By roll call a quorum was established with the above members of the Commission present.

#1 Conditional Use Permit

Mrs. Griffin provided an overview of the request from Nathaniel W. Blanding to increase the non-conformity of a single family detached home located at 1216 1st Ave., also identified as sub-parcel #071-0195. Mr. Blanding was requesting a Conditional Use Permit to add on to his home. The residence is in the M1 Limited Industrial District. Mr. Blanding has already added on to the residence. A Conditional Use Permit provision you can add on to a non-conforming structure if the use does not exceed fifteen percent of the gross floor area of the existing structure. The addition is over 15% or 202 square feet of the existing structure. Mr. Blanding added on to the kitchen, living room, mud room and porch in the front of house without permits.

Ms. Griffin stated based on the criteria outlined in Article XVII, Nonconforming Uses, Staff recommends denial of the Conditional Use Permit because the addition exceeds the allowable 15% of gross floor area.

Chairman Eliades state that tonight the commission would be talking about two things, one is about the comp plan what it should be and if it needs to change and speaking to what the plan is now and how it pertains to these two cases. Chairman Eliades would also be making a list to revisit the comp plan in the next coming months. He thinks the intent to get people away from the

factory is the right intent he wonders if they have the right methods to make this happen. Per the Comp Plan calls for this area to be light industrial. One of the housing goals was to remove people from environmentally sensitive area, and this is one. The residence is less than 0.3 miles away from AdvanSix and it is in M1 and butts up to M2. Per Mrs. Griffin stated to commission that if the Planning Commission denies the Conditional Use Permit it would go to City Council and they denies it would go to Circuit Court. Mrs. Griffin read into minutes the comments by Commissioner Reynolds (see attached). Commissioner Jenkins brought up that the resident avoided all contact and did what he wanted. There were no other comments or questions in regards to this request.

Mrs. Griffin provided an overview of the request from Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub – Parcel # 011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High Density-Offices (RO-4). The property is in Ward 1, B-Village and to the north of the property is zoned R-4, to the south it is zoned B-2, to the east it is zoned B-1, and to the west it is zoned B-2. The City of Hopewell 2028 Comprehensive Land Use plan designates the property and surrounding properties as Downtown Residential Mixed Use category. The land use category emphasis residential with urban development area designation, high density single, attached, multi-family residences; residential uses in mixed use buildings; live-work buildings.

Mrs. Griffin presented the map in Building Blocks Program and that depicts West Broadway from North 3rd Avenue to North 11th Avenue as B-2. This area was zoned B-2 to transition from the B-1 District shopping district. The B-2 designation is on the north and south side of the corridor. The designation is strategic and uniform in size.

Staff recommends denial of the request to rezone 303 North 3rd Avenue, also identified as Sub-Parcel # 011-0620 from B-2 to RO-4. The purpose of the request is to use the single family detached home as a residence. The home is currently a non-conforming structure/use. Reverting it to a residence undermines the commercial designation and consistency along the West Broadway corridor.

Mrs. Griffin stated there are 34 parcels butting West Broadway that are made up of 1 vacant house, 11 offices, 1 vacant land, 2 parking lots, 1 convenience store, 1 ½ medical centers, and 1 ½ churches. Chairman Eliades stated if they approved they would be presidency for 3 other properties asking to do the same thing. Chairman Eliades ask that Mrs. Griffin pull a report to see if anyone has asked for rezoning in this area before. Commissioner Jenkins commented that it would be cheating first time home buyers by living on the same street of a bunch offices. Commissioner Jenkins is not in favor of zoning residential. Chairman Eliades read the comments of Commissioner Reynolds (see attached).

17 August 2021

Paul Reynolds

Fellow Commissioners:

Since I am not available for this Thursday's work session, Elliot has asked me to write down my thoughts about the two applications that will be discussed. These are the applications for 1st Ave South and North 3rd Street that we tabled at our regular meeting earlier this month. I do this without benefit of the insights offered by additional staff research to be reported at the work session.

General Principles and guidelines relating to any application I'm asked to consider:

- Is it in keeping with the law?
- Is it generally consistent with the comprehensive plan?
- Is there precedent for decisions regarding similar applications in the past?
- Would any precedent set by accepting/rejecting a given application be good for the community?
- Does an application make clear the comprehensive plan needs to be revisited?
- Would a rejection of an application place undue/unreasonable hardship on applicant?
- Would an acceptance of an application place undue/unreasonable hardship on any affected property owners?
- Are there conditions that can be placed on a response that balance the needs of the applicant and the needs of the community?
- Other considerations originating with staff, citizens / fellow commissioners.

309 N.3rd St, request for rezoning:

- Property's current zoning has rendered single family residences non-conforming for 32 years.
- Current owner has used property as a business (conforming) for multiple years in the past (and I assume for now reaped available benefits when doing so).
- Current owner claims he has offers for the property as a single family residence; no offers as a business.
- The reason the applicant's property (and others similarly positioned) is zoned B-2 is to allow for enough property depth away from Broadway to support a typical business (0.8 acres when combined with corner lot, rather than 0.4 acres).
- Business growth along West Broadway has not kept pace with what was envisioned in 1989 when properties were zoned B-2.
- There's been no indication from applicant that he has attempted to jointly list his property with corner property (which he reports is empty) as a joint business property.

17 August 2021

Paul Reynolds

- Denying application would accomplish two things: 1) It would force owner to continue to attempt to sell his property as a business property (possibly in a creative joint arrangement with corner lot owner), and 2) it would avoid setting precedent for other property owners one lot back from Broadway who could reasonably expect that they too can gain acceptance for a rezoning when they're ready to sell their single family residence that has most recently been used for non-single family residential purposes.
- Accepting application would 1) set a precedent inconsistent with comprehensive plan and current zoning, 2) but make life easier for current owner.

1216 South 1st Avenue request for CUP:

- Property's current zoning has rendered single family residences non-conforming for 32 years and has limited expansion of existing single family residences to +15%.
- Current owner has expanded property twice, in 2012 and 2021, the latter time without seeking necessary permits. Because city does not have historical permits request records there is no city record of permits filed and issued for 2012 construction. Builder claims he filed for and received permits.
- Expansions to property exceed (significantly) the 35% that can be allowed with proper permitting.
- Current owner has paid all penalties and fees associated with 2020 unpermitted expansion.
- The property is well maintained and the expansions meet engineering requirements.
- The strongest reason for denying request for CUP is that in granting one, city will set precedent where other owners would follow a similar route for development, with the thought that any penalties are likely far overshadowed by benefits from increased property values.
- The city has no provisions that I am aware of for assessing reasonable penalties for actions such as those taken by applicant that would dissuade others from following similar "do it and then ask for forgiveness" avenues for development.
- Other considerations originating with staff, citizens / fellow commissioners.

I wish you well with your deliberations.

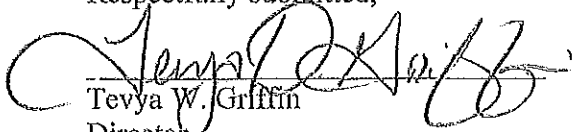


Chairman Eliades stated they need to start no later than the first of the year for all members to take a look at the comp plan and identify areas needing review or possible changes before the five years is up.

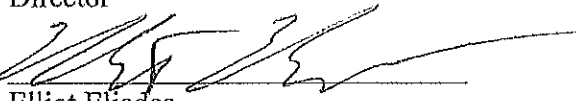
Adjourn

A motion was made by Vice Chairman Butterworth to adjourn the meeting. A second was made by Commissioner Jenkins. The meeting was adjourned at 7:13 p.m.

Respectfully submitted,



Tevya W. Griffin
Director



Elliot Eliades
Chairman

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD FEBRUARY 23, 2021

An Electronic (Zoom) Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 23, 2021 at 5:30 p.m.

PRESENT: Patience A. Bennett, Mayor, Ward 4
John B. Partin, Jr., Vice Mayor, Ward 7
Deborah B. Randolph, Councilor, Ward 1
Arlene Holloway, Councilor, Ward 2
Jasmine E. Gore, Councilor Ward 3
Janice B. Denton, Councilor, Ward 5
Brenda S. Pelham, Councilor, Ward 6 @ 7:07pm

John March Altman, Jr., City Manager
Sandra Robinson, City Attorney
Charles E. Dane, Assistant City Manager

Mayor Bennett asked Vice Mayor Partin to take over as she is having technical difficulties.

Vice Mayor Partin opened the meeting at 6:33 p.m.

Motion to approve work session agenda. Motion made by Councilor Denton and seconded by Vice Mayor Partin.

ROLL CALL:

Councilor Denton	–	yes
Councilor Pelham	–	Absent
Mayor Bennett	–	no answer
Councilor Randolph	–	yes
Councilor Holloway	–	yes
Vice Mayor Partin	–	yes
Councilor Gore	–	yes

Motion Carries

WORKSESSION

WS-1 - STORMWATER MANAGEMENT PROGRAM

Vice Mayor Partin to turn over the meeting to Mr. Battiata to do Stormwater Management Program Work session.

Mr. Battiata discussed the goals of the permit program is to maintain and operate a municipal separate storm sewer system – all drainage infrastructure in the city. Permit holders are based on population threshold. Goals of the permit program is to maintain and operate a municipal separate storm sewer system. Includes 6 minimum control measures (MCMS): public education, public participation, illicit discharge detection and elimination, erosion control, post construction storm water mgmt. and pollution prevention and good housekeeping for municipal operations. Special Condition is the cities obligation for its compliance with total maximum daily load. City is a Virginia Storm Water management program and also an erosion and sediment control program so these programs have to be implemented in accordance

with state law and finally to provide regular maintenance of the city drainage system. Those are three very disparate obligations. There were five levels of funding looked at. MS4 projects are the work we have to contract out. On project list for almost three ears are Mansion Drive and Park Ave., we are finally able to get to them.

City wide issues that needs to be addressed sooner better than later. Is everyone in agreement is everyone okay with allowing engineers continue to develop this comprehensive drainage issue and work toward a strategy to resolve these issues over the next 5 to 10 years. Different ways to afford these issues.

WS-2 - 2408 LYNCHBURG STREET CONDITIONAL USE PERMIT

Ms. Griffin discussed the request for a fence over the 4 ft. requirement at 2408 Lynchburg Street, due to pedestrians working through their year, debris and litter from pedestrians as well as traffic. Fence has been put up but it is above approved 4 ft. This will go to public hearing.

WS-3 - SPOT BLIGHT PROGRAM

Ms. Griffin discussed the Spot Blight Program stating that 57 properties were on the list. Asking that consider demolition, acquisition or rehabilitation of these properties. We are recommending demolition of all of these properties. Next step public hearing. Depending on funding as to how quickly they will come down. House on 21st street has been made safe, but are still looking at taking it down, this house is owned by the City. Recommend that this house is included with the other to be demolished. Attorney advised that if the City owns the house, it can demo its own house.

REGULAR MEETING

Meeting called to order by Mayor Bennet at 7:30pm, Prayer by Mr. Dane, Pledge of Allegiance by Vice Mayor Partin.

Councilor Gore made a motion and seconded by Vice Mayor Partin to adopt an amended agenda, Councilor Gore removed R-1 prior to meeting but in its place due to work session we can't take action, would like to add for council to vote on directing city manager to work with storm water staff and for the other directors to create a plan to address storm water projects. Recommend we set a date based on city manager advisement so that we can have this information for our budget work session.

Motion made by Councilor Gore and seconded by Vice Mayor Partin to adopt amended agenda by removing R-1 and replace with directing City Manager to work with staff to develop storm water plan. Motion Passed. Ayes 5, nays 1, no answer 1

Point of Information by Councilor Randolph - If we removed R1 are we able to adopt another item that is no in the agenda. Answer by City Attorney is YES. Motion made by Vice Mayor Partin and seconded by Councilor Denton to approve the Consent Agenda.

Councilor Denton	-	no
Councilor Pelham	-	no answer (having technical issues)
Mayor Bennett	-	yes
Councilor Randolph	-	yes
Councilor Holloway	-	yes
Vice Mayor Partin	-	yes
Councilor Gore	-	yes

Motion carries

CONSENT AGENDA

Motion was made by Vice Mayor Partin, seconded by Councilor Denton, and unanimously passed to accept the consent agenda.

ROLL CALL:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Bennett	-	yes
Councilor Randolph	-	yes
Councilor Holloway	-	yes
Vice Mayor Partin	-	yes
Councilor Gore	-	no answer

Motion Carries

PUBLIC HEARINGS

PH-1 - HRHA REZONING

City Manager Altman spoke on public hearing to consider request submitted by HRHA to rezone some parcels in Highland Park subdivision, from R-3 & B-3 to R-4 with proffered conditions. As discussed previously HRHA had submitted some proffered conditions and had amended those conditions and we had to have another public hearing to consider those amended conditions. They are requested to increase density of parcel to 64 units and according to the site design nothing has changed since last time site design was viewed by Council. What has changed is HRHA has updated their voluntary proffered conditions and they were advertised in the local newspaper as required by the Code of Virginia two weeks in advance. Conditions were read by Councilor Gore.

Mayor Bennett opened the Public Hearing. No correspondence has been received.

Mayor Bennett closed the Public Hearing at 7:52 p.m. No action will be taken at this Council meeting. It is up to City Council when to move forward and take vote. Motion made by Councilor Randolph and seconded by Mayor Bennett to approve the HRHA rezoning request for the project Highland Park R-3 & B-3 to R-4 with Proffered Conditions. Last proffered condition was reviewed and explained that City Council will be involved on all conversations along the way. Decision as to which site was going to be selected and City Council was told at that time it was premature. Discussion between who was going to go first Davisville or Thomas Rolfe in terms of demolition. Call attention to the last joint meeting with HRHA Board decision was made to move Thomas Rolfe residence first was based on the overall needs of redevelopment process for all of those residents. Conversations are continuing to move Thomas Rolfe first. We will have conversations when that time arrives, will probably be part of March 10 joint council meeting conversation.

Motion on floor is a rezoning request, not who would be moving or what division would be moving into the apartments. HRHA rezoning request for the project Highland Park R-3 & B-3 to R-4 with Proffered Conditions is to either approve or not approve the rezoning request. Still some issues related to rezoning.

Making sure Davisville residents have priority of Thomas Rolfe, make sure individuals that don't get moved have option of portable housing vouchers so they can increase their housing options, putting a development into an established neighborhood, as well as trying to get the whole city on improved lighting. Development should give back to the City a little, by paving roads, etc. Asked for discussion on traffic flow, a traffic study is part of process for getting site plan approval. Should traffic flow process be done before a vote, it can be considered but zoning ordinance said it does not have to be done before the approval.

Councilor Pelham has now rejoined the meeting after having technical difficulties.

If Council wants to make it a requirement that information in the middle of an application, when applicant was not advised in advance, if it is councils pleasure to make this a requirement that is meet prior to the time it votes on the rezoning, it needs to be noticed properly to the public beforehand and since it was not,

It would not be an impediment for the Council moving forward. As a result of the traffic analysis comes back and recommends improves to intersections that would become part of the site plan approval process. Will be approved based on impact study. Would need to look at extended rush hour due to drop off of school students. Question for Ms. Griffin – what was considered when you voted to recommend the approval by the HRHA. Basically everything was discussed and felt right thing to do is to move a certain population out of housing that is either in a bad location or in disarray. Need to provide them better homes. In general, housing needed to be improved for these citizens and allowing to add extra units and change zoning made sense.

Motion made by Councilor Randolph and seconded Mayor Bennett to extend the meeting to 9:30p.m.

ROLL CALL:

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

Motion Carries

Amended Motion to approve with condition(s) or deny a request submitted by the Hopewell Redevelopment and Housing Authority to rezone Sub-Parcels 042-0195, 042-0095 and 042-0252 and to amend the Official Hopewell Zoning Map from R-3, Residential, High Density and B-3, Highway Commercial District to R-4, Residential Apartments, and to accept the voluntary proffered conditions dated December 14, 2020. Motion on the floor is to approve or not approve the rezoning request. Councilor Randolph agrees to substitute the prior motion with this one, seconded by Mayor Bennett. Councilor Randolph made motion to approve and Mayor Bennett seconded.

ROLL CALL:

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

Motion Fails

REGULAR BUSINESS

R-1 – STORM WATER PLAN

Need more definitive dates for this motion. Councilor Randolph wants an actual date to be brought back to City Council. Will target the 26th of May to bring it back to Council. Plan will not become static, it will be continuously looked at and updated on an annual basis to make sure project are removed and added as needed. A lot of projects have not been designed yet so exact cost is not known.

Motion made by Councilor Gore and seconded by Vice Mayor Partin for Council to direct City Manager to work with the storm water team, the Director of Public Works and the City Engineer to develop a plan to fund storm water projects in the City of Hopewell and to bring that information back to City Council during this year's budget work sessions in May. Specific date to be determined by the City Manager, but no later than May.

ROLL CALL:

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

Motion Carries

R-1 – LOCAL EMERGENCY DECLARATION

Request Pursuant to State Code 44-146.21A requiring city council confirmation of the declaration of local emergency at its next meeting or at a special meeting within 45 days of the declaration, we declared local emergency on Feb 13 in advance of the first ice storm after governor declared a state of emergency on Feb. 11. This is your next reg. meeting as per state code. Asking for Council's approval of the resolution included in packet authorizing city manager to declare a local emergency. Are working on after action, our timeline of events, the whole process, to Council tomorrow afternoon, working with representatives of the water company to schedule a meeting with council next week for questions and discussion. Will make announcement of meeting for next week.

Motion to approve Resolution by Vice Mayor Partin and seconded by Councilor Pelham to approve the resolution authorizing the City Manager to declare local emergencies.

ROLL CALL:

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

Motion Carries

**February 23, 2021
Regular Council Meeting**

COUNCILOR REQUEST

CR-1

Creation of a City of Hopewell SkillBridge Fellowship Program and/or On-The-Job Training and Apprenticeship Programs to support Veterans/Military Spouse/Transitioning Service Member workforce development. SkillBridge programs are under the Department of Defense and allow traditional service members to obtain real world experience prior to separation from the military. When this occurs their salary is paid for by the Department of Defense for up to six months. The terms to create it is to work with the Dept. of Veterans Services Affairs staff members who help create a curriculum and a program, they also approve it and then they also help to recruit veterans for that opportunity. No out of pocket for salary, just operational cost. Not immediate but for future after coming out of COVID. This request is to see if City Council is amenable to looking at it with HR to see if any departments might have an opportunity to consider and if so, bring that back and then have a conversation about how to connect.

Motion made to direct the City Manager to work with the directors to consider if City of Hopewell SkillBridge Fellowship Program and/or an on the job training or apprenticeship program in partnership with the Virginia Dept. of Veterans Services is feasible & to bring back recommendation at the second meeting in March. Motion made by Councilor Gore and seconded by Vice Mayor Partin.

ROLL CALL:

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

Motion Carries

CR-2

Online services and Forms – Request City Council to support modernizing City of Hopewell online services and forms for Hopewell residents and taxpayers.

The terminology that should be used is digital transformation of online forms and documents. Old estimate was \$38,000.

Motion made by Council Gore to extend the meeting to complete discussion of CR-2. Motion was seconded by Councilor Pelham.

ROLL CALL:

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

Motion Carries

February 23, 2021
Regular Council Meeting

Motion made to direct the City Manager to work with the IT Director to obtain a new quote to move forward with digital transformation to bring back to city council in March for possible support using the remaining COVID funds. Motion made by Councilor Gore and seconded by Vice Mayor Partin.

ROLL CALL

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Bennett	-	yes
Councilor Randolph	-	yes
Councilor Holloway	-	yes
Vice Mayor Partin	-	No Answer
Councilor Gore	-	yes

ADJOURN

Meeting adjourned at 9:37pm.



Sandra Robinson, City Clerk Pro Tem

Patience Bennett, Mayor

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD AUGUST 19, 2021

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Thursday, August 19, 2021 at 6:30 p.m.

PRESENT: Patience A. Bennett, Mayor, Ward 4
*John B. Partin, Jr., Vice Mayor, Ward 7 (remoted in)
Deborah B. Randolph, Councilor, Ward 1
Jasmine E. Gore, Councilor Ward 3
*Janice B. Denton, Councilor, Ward 5 (remoted in)
Brenda S. Pelham, Councilor, Ward 6
*Arlene Holloway, Councilor, Ward 2 (remoted in)

John March Altman, Jr., City Manager
Sandra Robinson, City Attorney
Mollie Bess, City Clerk

ROLL CALL: Mayor Bennett - Present
Vice Mayor Partin - Present via call in
Councilor Randolph - Present
Councilor Holloway - Present via call in
Councilor Gore - Present via call in
Councilor Denton - Present
Councilor Pelham - Present

*Minutes reflecting that Vice Mayor Partin has permission to call into the meeting from vacation in New Orleans, Councilor Denton had permission to call into the meeting from vacation in Smith Mountain Lake, Virginia and Councilor Holloway had permission to call into the meeting from home due to medical reasons.

CLOSED MEETING

Motion made by Councilor Pelham and seconded by Councilor Gore to go into Closed Session pursuant to Va. Code §2.2-3711(A)(1) to discuss and consider personnel matters, including the assignments, performance and appointments of a specific public employee, including the City Manager and the City Attorney; and to the extent aided thereby (A)(4) for the protection of the privacy of individuals in personal matters note related to public business.

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

Motion Passes: 7/0

As Councilors were coming out of closed session, City Clerk Mollie Bess indicated that we needed to get those participating remotely back on the call for the meeting. The Mayor was unable to get them back to successfully participate in the remainder of the meeting and thus asked the City Attorney if we could

proceed with the meeting without them and City Attorney indicated that since we had a quorum we could continue. Meeting continue without participation of those that were on the phone.

Motion made by Councilor Gore and seconded by Vice Mayor Partin to come out of closed session.

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

Motion Passes: 4/0

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.

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

Motion Passes: 4/0

Motion made by Councilor Pelham and seconded by Councilor Gore to approve the amendment to the contract for City Attorney Robinson as presented.

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

Motion Passes: 3/1

ADJOURN

Meeting adjourned

Patience Bennett, Mayor

Mollie P. Bess, City Clerk

AMENDMENT TO CITY ATTORNEY EMPLOYMENT AGREEMENT

This Amendment to City Attorney Employment Agreement by and between The City of Hopewell, Virginia, a municipal corporation (the "Employer"), and Sandra R. Robinson ("Employee") (collectively, the "Parties).

WHEREAS, in about May 23, 2019, the Parties entered into the City Attorney Employment Agreement (the "Agreement"), engaging the Employee to perform the functions and duties of the City Attorney as provided by the Hopewell Charter and general law in exchange for compensation and benefits, including paid time off (PTO) and

WHEREAS, in about March 2020, the United States, the Commonwealth of Virginia, and the City of Hopewell effectively shut down due to the coronavirus/COVID 19 pandemic which resulted in stay-at-home orders, social distancing mandates, and limited access/opportunity for individuals to engage in travel and leisure activity; and

WHEREAS, during this time the Employee was deemed an essential employee, which resulted in her exemption from stay-at-home orders, being required her to perform such work as was agreed, anticipated, and foreseeable at the time of contract, and such other and additional work, though unforeseeable, as became necessary due to COVID; and

WHEREAS, such conditions made it impractical for Employee to make meaningful use of the paid time off hours and, as a result, Employee has suffered the loss of 124 paid time off hours due solely to carryover limits imposed on paid time leave awarded, accrued but not used;

NOW THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree that the following sections of the Agreement are amended to read:

1. Section 5 (Paid Time Off (PTO)) is hereby amended by deleting all of subparagraph B of section 5 and inserting the following as its replacement:

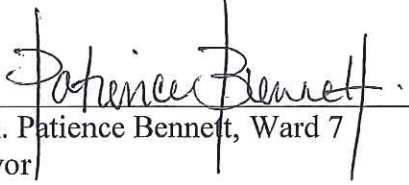
B. Employee shall be entitled to carryover from year to year all unused PTO, and in the event the Employee's employment is terminated, either voluntarily or involuntarily, Employee will be compensated for all unused PTO.

2. Section 11 (Resignation) is hereby amended by deleting all of the current provisions and inserting the following as its replacement:

Employee will provide a minimum of 45 days' notice of voluntary resignation, unless the parties agree otherwise. In the event of voluntary resignation, Employee will not be entitled to any severance, but will be compensated for all unused PTO. If City Council as a body requests that Employee resign, the resignation will be deemed involuntary.

All other provisions of the Agreement remain in full force and effect. A fully-executed PDF of this addendum shall be considered an original.

THE CITY OF HOPEWELL, VIRGINIA

By: 
Hon. Patience Bennett, Ward 7
Mayor

Execution Date: 7 September 21


Sandra R. Robinson

Execution Date: 9-08-2021

August 24, 2021
Special City Council Meeting

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD AUGUST 24, 2021

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Thursday, August 24, 2021 at 6:30 p.m.

PRESENT: Patience A. Bennett, Mayor, Ward 4
John B. Partin, Jr., Vice Mayor, Ward 7
Deborah B. Randolph, Councilor, Ward 1
Jasmine E. Gore, Councilor Ward 3 (running late)
Janice B. Denton, Councilor, Ward 5
Brenda S. Pelham, Councilor, Ward 6

ABSENT: Arlene Holloway, Councilor, Ward 2

John March Altman, Jr., City Manager
Sandra Robinson, City Attorney
Mollie Bess, City Clerk

ROLL CALL: Mayor Bennett - Present
Vice Mayor Partin - Present
Councilor Randolph - Present
Councilor Holloway - ABSENT
Councilor Gore - Present – running late
Councilor Denton - Present
Councilor Pelham - Present

Information provided by Mr. Terry, City's Finance Director, in form of a report was passed out by City Clerk to all Council members. Mayor Bennett reported that the City Treasurer would arrive by 7:00 p.m.

Mayor Bennett then called Mr. Terry to podium. She then noted that the closed meeting was there in case we did need to go into closed session.

Motion made by Vice Mayor Partin and seconded by Mayor Bennett to approve the agenda.

ROLL CALL: Councilor Randolph - Yes
Vice Mayor Partin - Yes
Councilor Denton - Yes
Councilor Pelham - Yes
Mayor Bennett - Yes

Motion Passes: 5/0

Point of Order called by Councilor Denton – According to the Agenda it is a closed and we have the motion and then we were to discuss the two items and then adjourn. City Attorney stated that there are two things that govern this meeting, the primary being the call of the meeting, the special meeting notice indicated that some or all of the discussion may take place in closed session, so that is primary to the consideration. As far as the agenda, it has been the practice of this body to insert the closed meeting motion on all of your agendas that is why that closed meeting motion is there. As long as the body decides that the conversation is going to take place in open session, that governs. So if there is something that needs to be discussed in closed, you then make the motion to go into closed session with the motion provided. Councilor Denton stated that if the auditors were not able to attend, she saw no point in this

August 24, 2021
Special City Council Meeting

meeting at all and since the auditors were not going to be here. She stated she is not for this meeting as we do not have all of the parties here tonight, that have been asked to be here and provide information.

Mayor Bennett stated that she called this Special Meeting because she wanted the citizens to know what has been holding up 2018, what were the reasons for the delay.

Mayor Bennett recalled Mr. Terry to the podium and stated that there were several questions that she had stated in an email to him for discussion. She first asked him to discuss the finance report that was submitted to Council on August 10, 2021. Mr. Terry stated City financial statements have been reviewed and corrected, sent back by the auditors, edits were made and then resubmitted back to the auditors. Single audit will be issued as a separate report. The auditor will take all into consideration in addition to his review and he will issue an opinion, at that point and time they will finalize and the 2018 audit will be available for public issuance and that is anticipated at the September 28 meeting. Secondly, the 2017 Single Audit has been completed and submitted to the federal audit clearing house. At the meeting on the 28th the auditor will also talk about that. FYI – there was only one finding, 2016 there were none, it was due to files not being available so the auditor could not have evidence to support and that was the only one in that particular single audit for 2017. Once the Annual Financial Report is completed for 2018, then the single audit for 2018 will be done. In 2020, April, the auditors were given the first draft version, as working through that, two issues that had to be addressed, 1) the City cash reconciliation that had to be addressed and the 2) schools had some items that they had to address. In April of 2021 schools completed what it needed and gave a set of financial statements that could be reviewed and audited. From there, there were adjustments that had to be done to the first draft. All comments from auditor have been addressed and the auditors are now working to form an opinion.

Councilor Randolph asked why did it take a year for us to get from the first set of financials to the changed or redrafted financials submitted in May? Mr. Terry stated that were some difficulties that came from the past, there was a sufficient audit trail that some things were not properly done going back as far as 2014 or 2015. There were many other audit firms involved in the past and every time you switch auditors and with the City trying to catch up, keep in mind that the new auditors are not obligated to accept the evidence and the work of the prior auditors, they have to find it out for themselves. That took time. Schools was required to do a lot of follow-up work and that also took time. Mayor Bennett asked if MUNIS was part of the issue and Mr. Terry stated that MUNIS itself was not an issue, however, the input into MUNIS did not always match, it was not a MUNIS driven issue, it just provides the information from what is input. Mayor Bennett stated that Mr. Terry mentioned in April 2020 that you communicated to the schools and the Treasurer that you had a meeting with the auditors and that they stated that they needed more information. When you received the information from the auditors that there would be a delay until they received the information from the two entities, when did you communicate that to Council? He stated in his monthly reports. Mayor Bennett asked Mr. Terry, did you come and present to Council? Mr. Terry stated No! MB – in looking at your contract it says in paragraph 7, “contractor shall also each month physically appear and present to Council the first of each regular monthly meeting to summarize the content of the respective months report and to answer questions from City Council related to the contractor’s written report and other such questions may be deemed necessary”. For purposes of the position, did you feel it was immediate that you come and speak to Council? Council Randolph stated that the contract the Mayor was speaking from was dated November 2020 forward, so would not pertain to what he did or did not do in April. Mr. Terry was asked that from when he signed the current contract until now, did you present to Council that this was a hard stop? Mr. Terry stated that he had not been before Council.

Council Gore asked Dr. Hackney to answer question about where they provided information to the auditors in a timely manner. Dr. Hackney stated that they had proved everything that was asked and multiple times they thought they were complete, however multiple reports came back indicated they

August 24, 2021
Special City Council Meeting

needed to do something different, something additional. Determination was actual readiness and closure to the consultant, was extremely difficult and confusing. Know now systems did not talk to each other and much of the work had to be done by hand. It was a lengthy process. Janel spoke and said they had provided information to auditors in the past and it was acceptable, this time it was not acceptable, we had to very tediously cut every transaction for the entire year. Don't have staff to commit to that, so it took a lot of time. It was a constant back and forth for a year. During that year delay – does the Treasurer have anything specific to add? Treasurer's office stated that the cash reconciliation that they provided was done in 2018 and that same copy is the one that was provided April 2020.

Mr. Terry stated the role of the finance director is to have oversight and when the meeting was held in the spring of 2020, we went through and looked at what answers we thought needed to be provided to us. There were some items that were not recorded in the general ledger, but the reconciliation accounted for. Therefore, questions were raised. That information was provided to the City Manager. The Treasurer stated that they would not change their reconciliation and that was communicated to the auditor. Mr. Terry stated that the 2016 and 2017 single audit have been done. Robinson, Farmer and Cox, in their proposal, it includes the single audit for 2018. When this firm states it is going to audit the annual financial report, it includes the following: the annual financial report, audit of public accounts, single audit, and in some localities DEQ, so the 2018 single audit is included. Councilor Gore asked for the status of the Beacon Theater and the Enterprise account. Mr. Terry stated the Beacon theatre books do not match up with what they needed, so an email trail was sent as to what was needed. Their finances were included in the audit for the Beacon after they were given the format and process. Did the three enterprise accounts produce finance for there to be an opinion? The other enterprise accounts are a different animal all together, part has to do with the 3rd party provider that is being used, that they do not provide adequate information that is needed. Looking at bringing in internally that process. (Data Integrator). Gore – in the contract with Robinson, Farmer and Cox, Section B, time of performance, it says that the services here-in shall be performed on a timely regular basis, shall commence on September 1, 2020 and shall end on December 31, 2021 – so is this contract going to end with them at the end of this year and we still only have one audit completed? Mr. Terry stated that is correct as it was only a one year contract. Mayor Bennett asked Mr. Terry if he was able to communicate to the schools what was needed effectively, was the information clearly relayed to the schools. One year is way too long, were they clear on what was needed? Mr. Terry stated that he communicated that the auditors were not comfortable with the information that the schools provided. Did the auditors give you direct information as to what they needed – Mr. Terry responded in some cases yes and in some cases they went directly to the school for the information. Schools confirmed that the auditors contacted her and that she received clear guidance on what needed to be submitted.

Mayor Bennett stated to City Manager Altman in the resolution for the emerging procurement of professional services for contract we are talking about, we only have one year with Robinson, Farmer and Cox. There is a provision that Council approved to be in this contract with RF&C, why was this not included in the contract and did the City Attorney draft and approve it? City Manager Altman responded that what was approved by City Council was approved by Council was a single year, two was asked for but Council only approved one year. What was approved by Council for the City to execute was the engagement agreement that was provided to Council. Mayor Bennett stated that there was a contract that was asked, Council voted to have a contract to RF&C that was no so. RF&C gave a letter of agreement and secondly, Council asked for that provision to be in the contract, what are we actually paying them for? What services, because we do not have the single audits there. CM Altman – as was stated the single cost for the audit is shown as \$130,000 (see supporting documentation). They are auditing the federal dollars we receive, that is in the engagement letter, which serves as the contract with RF&C. Gore stated for clarification in the resolution that Council passed it says “that the performance of the delivery of services including a mandatory provision that such agents/representatives of RF&C Associates shall be physically present to Hopewell City Council upon request to provide status information and answer

**August 24, 2021
Special City Council Meeting**

specific questions from Councilors without further charge to the City of Hopewell". Altman – they have to maintain their third party independence. Gore – that was not communicated back to Council. Who made the decision to not enforce this part of the contract? Altman – Auditors were not available to attend this meeting, we just invited them on Friday and the meeting was the following Tuesday. Council needs to be given copies of all contract and waivers that are to be signed. Gore mentioned that there was information from MUNIS that there was overage paid to the firm – can we get an explanation on that. CM Altman explained that we have a contract for \$130,000 with RF&C, we had a separate contract with them to do the 2016/2017 single audits. Gore – Council was told that there was a separate bill from RF&C for overages conducting the audit. Mr. Altman had no knowledge of that. Mr. Terry indicated they have been from previous audit firms. City Treasurer stated information on Bond payments and the corrections that needed to be made to those. All documentation has now been received and resolved. Current cash reconciliations is accurate for a month to month reconciliation. Mayor Bennett asked Mr. Terry if he was aware he was to be available and report to Council per your contract? Mr. Terry responded Yes, Mayor Bennett asked why did he not do so. The response was the new contract dated 11/2021 states that I am supposed to be on at the first of the month, I discussed with the City Manager that most of the data and information that is reported on is available at the second half of the month, so for the second meeting, which give time for the previous month to come through, that was in November when the contract was signed. Mayor Bennett asked Mr. Terry if he know that the second meeting of the month would be better, why didn't he go back to the City Manager and make him aware of that so that he could make Council aware? Are you billing the City of Hopewell outside of your contract? There were \$33,000 out of scope services fees there was not documentation with that. Mr. Terry responded NO, that he has not received anything outside of the contract, never billed outside of previous contract also. Mr. Terry said a lot of work was done that was not completed by previous auditors. If you did 413 hours outside of your scope and you have not received the payment for that, then why did you bill in the first place. Mr. Altman stated the contract was not approved until November, so Mr. Terry can be held responsible for something prior to the signed contract. Mr. Terry was out on medical leave starting in May of 2020. Gore – when contract was issued City Council was very clear that they did not want to hire a finance director because we wanted a contractor that Council can get direct information from.

Councilor Randolph stated that starting in September, 2021 we are expecting Mr. Terry to be at the first City Council meeting of each month and ready to report out on the previous month financials and to have the documentation to City Council by Friday before the meeting for Council to review. Mr. Altman will email Council when he becomes aware (or within 24 hours) that Mr. Terry is unavailable to attend a meeting.

We will move the Information/Presentations from the Consent Agenda to the first order of business after the consent agenda has been approved. The financial information that is provided by Mr. Terry will no longer be considered an R item since there is no action to be taken on it.

Motion made by Councilor Denton and seconded by Councilor Gore to adjourn the meeting

ROLL CALL:

Councilor Randolph	–	yes
Vice Mayor Partin	–	yes
Councilor Gore	–	yes
Councilor Denton	–	yes
Councilor Pelham	–	no
Councilor Pelham	–	yes

Motion Passes: 5/1

August 24, 2021
Special City Council Meeting

ADJOURN

Meeting adjourned

Patience Bennett, Mayor

Mollie P. Bess

Mollie P. Bess, City Clerk

PERSONNEL REPORT

DATE: September 8, 2021
TO: The Honorable City Council
FROM: Jennifer Sears, Director of Human Resources
SUBJECT: Personnel Change Report – August 2021

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
WESLEY NEAL	WATER RENEWAL	ELEC & INST TECH III	07/28/2021
DANIEL HOAK	POLICE	P/T-TEMPPROP/EVI	08/11/2021
PETER EGGERS	WATER RENEWAL	WWT OPER TRAINEE	08/11/2021
CAROLINE KIRKWOOD	SOCIAL SERVICES	FAMSERVSPEC I	08/11/2021
BRIANNA CROWDER	SOCIAL SERVICES	FAMSERVSPEC I	08/11/2021
MOLLY BLACK	SOCIAL SERVICES	FAMSERVSPEC I	08/11/2021
KANDICE BARRON	POLICE	COMMUNICATIONS OPERATOR	08/11/2021
JONATHAN WEBBER	POLICE	COMMUNICATIONS OPERATOR	08/11/2021
PAMELA WHITEHEAD	RECREATION	PT CUST SVC AGNT	08/18/2021
LISA ACORD	TREASURER	PT GEN CLK	08/25/2021
ALEXIS CLARK	SOCIAL SERVICES	HUMAN SER AST III	08/30/2021
MAKENNA HARRISON	COMM. OF REVENUE	PT ADMIN ASST I	08/30/2021

SUSPENSIONS: 3 (Other information excluded under Va. Code § 2.2-3705.1(1) as Personnel information concerning identifiable individuals)

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
ZIPPORAH FELTON	RECREATION	PT SUM PROG ASSISTANT	07/26/2021
SHADAIA ROBINSON	RECREATION	PT SUM PROG ASSISTANT	07/27/2021
SAVANNAH HACKER	RECREATION	PT SUM PROG ASSISTANT	07/27/2021
ASHLYN KELLEY	RECREATION	PT SUM PROG ASSISTANT	07/27/2021
MORGAN STOVER	RECREATION	PT SUM PROG ASSISTANT	07/27/2021
CHRYSTAL WOODLIEF	WATER RENEWAL	ACCOUNTING TECHNICIAN	07/29/2021
MICHAEL LANGFORD	POLICE	POL LT	08/01/2021
KEITH KRUEGER	POLICE	POLICE OFFICER IV	08/01/2021
GABRIEL COSTANZO, JR	SHERIFF	CHIEF DEP SHERIFF	08/01/2021
EVAN FLORES	FIRE	FIREFIGHTER / ALS	08/16/2021
RICARDO MEJIAS	FIRE	FIRE CAPT	08/18/2021
KEVIN HAMEL	FIRE	FIRE CAPT-TRAINING	08/18/2021
CARDELL DAVIS	WATER RENEWAL	WWT OPER TRAINEE	08/26/2021

CC: March Altman, City Manager

Debbie Pershing, Administrative Services Manager
Elizabeth McGaha, Accounting Tech
Michael Terry, Finance Director
Dipo Muritala, Assistant Finance Director

Concetta Manker, IT Director
Jay Rezin, IT
Arlethia Dearing, Customer Service Mgr.
Kim Hunter, Payroll

INFORMATION/ PRESENTATION

FINANCIAL REPORT

**City of Hopewell, VA
Finance Department
Financial and Compliance Reporting
Progress Report**

<u>Topic</u>	<u>Section</u>
Finance Department Turnover Assessment Implementation Plan	1
2017 Single Audit Submission to and Acceptance by the Federal Clearinghouse	2
DRAFT 2018 Annual Financial Report	3
DRAFT 2018 Report of Independent Auditors' Opinion	4
DRAFT 2018 Report of independent Auditor on Internal Control over Financial Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	5
DRAFT 2018 Schedule of Findings and Responses	6
City Management Comment and Recommendation	7

Section 1

City of Hopewell, VA
Finance Department Turnover Assessment
Implementation Plan
Progress Report
07.01.2021 to 08.31.2021

Implementation Plan

- **External Reporting**
 - **Closing, Reporting and Audit Workflow**
 - **AFR (FY16, FY17, FY18, FY19)**
 - **APA (FY16, FY17, FY18, FY19)**
 - **Single Audit (FY16, FY17, FY18, FY19)**
 - **Other (FY16, FY17, FY18, FY19, FY20, FY21)**
 - **APA, DEQ, Single Audit, FAC (FY15)**
 - **Significant Issues Impacting Completion - AFR FY18**
 - **Report Issued Under Separate Cover 06.26.20**

- **Budget Development FY20 Close-out**
- **Budget Development FY21 Close-out**
- **Budget Development FY22**

- **Internal Reporting**
 - **Reporting for the period of 01.03.2018 – 11.30.2018 was deferred due to priority action given to External Reporting and Budget Development FY19 Implementation Plan**
 - **Reporting for the period of 12.31.2018 – 08.31.2021 will be limited in scope due to priority action given to External Reporting, Budget Development FY20 & FY21 Implementation Plan Close-out and Budget Development FY22 Implementation Plan**

City of Hopewell, VA
Finance Department Turnover Assessment
Implementation Plan
Progress Report
07.01.2021 to 08.31.2021

Implementation Plan

- **External Reporting**
 - **Closing, Reporting and Audit Workflow**
 - **AFR (FY16, FY17, FY18, FY19)**
 - **APA (FY16, FY17, FY18, FY19)**
 - **Single Audit (FY16, FY17, FY18, FY19)**
 - **Other (FY16, FY17, FY18, FY19, FY20, FY21)**

City of Hopewell, Virginia Closing, Reporting and Audit Workflow (CRAW)				
	Date Start	Date Due	% Completion Status	Comment(s)
Project Planning	12.01.17	12.31.17	100%	
Fiscal Year Ended June 30, 2016	01.03.18	04.30.18	100%	Overall estimated % of completion as of 09.30.18
Phase:				
Annual Comprehensive Financial Report (ACFR)				
Cash reconciliations			100%	Task completed
Beginning general ledger balance reconciliation			100%	Task completed
Year end closing process			100%	Task completed
Fund Balance classifications			100%	Task completed
Pension (GASB 68)			100%	Task completed
Other postemployment benefits (GASB 45)			100%	Task completed
Government Wide Reconciliations			100%	Task completed
Financial Statement Preparation			100%	Task completed
Auditor of Public Accounts (APA) Report			100%	Actual Completion date 10.30.18
Single Audit Report			100%	Task Completed 01.12.21
	Date Start	Date Due	% Completion Status	Comment(s)
Project Planning	12.01.17	12.31.17	100%	
Fiscal Year Ended June 30, 2017	05.01.18	08.31.18	100%	Overall estimated % of completion as of 03.29.19
Phase:				
Annual Comprehensive Financial Report (ACFR)				
Cash reconciliations			100%	Task Completed
Beginning general ledger balance reconciliation			100%	Task Completed
Year end closing process			100%	Task Completed
Fund Balance classifications			100%	Task Completed
Pension (GASB 68)			100%	Task Completed
Other postemployment benefits (GASB 45)			100%	Task Completed
Government Wide Reconciliations			100%	Task Completed
Financial Statement Preparation			100%	Task Completed
Auditor of Public Accounts (APA) Report			100%	Task Completed 6.28.19
Single Audit Report			100%	Task Completed 8.16.21
	Date Start	Date Due	% Completion Status	Comment(s)
Project Planning	12.01.17	12.31.17	100%	
Fiscal Year Ended June 30, 2018	05.01.18	08.31.18	100%	Overall estimated % of completion as of 11.30.20
Phase:				
Annual Comprehensive Financial Report (ACFR)				
Cash reconciliations			100%	Task Completed
Beginning general ledger balance reconciliation			100%	Task Completed
Year end closing process			100%	Task Completed
Fund Balance classifications			100%	Task Completed
Pension (GASB 68)			100%	Task Completed
Other postemployment benefits (GASB 45)			100%	Task Completed
Government Wide Reconciliations			100%	Task Completed
Financial Statement Preparation			100%	Task Completed
				AFR FY18 Significant Issues Impacting Completion - Issued Under Separate Cover 6.26.20
				AFR FY18:
				Updated Summary Status Statement Attached
Auditor of Public Accounts (APA) Report			60%	Task work in process 08.31.21
Single Audit Report			10%	Task work in process 08.31.21
				Single Audit FY18:
				Updated Summary Status Statement Attached
	Date Start	Date Due	% Completion Status	Comment(s)
Project Planning - Addendum				
Fiscal Year Ended June 30, 2019	04.01.20	09.30.20	15%	Overall estimated % of completion as of 08.31.21
Phase:				
Annual Comprehensive Financial Report (ACFR)				
Cash reconciliations			0%	
Beginning general ledger balance reconciliation			75%	Task work in process 08.31.21
Year end closing process			35%	Task work in process 08.31.21
Fund Balance classifications			0%	
Pension (GASB 68)			20%	Task work in process 08.31.21
Other postemployment benefits (GASB 45)			20%	Task work in process 08.31.21
Government Wide Reconciliations			0%	
Financial Statement Preparation			15%	Task work in process 08.31.21
Auditor of Public Accounts (APA) Report			0%	
Single Audit Report			0%	

City of Hopewell, VA
Closing, Reporting, and Audit Workflow (CRAW)
Attachment
Summary Status Statement

AFR 2018:

- **Auditor has forwarded to City Management for review and discussion the following:**
 - **Draft auditors' opinion**
 - **Draft internal control & compliance report**
 - **Draft findings**
- **Auditor finalizing review of the City Financial Statements**

Single Audit 2018:

- **The Auditor has initiated request to Schools for information related to the 2018 Single Audit.**

City of Hopewell, VA July 01, 2021 to August 31, 2021 Other FY16, FY17, FY18, FY19, FY20, FY21				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for 2018:	12.01.18	12.31.18	100%	Actual completion date 12.31.18
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Implement Plan for 2018:	01.01.19	02.15.19	100%	Actual completion date 01.31.19
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Perform Assessment & Planning Requirements for 2019:	12.01.19	12.31.19	100%	Actual completion date 12.31.19
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Implement Plan for 2019:	01.01.20	02.15.20	100%	Actual completion date 01.31.20
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Perform Assessment & Planning Requirements for 2020:	12.01.20	12.31.20	100%	Actual completion date 12.31.20
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Implement Plan for 2020:	01.01.21	02.15.21	100%	Actual completion date 01.31.21
W2s Issuance and Reporting				
1099s Issuance and Reporting				
1094s & 1095s Issuance and Reporting				
Notification & Requests for Reporting				
State Compensation Board Reimbursement -- SCB (July 2020 -- June 2021)	07.01.20	06.30.21	100%	Task completed
Department of Criminal Justice System -- DCJS	07.01.20	06.30.21		
1st Quarter FY 2020-2021			100%	Task completed
2nd Quarter FY 2020-2021			70%	Task work in process 08.31.21
3rd Quarter FY 2020-2021			25%	Task work in process 08.31.21
Department of Criminal Justice System -- DCJS	10.23.20	12.10.20	100%	Task completed 01.20.21
Victim Witness Program: Virtual Enhanced Program & Financial Desk Review				
Federal Automated System Implementations:				
1. Justice Grant System (JustGrants)	7.30.20	10.15.20	100%	Task completed - 10.15.20
2. Department of Treasury's Automated Standard Application for Payment (ASAP)	7.30.20	10.15.20	100%	Task completed - 11.30.20
Coronavirus Relief Fund (CRF) Vs. Department of Accounts Report				
Submission Compliance (Locality CRF Reporting):				
*1st Round (March 1 - June 30, 2020)	8.31.20	9.8.20	100%	Task completed - 9.8.20
*2nd Round (July 1 - September 30, 2020)	9.17.20	10.5.20	100%	Task completed - 10.5.20
Subrecipient Monitoring CRF Survey Compliance	10.29.20	11.9.20	100%	Task completed - 11.5.20
*3rd Round (October 1 - December 30, 2020)	10.01.20	1.5.21	100%	Task completed - 1.5.21
Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)				
Finance Staff (Finance Director, Financial & Budget Reporting Analyst, General Ledger Accountant) performed or participated in the following:				
Receiving and recordation of receiptent (City) funding allocation	6.1.21	7.31.21	100%	Task completed - 7.31.21
Virtual Training Governmental Fiscal Officer (GFOA):				
CSLFRF Compliance & Reporting Guidance Part 1	8.9.21	8.9.21	100%	Task completed - 8.9.21
CSLFRF Compliance & Reporting Guidance Part 2	8.10.21	8.10.21	100%	Task completed - 8.10.21
US Treasury Evidence and Evaluation Webinar	8.11.21	8.11.21	100%	Task completed - 8.11.21
Introduction to ARPA for Water Bill Assistance & Projects	8.12.21	8.12.21	100%	Task completed - 8.12.21
Qualifying & obtaining US Treasury Portal security access required for "Interim Reporting August 31, 2021 Mandate"	8.16.21	8.30.21	100%	Task completed - 8.30.21
Submission of Mandated August 31, 2021 Interim Report	8.18.21	8.31.21	100%	Task completed - 8.31.21
Continued Next Page				

City of Hopewell, VA July 01, 2021 to August 31, 2021 Other FY16, FY17, FY18, FY19, FY20, FY21				
Continued From Previous Page				
	Date Start	Date Due	% Completion Status	Comment(s)
MUNIS 2019.1 Upgrade Finance Department - Core Tester Participant Finance Department - Financial New Features Training Finance Department - HCM (Human Resources & Payroll) New Features Training	4.19.21	5.13.21	100%	Task completed
Rating Agency requests: Coordinated with Davenport (City's financial advisor) to provide fiscal/budgetary information	7.15.21	8.31.21	100%	Task completed - 8.31.21
Electronic Municipal Market Access -- EMMA (Escrow Deposit Agreement for 2015 Refunding)			0%	Not applicable year to date
(Electronic Municipal Market Access (EMMA) Continuing Disclosure (Notice Regarding Late Payment on Bonds)	7.16.19	7.31.19	100%	Actual completion date 07.31.19
Residential Sewer Rates Cost of Service Study			0%	Task on hold pending AFR project completion

City of Hopewell, VA July 01, 2021 to August 31, 2021 External Reporting - APA, DEQ, Single Audit & FAC Issuance and/or Completion FY 2015				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Contact Prior Auditor -- Cherry Bekaert (CBH); for Issuance and/or Completion Status of	12.01.17	12.31.17	100%	
APA Reports (Comparative Transmittal, Sheriff's Report) DEQ (Landfill Financial Assurance Report) Single Audit Report Federal Audit ClearingHouse (FAC) Reporting Other				
Implementation Plan: Obtain from CBH Confirmation of Issuance and/or Completion Status	01.03.18	01.31.18		
APA Reports				
FY15 Comparative Transmittal			100%	Actual completion date 01.24.18
FY15 Sheriff Report			NA	The City is required to request its auditor to conduct APA agreed upon procedures and issue a Sheriff report. CBH advised as of 01.31.18 the City had not made such request for FY15 or FY14. The City requested on 02.01.18 CBH and APA to consider the impact on the City's current CAFRs Implementation Plans (FY16, FY17 & FY18) APA advised on 02.05.18 it will not pursue requesting the FY15 Sheriff's Internal controls attesting report for FY15.
DEQ (Landfill Financial Assurance Letter)	01.03.18	01.31.18	NA	The City requested on 02.01.18 DEQ to advise on the City delinquent reporting (agreed upon procedures) related to the Financial Landfill Letter for FY15, FY16 & FY17. DEQ advised on 02.02.18 since the City has recently put a standby trust deposit in place to satisfy DEQ requirements. The City should take measures to ensure the DEQ Letter going forward for the fiscal year ending 6.30.2018 (FY18) is submitted on a current basis.
	01.25.19	02.25.19	100%	As requested by DEQ the City is implementing measures to reaffirm the standby trust put into place to satisfy DEQ requirements.
Single Audit Report FAC Reporting	01.03.18	01.31.18	100%	CBH provided the City with a draft FY15 report on 09.30.18. Finalization & issuance of the report is pending City review of the draft and discussions with the City's current auditors (PB Mares LLP). CBH issuance of the FY15 single audit & corresponding FAC Reporting is reset for 07.31.19

**City of Hopewell, VA
Finance Department Turnover Assessment
Implementation Plan
Progress Report
07.01.2021 to 08.31.2021**

- **Budget Development FY20 Close-out**
- **Budget Development FY21 Close-out**
- **Budget Development FY22**

City of Hopewell, VA				
Budget Development				
FY 2019 - 2020				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for FY 2019 - 2020 Budget Development:	12.01.18	12.31.18	100%	
Annual Operating				
Capital Project				
Capital Improvement Plan (CIP)				
Draft Proposed City Budget Calendar for FY 2019 - 2020	01.15.19	01.31.19	100%	Task completion 01.31.19
City Manager				
City Attorney				
City Administration & Staff				
School Administration & Staff				
City Council				
School Board				
Communicate Draft to Stake Holders:	01.31.19	02.22.19	100%	Task completion 02.21.19
Finalize City Budget Calendar for FY 2019 - 2020	02.22.19	02.28.19	100%	Task completion 04.08.19
Implement City Budget Calendar for FY 2019 - 2020	03.01.19	05.31.19	100%	Task completion 06.03.19
Prepare the approved FY20 City Budget for loading to the City's accounting administrative system (MUNIS)	6.17.19	6.28.19	100%	Task completion 06.30.19
Review & verify the loaded approved FY20 City Budget to the City's accounting administrative system (MUNIS)	6.24.19	6.28.19	100%	Task completion 06.30.19
Confirm & verify City departments having access to their loaded approved FY20 City Budget to the City's accounting administrative system (MUNIS)	6.27.19	6.28.19	100%	Task completion 07.01.19
Finance Department preparing DRAFT FY 2019-2020 Financial Plan (i.e. City budgetary document)	7.15.19	8.30.19	100%	Task completion 10.31.19 Finalized City budgetary document posted on City web site.

City of Hopewell, VA Budget Development FY 2020 - 2021				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for FY 2021 - 2021 Budget Development:				
Annual Operating (See attached City Manager's 11.22.19 email)	10.31.19	11.30.19	100%	Task completion 11.21.19
Capital Project	12.16.19	01.31.20		
Capital Improvement Plan (CIP)	12.16.19	01.31.20	100%	Task completion 03.20.20
Draft Proposed City Budget Calendar for FY 2020 - 2021 City Manager City Attorney City Administration & Staff School Administration & Staff City Council School Board	01.15.20	01.31.20	100%	Task completion 04.01.20
Communicate Draft to Stake Holders:	01.31.20	02.21.20	100%	Task completion 04.01.20
Finalize City Budget Calendar for FY 2020 - 2021	02.24.20	02.28.20	100%	Task completion 04.23.20
Implement City Budget Calendar for FY 2020 - 2021	03.02.20	05.29.20	100%	Task completion 06.25.20
Prepare the approved FY21 City Budget for loading to the City's accounting administrative system (MUNIS)	06.15.20	06.19.20	100%	Task completion 06.30.20
Review & verify the loaded approved FY21 City Budget to the City's accounting administrative system (MUNIS)	06.22.20	06.25.20	100%	Task completion 06.30.20
Confirm & verify City departments having access to their loaded approved FY21 City Budget to the City's accounting administrative system (MUNIS)	06.26.20	06.29.20	100%	Task completion 07.01.20
Finance Department preparing DRAFT FY 2020-2021 Financial Plan (i.e. City budgetary document)	07.15.20	09.30.20	100%	Task completion 10.15.20 Finalized City budgetary document posted on City web site.

City of Hopewell, VA July 01, 2021 to August 31, 2021 Budget Development FY 2021 - 2022				
	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for FY 2021 - 2022 Budget Development:				
Annual Operating (See attached City Manager's 11.16.20 email)	11.16.20	12.31.20	100%	Task completed 12.31.20
Capital Project	12.16.20	01.29.21	100%	Task completed 1.29.21
Capital Improvement Plan (CIP)	12.16.20	01.29.21	100%	Task completed 1.29.21
Draft Proposed City Budget Calendar for FY 2021 - 2022	01.15.21	01.29.21	100%	Task completed 1.29.21
City Manager				
City Attorney				
City Administration & Staff				
School Administration & Staff				
City Council				
School Board				
Communicate Draft to Stake Holders:	01.29.21	02.22.21	100%	Task completed 2.22.21
Finalize City Budget Calendar for FY 2021 - 2022	02.23.21	02.26.21	100%	Task completed 2.26.21
Implement City Budget Calendar for FY 2021 - 2022	03.01.21	05.28.21	100%	Task completed 6.8.21
Prepare the approved FY22 City Budget for loading to the City's accounting administrative system (MUNIS)	06.15.21	06.18.21	100%	Task completed 6.18.21
Review & verify the loaded approved FY22 City Budget to the City's accounting administrative system (MUNIS)	06.21.21	06.25.21	100%	Task completed 6.24.21
Confirm & verify City departments having access to their loaded approved FY22 City Budget to the City's accounting administrative system (MUNIS)	06.28.21	06.30.21	100%	Task completed 6.30.21
Finance Department preparing DRAFT FY 2021-2022 Financial Plan (i.e. City budgetary document)	07.15.21	09.30.21	65%	Task work in progress 8.31.21

City of Hopewell, VA
Finance Department Turnover Assessment
Implementation Plan
Progress Report
07.01.2021 to 08.31.2021

- **Internal Reporting**

- Reporting for the period of 01.03.2018 – 11.30.2018 was deferred due to priority action given to External Reporting and Budget Development FY19 Implementation Plan
- Reporting for the period of 12.31.2018 – 08.31.2021 will be limited in scope due to priority action given to External Reporting, Budget Development FY20 & FY21 Implementation Plan Close-out and Budget Development FY22 Implementation Plan

Section 2

Section 2

Summary Statement

The City of Hopewell, VA 2017 Single Audit was submitted to the Federal Audit Clearinghouse (FAC) inclusive of the SF-SAC Data Collection Form on August 16, 2017.

On August 17, 2021 FAC confirmed to the City of Hopewell, VA that the 2017 Single Audit was accepted on August 16, 2021.

CITY OF HOPEWELL, VIRGINIA
SINGLE AUDIT REPORT
FOR THE YEAR ENDED JUNE 30, 2017

TABLE OF CONTENTS

	<u>Page</u>
Independent Auditors' Report	1-2
Independent Auditors' Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by <i>Uniform Guidance</i>	3-4
Schedule of Expenditures of Federal Awards	5-6
Notes to Schedule of Expenditures of Federal Awards	7
Schedule of Findings and Questioned Costs	8-9



INDEPENDENT AUDITORS' REPORT

TO THE CITY COUNCIL
CITY OF HOPEWELL, VIRGINIA
HOPEWELL, VIRGINIA

Report on the Schedule of Expenditures of Federal Awards

We have audited the accompanying schedule of expenditures of federal awards of the City of Hopewell, Virginia for the year ended June 30, 2017, and the related notes (the financial statement).

Management's Responsibility

Management is responsible for the preparation and fair presentation of this financial statement in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on this financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statement referred to above presents fairly, in all material respects, the expenditures of federal awards of the City of Hopewell, Virginia for the year ended June 30, 2017, in accordance with accounting principles generally accepted in the United States of America.

Robinson, Fournel, Cox Associates

Charlottesville, Virginia
July 28, 2021



ROBINSON, FARMER, COX ASSOCIATES, PLLC

Certified Public Accountants

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE**

**TO THE CITY COUNCIL
CITY OF HOPEWELL, VIRGINIA
HOPEWELL, VIRGINIA**

Report on Compliance for Each Major Federal Program

We have audited City of Hopewell, Virginia's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of City of Hopewell, Virginia's major federal programs for the year ended June 30, 2017. City of Hopewell, Virginia's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditors' Responsibility

Our responsibility is to express an opinion on compliance for each of City of Hopewell, Virginia's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about City of Hopewell, Virginia's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of City of Hopewell, Virginia's compliance.

Basis for Disclaimer of Opinion on the Child Nutrition Cluster

As described in Finding 2017-001 in the accompanying schedule of findings and questioned costs, we were unable to obtain sufficient appropriate documentation supporting the City of Hopewell Virginia's compliance with the requirements of Child Nutrition Cluster (CFDA 10.553/10.555) regarding *eligibility*, consequently we were unable to determine whether the City of Hopewell, Virginia complied with that requirement applicable to those programs.

Disclaimer of Opinion on the Child Nutrition Cluster

Because of the significance of the matter described in the *Basis for Disclaimer of Opinion on the Child Nutrition Cluster* paragraph, the scope of our work was insufficient to enable us to express, and we do not express, an opinion on the City of Hopewell, Virginia's compliance with the compliance requirements applicable to the Child Nutrition Cluster for the year ended June 30, 2017.

Unmodified Opinion on Each of the Other Major Federal Programs

In our opinion, the City of Hopewell, Virginia complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its other major federal programs identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2017.

Report on Internal Control over Compliance

Management of City of Hopewell, Virginia is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered City of Hopewell, Virginia's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of City of Hopewell, Virginia's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significance deficiencies may exist that were not identified. We did identify a deficiency in internal control over compliance, described in the accompanying *Schedule of Findings and Questioned Costs* as 2017-001, that we consider to be a material weakness.

City of Hopewell, Virginia's response to the internal control over compliance findings identified in our audit is described in the accompanying schedule of findings and questioned costs. City of Hopewell, Virginia's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Robinson, Fanned, Cox Associates
Charlottesville, Virginia
July 28, 2021

CITY OF HOPEWELL, VIRGINIA

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
 PRIMARY GOVERNMENT AND DISCRETELY PRESENTED COMPONENT UNIT
 FOR THE YEAR ENDED JUNE 30, 2017

Federal Grantor Pass Through Grantor Program or Cluster Title	Pass-through Entity Identifying Number	Federal CFDA Number	Federal Expenditures
Department of Agriculture:			
<u>Pass Through Payments:</u>			
Virginia Department of Agriculture and Consumer Services:			
Child Nutrition Cluster:			
Food Distribution	10.555/2015/2016	10.555	\$ 165,145
Department of Education:			
National School Lunch Program	10.555/2015/2016	10.555	1,682,572
Total 10.555			\$ 1,847,717
School Breakfast Program	10.553/2015/2016	10.553	721,549
Total Child Nutrition Cluster			\$ 2,569,266
Department of Social Services:			
SNAP Cluster:			
State Administrative Matching Grants for Supplemental Nutrition Assistance Program	0010111/0010112/0040111/0040112	10.561	\$ 488,459
Total Department of Agriculture			\$ 3,057,725
Department of Defense:			
<u>Direct Payments:</u>			
JROTC	N/A	12.000	\$ 200,136
Total Department of Defense			\$ 200,136
Department of Housing and Urban Development:			
<u>Direct Payments:</u>			
Community Development Block Grant Cluster:			
Community Development Block Grants/State's Program and Non-Entitlement Grants in Hawaii	N/A	14.228	\$ 218,474
Total Department of Housing and Urban Development			\$ 218,474
Department of Justice:			
<u>Pass Through Payments:</u>			
Department of Justice			
Crime Victim Assistance	unavailable	16.575	\$ 85,112
Total Department of Justice			\$ 85,112
Department of Transportation:			
<u>Pass Through Payments:</u>			
Virginia Department of Motor Vehicles:			
Highway Safety Cluster:			
State and Community Highway Safety	OP1656326	20.600	\$ 8,604
Total Department of Transportation			\$ 8,604
National Endowment for the Arts:			
<u>Pass Through Payments:</u>			
Virginia Commission for the Arts:			
Promotion of the Arts - Partnership Agreements	unavailable	45.025	\$ 5,000
Total National Endowment for the Arts			\$ 5,000
Environmental Protection Agency:			
<u>Direct Payments:</u>			
Brownfields Assessment and Cleanup Cooperative Agreements	N/A	66.818	\$ 87,038
Total Environmental Protection Agency			\$ 87,038

CITY OF HOPEWELL, VIRGINIA

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
 PRIMARY GOVERNMENT AND DISCRETELY PRESENTED COMPONENT UNIT
 FOR THE YEAR ENDED JUNE 30, 2017

Federal Grantor Pass Through Grantor Program or Cluster Title	Pass-through Entity Identifying Number	Federal CFDA Number	Federal Expenditures
Department of Education:			
<u>Direct Payments:</u>			
Impact Aid	N/A	84.041	\$ 21,095
<u>Pass Through Payments:</u>			
Department of Education:			
Title I Grants to Local Educational Agencies	S010A120046/S011A130046	84.010	\$ 1,353,641
Special Education Cluster:			
Special Education - Grants to States	H027A120107/H027A130107	84.027	\$ 916,878
Special Education - Preschool Grants	H173A120112/H173A130112	84.173	21,199
Total Special Education Cluster			<u>\$ 938,077</u>
Career and Technical Education - Basic Grants to States	V048A120046/V048A130046	84.048	89,615
Twenty-First Century Community Learning Centers	unavailable	84.287	231,703
Advanced Placement Incentive Program	unavailable	84.330	76
English Language Acquisition State Grants	T365A120046	84.365	8,715
Improving Teacher Quality State Grants	S367A110044/S367A120044	84.367	279,213
Total Department of Education			<u>\$ 2,922,135</u>
Department of Health and Human Services:			
<u>Direct Payments:</u>			
Head Start	N/A	93.600	\$ 1,242,346
<u>Pass Through Payments:</u>			
Department of Social Services:			
Promoting Safe and Stable Families	950112	93.556	\$ 12,128
Temporary Assistance for Needy Families (TANF Cluster)	0400111/0400112	93.558	512,626
Refugee and Entrant Assistance - State Administered Programs	0500110/0500111	93.566	1,352
Low-Income Home Energy Assistance	0600411/0600412	93.568	47,804
Child Care Mandatory and Matching Funds of the Child Care and Development Fund (Child Care and Development Fund Cluster)	0760111/0760112	93.596	70,721
Chafee Education and Training Vouchers Program	9160109	93.599	-
Stephanie Tubbs Jones Child Welfare Services Program	0900111/0900112	93.645	658
Foster Care-Title IV-E	1100111/1100112	93.658	319,960
Adoption Assistance	1120111/1120112	93.659	274,837
Social Services Block Grant	1000110/1000111	93.667	358,625
Chafee Foster Care Independence Program	9150111/9150112	93.674	3,191
Children's Health Insurance Program	0540111/0540112	93.767	18,765
Medical Assistance Program (Medicaid Cluster)	1200111/1200112	93.778	612,787
Total Department of Social Services			<u>\$ 2,233,454</u>
Total Department of Health and Human Services			<u>\$ 3,475,800</u>
Department of Homeland Security:			
<u>Pass Through Payments:</u>			
Virginia Department of Emergency Services:			
Emergency Management Performance Grants	unavailable	97.042	\$ 42,959
Homeland Security Grant Program	unavailable	97.067	38,500
Total Department of Homeland Security			<u>\$ 81,459</u>
TOTAL EXPENDITURES OF FEDERAL AWARDS - REPORTING ENTITY			<u>\$ 10,141,483</u>

See accompanying notes to schedule of expenditures of federal awards.

CITY OF HOPEWELL, VIRGINIA

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2017

Note 1 - Basis of Accounting

The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of the City of Hopewell, Virginia under programs of the federal government for the year ended June 30, 2017. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Because the Schedule presents only a selected portion of the operations of the City of Hopewell, Virginia, it is not intended to and does not present the financial position, changes in net position, or cash flows of the City of Hopewell, Virginia.

Note 2 - Summary of Significant Accounting Policies

(1) Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the *Uniform Guidance*, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

(2) Pass-through entity identifying numbers are presented where available.

Note 3 - Food Donation

Nonmonetary assistance is reported in the schedule at the fair market value of the commodities received and disbursed.

Note 4 - De Minimis Cost Rate

The City did not elect to use the 10-percent de minimis indirect cost rate allowed under Uniform Guidance.

Note 5 - Subrecipients

No awards were passed through to subrecipients.

Note 6 - Loan Balances

The City has no loans or loan guarantees which are subject to reporting requirements for the current year.

Note 7 - Relationship to Financial Statements

Federal expenditures, revenues and capital contributions are reported in the City's basic financial statements as follows:

Intergovernmental federal revenues per the basic financial statements:

Primary government:	
General Fund	\$ 194,150
Virginia Public Assistance Fund	2,589,266
Capital Projects Fund	636,999
Nonmajor Funds	<u>218,474</u>
Total primary government	<u>\$ 3,638,889</u>
Component Unit School Board:	
School Operating Fund	\$ 4,661,608
School Cafeteria Fund	<u>2,569,266</u>
Total component unit school board	<u>\$ 7,230,874</u>
Component Unit - Children's Services Act Board	<u>\$ 89,207</u>
Total federal expenditures per basic financial statements	<u>\$ 10,958,970</u>
Medicaid charges for services - School Board	<u>\$ (406,844)</u>
Federal interest subsidy	<u>\$ (549,961)</u>
Other reconciling items	<u>\$ 139,318</u>
Total federal expenditures per the Schedule of Expenditures of Federal Awards	<u>\$ 10,141,483</u>

CITY OF HOPEWELL, VIRGINIA

SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2017

Section I - Summary of Auditors' Results

Federal Awards

Internal control over major programs:

Material weakness(es) identified?	Yes
Significant deficiency(ies) identified?	None reported

Type of auditors' report issued on compliance for major programs:	Disclaimer
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Any audit findings disclosed that are required to be reported in accordance with 2 CFR Section 200.516(a)?	Yes
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Identification of major programs:

CFDA #	Name of Federal Program or Cluster
10.553/10.555	Child Nutrition Cluster
93.558	Temporary Assistance For Needy Families
93.667	Social Services Block Grant
93.778	Medical Assistance Program
10.561	State Administrative Matching Grants for Supplemental Nutrition Assistance Program

Dollar threshold used to distinguish between Type A and Type B programs	\$750,000
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Auditee qualified as low-risk auditee?	No
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CITY OF HOPEWELL, VIRGINIA

SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2017

Section II - Federal Award Findings and Questioned Costs

2017-001 Federal Award Finding - Eligibility:

Program: Child Nutrition Cluster (CFDA 10.553/10.555 - USDA)

Federal Award Number: 10.553/10.5 Year: 2017

Criteria: Free and reduced lunch applications are completed to determine those students who are eligible to receive free and reduced lunch based on income. These applications are to be maintained by the City to document eligibility determinations.

Condition: Management of the Component Unit School Board purged the free and reduced lunch applications for the year ended June 30, 2017.

Context: Management of the Component Unit School Board purged the free and reduced lunch applications for the year ended June 30, 2017 before the audit was completed.

Cause: Management of the Component Unit School Board followed document retention periods for the free and reduced lunch applications, however, did not take into consideration that the audit in accordance with Uniform Guidance had not yet been completed.

Effect: Sufficient appropriate audit evidence could not be obtained to determine if the School Board complied with the Eligibility requirements of the Child Nutrition Cluster.

Recommendation: The Component Unit School Board should retain all grant documentation until all applicable audits have been completed.

Views of Responsible Officials: Management concurs with the recommendation. Management (City Manager) has rendered a written request to the Management of the Component Unit School Board (Superintendent) "not to destroy any files until after that fiscal year's annual and single audit has been completed and filed." The request also included that Component Unit School Board staff be notified of the aforementioned.

Section IV - Prior Year Findings and Questioned Costs

There are no prior year federal award findings and questioned costs.

Section 3

Section 3

Summary Statement

DRAFT 2018 Annual Financial Report (AFR):

- **Management provided City Council on August 24, 2021 with the most current DRAFT 2018 AFR.**
- **As of August 31 ,2021 there has been no recommended changes by either City Management or the Auditor to the DRAFT 2018 AFR provided to City Council on August 24, 2021.**
- **Respectfully, in accordance with the aforementioned City Council is requested to refer to the DRAFT 2018 AFR provided previously as it is not included under this section.**

Section 4

Section 4

Summary Statement

DRAFT 2018 Report of Independent Auditors' Opinion:

- **The Auditor has proposed to issue Disclaimer Opinions, due to they “have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion”. (See Auditors’ Responsibility and Disclaimer Opinions Sections)**
- **The Auditor’s “Basis” for the Disclaimer of Opinions is summarize in the paragraph under the header -- Basis for Disclaimer of Opinions on the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information.**



ROBINSON, FARMER, COX ASSOCIATES, PLLC

Certified Public Accountants

Independent Auditors' Report

To the Honorable Members of City Council
City of Hopewell, Virginia

Report on the Financial Statements

We were engaged to audit the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Hopewell, Virginia, as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities, and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. Because of the matters described in the Basis for Disclaimer of Opinion paragraph, however, we were not able to obtain sufficient appropriate audit evidence to provide a basis or an audit opinion.

Basis for Disclaimer of Opinions on the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information

There were material differences between the Treasurer Office's June 2018 bank reconciliation and the City and Component Unit School Board's adjusted general ledger and financial statements. The City, Treasurer's Office and Component Unit School Board were unable to provide sufficient appropriate audit evidence for these material discrepancies in cash transactions. The City and staff of the Hopewell Regional Wastewater Treatment Facilities were not able to provide sufficient appropriate audit evidence for multiple elements of the HRWTF's financial statements including accounts receivable, refund credits payable and charges for services. The City was not able to provide sufficient appropriate audit evidence for multiple elements for the Sewer Service, Solid Waste and Storm Water funds including accounts receivable and charges for services.

Disclaimer of Opinions

Because of the significance of the matters described in the Basis for Disclaimer of Opinions paragraph, we have not been able to obtain sufficient appropriate audit evidence to provide a basis for audit opinions. Accordingly, we do not express opinions on the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information.

Change in Accounting Principle

As described in Note 20 to the financial statements, in 2018, the City adopted new accounting guidance, GASB Statement Nos. 75 *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. Our opinion is not modified with respect to this matter.

Restatement of Beginning Balances

As described in Note 20 to the financial statements, in 2018, the City restated beginning balances to reflect the requirements of GASB Statement No. 75 and to correct errors in prior year balances. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and schedules related to pension and OPEB funding on pages X-X, XX-XX, and XXX-XXX be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary and Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Hopewell, Virginia's basic financial statements. The introductory section, combining and individual fund financial statements and schedules, and statistical section, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund financial statements and schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. Because of the significance of the matters described in the basis for disclaimer of opinion paragraph, it is inappropriate to and we do not express an opinion on the supplementary information referred to above.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated **Draft**, on our consideration of the City of Hopewell, Virginia's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of City of Hopewell, Virginia's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of Hopewell, Virginia's internal control over financial reporting and compliance.

Charlottesville, Virginia

Draft

DRAFT
For Discussion Purposes Only

Section 5

Section 5

Summary Statement

DRAFT 2018 Report of Independent Auditor on Internal Control over Financial Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards:

- **The Auditor identified and described certain deficiencies in internal control that they consider to be material weaknesses (i.e. a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis... See Finding 2018-001). Also, the Auditor in communication with City Management indicated there were no significant deficiencies (i.e. a deficiency, or combination of deficiencies, internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance...)**
- **The Auditor identified and described instances of noncompliance or other matters that are required to be reported under the Government Auditing Standards. (See Finding 2018-001)**



ROBINSON, FARMER, COX ASSOCIATES, PLLC

Certified Public Accountants

**Independent Auditors' Report on Internal Control over Financial Reporting and on
Compliance and Other Matters Based on an Audit of Financial Statements
Performed in Accordance with *Government Auditing Standards***

To the Honorable Members of City Council
City of Hopewell, Virginia

We were engaged to audit, in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *Specifications for Audits of Counties, Cities and Towns*, issued by the Auditor of Public Accounts of the Commonwealth of Virginia, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Hopewell, Virginia as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the City of Hopewell, Virginia's basic financial statements and have issued our report thereon dated draft.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Hopewell, Virginia's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Hopewell, Virginia's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Hopewell, Virginia's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described in the accompanying schedule of findings and responses, we identified certain deficiencies in internal control that we consider to be material weaknesses. See Finding 2018-01.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Hopewell, Virginia's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and responses as items 2018-01.

City of Hopewell, Virginia's Response to Findings

City of Hopewell, Virginia's response to the findings identified in our audit is described in the accompanying schedule of findings and responses. City of Hopewell, Virginia's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Charlottesville, Virginia

Draft

Draft
For Discussion Purposes Only

Section 6

Section 6

Summary Statement

DRAFT 2018 Schedule of Findings and Responses:

- **Financial Statement Findings Section 1**
 - **The Auditor selected to identify and describe one central “Finding” that is applicable to both City and School Board. (Finding 2018-001)**

- **The Financial Statement Findings Section 1 format flows for both City (1st) and School Board (2nd) as follows:**
 - **Criteria**
 - **Condition and Context**
 - **Cause**
 - **Effect**

- **The Financial Statement Findings Section 1 format concludes with a summary statement and recommendation that is applicable to both City and School Board.**

SECTION I - FINANCIAL STATEMENT FINDINGS

A. Current Year Findings and Questioned Costs - Financial Statement Findings

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process

Criteria:

The City and School Board have not established policies and procedures and an effective internal control framework that would enable the City and School Board to maintain financial records accurately and timely.

Tone at the Top

Control environment sets the tone of an organization, influencing the control consciousness of its people. It is the foundation on which an effective system of internal control is built and operated in an organization that strives to:

1. Achieve its strategic objectives,
2. Provide reliable financial reporting to internal and external stakeholders,
3. Operate its business efficiently and effectively,
4. Comply with all applicable laws and regulations, and
5. Safeguard its assets.

Control environment factors include the integrity, ethical values, and competence of the City's personnel, management's philosophy and operating style, the way management assigns authority and responsibility, and organizes and develops its people, and the attention and direction provided by the City Council.

The Internal Control Framework would include establishing or enhancing guidance in the following areas:

- *Control environment* sets the tone of an organization, influencing the control consciousness of its people. It is the foundation for all other components of internal control, providing discipline and structure.
- *Risk assessment* is the entity's identification and analysis of relevant risks to achievement of its objectives, forming a basis for developing appropriate risk responses.
- *Control activities* are the actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system.
- *Information and communication* systems support the identification, capture, and exchange of information in a form and time frame that enables people to carry out their responsibilities.
- *Monitoring* consists of activities management establishes and operates to assess the quality of performance over time.

Financial Statement Closing Process Assistance

The new City's Finance Director issued and presented to City Management and City Council at the January 9, 2018, Council meeting the Finance Department Turnover Assessment Report. The report highlighted deficiencies and complex issues that the Finance Department had direct responsibility for or shared substantial responsibility with other city departments for the financial health of the City. Also, the report indicated certain actions and resources required going forward to eliminate / remedy the deficiencies and complex issues. Such action and resources included replacing the outside consultants that was assisting the Finance Department with experienced professional local government accounting consultants.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Condition and Context:

City

Cash

Treasurer's 2018 bank reconciliation does not agree with adjusted general ledger and financial statements. The Finance Department professional local government accounting consultants discovered errors in the general ledger for transfers from the consolidated bank accounts to a bond investment account recorded against a liability account. Wire transfer for interest and principal payment on a bond was not recorded in the general ledger.

Investments

The Treasurer and the Finance Department are not familiar with the accounting for investments. Account balances are maintained for investments accounts where the restrictions have expired and are available for general City purposes and not transferred to the consolidated account. Capital expenditures are paid from the consolidated bank account and not reimbursed from the respective bond investment accounts.

Taxes Receivable

The taxes receivable subsidiary accounts are not reconciled to the general ledger on a current basis.

Accounts receivable - HRWTF/Refunds

The commission members and customer accounts receivable and related refunds were not reconciled to the general ledger accounts on a timely basis. The Munis implementation balances had not been verified and were uploaded without a reconciliation to the general ledger. Additionally incorrect posting of receipts contributed to the issue. The refunds have not been calculated and recorded in the general ledger. The issue existed since the fiscal year 2015.

Accounts receivable - Utility Billing

The Sewer Services, Solid Waste, and Storm water Funds receivables could not be reconciled to the general ledger. The issue has existed since the fiscal year 2015.

Due from other governments - City/CSA

The revenues and receivables are not reconciled on a current basis in the general ledger to third party support (APA) on a timely basis.

Community Development Block Grant (CDBG) Fund

The CDBG Fund expenditures did not reconcile to the drawdowns including a duplicate payment of \$21K to a sub grantee and \$100K in drawdowns in excess of expenditures resulting in noncompliance of federal regulations.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Condition and Context: (Continued)

City: (Continued)

Capital Projects Funds

The Capital Projects should only be used for acquisitions of capital assets costs in excess of \$10,000 or repairs in excess \$10,000 that have a life greater than one year per the City's capitalization policy. Significant purchases of amounts less than \$10,000 are recorded through the fund as opposed to current operations.

The Finance Department staff are not familiar with the accounting for bond proceeds that fund capital projects. When the costs are incurred they are paid from City's operating fund and should have a corresponding transfer from the bond investment accounts. The bond accounts have not been monitored on regular basis as to determine their propriety.

Payroll liabilities

\$1.7 million in payments on payroll liabilities were posted in the general fund that were payments against payroll liabilities in other funds. The allocation of the payments required a manual allocation process to apply the payments to appropriate fund payroll liabilities.

Journal Entries (GNI)

The general ledger transactions and corrections were posted through 297 GNI's posting or correcting 6944 account codes during the year.

Adjusting Journal Entries

General ledger required more than 100 adjusting entries to close and correct the general ledger to generate the financial statements. This issue has existed since fiscal year 2015.

Grant Accounting

The City historically budgeted grant revenues and expenditures for grants in the general fund, recreation fund and Capital project fund on functional basis other than CDBG funds which are accounted for in a specific special revenue fund based on HUD guidance. The Finance staff, without proper authorization or understanding of grant accounting and general ledger accounts, directed all departments receiving grants funds to post their expenditures in new accounts coded in the CDBG fund as well as in an agency fund.

Beacon Theatre

Beacon Theatre Enterprise Fund operations are managed by a third party. The information and support for the financial transactions are not provided in a detailed format sufficient to prepare complete and accurate financial statements. The Finance Department professional local government accounting consultants are required to summarize and verify the financial information and prepare financial statements.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Condition and Context: (Continued)

School Board

Cash

The cash transactions of the receipts and disbursements are processed through the City's consolidated checking account in accordance with Virginia Statutes. To ensure the accuracy of the transactions monthly reconciliations with the Treasurer are required to detect any errors. Revenue errors of \$1.4 million recorded by the Treasurer, and \$590,000 of expenditures related errors were recorded by the School Board Finance Department in the operating fund. Additionally, \$400,000 for capital acquisition expenditures were duplicated in the Building and Bus Replacement Fund.

Financial Statements

The School Board Finance Department presented multiple versions of the initial financial statement templates that did not reconcile revenues and receivables to the general ledger.

General ledger/ Trial Balance

The accounting system design lacked the ability to provide detailed and summary information to directly support the financial statements assertions. The School Board Finance Department had to manually prepare cash basis trial balances, cash to accrual adjustments, and final adjusted trial balances supporting the financial statements. The process resulted in numerous errors in cash balances and accruals and material restatements of the prior year financial statements. Additionally, the process was not completed until April 2021, 2 years and 10 months after the year end.

Unauthorized and Unfunded Capital Expenditures

The School Board expended \$1.5 million in capital outlay in the Building and Bus Replacement Fund funded from cash due back to the City without City Authorization. The School Board budgeted the capital outlay without proper authorizations.

Budgetary Process

The School Board has consistently over budgeted the operating fund expenditures. For the fiscal year 2018 the appropriations were over budgeted by \$2.1 million, 4.5% of the expenditures. As of the end of fiscal year the School Board has an outstanding balance due to the City of \$5.9 million.

Cause

City

Cash

Treasurer's reconciliation process was and is not performed in a timely manner to prevent or detect errors. Processes for the bond payments recorded through journals entries lack appropriate understanding and review process to insure accuracy between Treasurer and Finance Department. The Finance Department did not have processes in place to timely review the general ledger for accuracy. The implementation of the Munis system automated processes were not considered for certain areas which were recorded through journal entries pre implementation. The staff of the Treasurer and the Finance Department lack the knowledge, skill and experience to perform the duties necessary to prevent or detect errors.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Cause: (Continued)

City: (Continued)

Investments

The staff of the Treasurer and the Finance Department lack the knowledge, skill and experience to manage the investment accounts which includes the purpose of the accounts, long term planning and related provisions of contracts laws and regulations. Policies and procedures were not developed over investments with the transition to the new accounting system (MUNIS). Institutional knowledge of the Treasurer and Finance Department prior to the implementation was not incorporated.

Taxes Receivable

Inadequate training of Treasurer and the Finance Director staff on maintaining the general ledger and supervisory level staff not having the knowledge, skill and experience to develop policies and procedures and training for reconciling the taxes receivable subsidiary accounts to the general ledger resulted in the reconciliations not being performed. The reconciliation processes should be systemic (automated), but still requires a process for verifying that errors are properly corrected in the general ledger and sub ledgers in a timely manner.

Accounts Receivable-HRWTF/Refunds

The commission billing and related refunds prior to the implementation of MUNIS were processed in the Finance Department. With the Munis implementation the responsibilities were transferred to HRWTF. The staff were not provided adequate training on the new responsibilities and the MUNIS system. There was a lack of coordination between the Treasurer and the staff on receipt recording.

Accounts Receivable - Utility Billing

The City utilizes a third party to bill customers and collect the payments for the utility billings. Prior to implementation of MUNIS, the transactions transmitted were verified and posted manually to the general ledger by the Finance Department. This process was not integrated into the MUNIS system. The manual process was not performed after the implementation. Data was not available in a format to enable a manual reconciliation in the ensuing years.

Due from Other Governments - City/CSA

Reconciliation processes were not carried over or redesigned with the implementation of MUNIS system.

Community Development Block Grant (CDBG) Fund

The Planning Department did not dedicate adequate resources to monitor the general ledger transactions. Additionally, the internal controls over monitoring the CDBG grants financial transactions were not performed after the implementation of MUNIS.

Capital Projects Funds

Policies and procedures have not been effectively designed or communicated to City staff. The Finance Department staff do not have the skills, knowledge or experience to manage the capital project funds.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Cause: (Continued)

City: (Continued)

Payroll liabilities

The initial cause was a Munis implementation error. The prior accounting for payroll was outsourced and recorded by journal entries. During the Munis implementation this was not considered at the appropriate systemic process and was not implemented. The monitoring of the general ledger would have discovered the error within the first months of payroll processes but was not discovered until 2019. The payroll process is maintained in the Finance Department who's staff did not receive adequate training and the supervisory level staff did not have skill, knowledge and experience to develop policies, procedures and training over the payroll process implementation and monitoring the general ledger.

Journal Entries (GNI)

Numerous transactions were recorded through the GNI to process transaction that should have been implemented in MUNIS. Numerous correcting entries were created due to the lack of adequate review and knowledge, skill and experience of the City's Staff.

Adjusting Journal Entries

The Finance Department staff lack the appropriate knowledge, skill and experience resulting in the general ledger being misstated in governmental and agency funds.

Grant Accounting

The Finance Department staff lack the appropriate knowledge, skill and experience resulting in the general ledger being misstated in governmental and agency funds.

Beacon Theatre

The City does not have processes in place to receive, review and monitor the operations of the Beacon Theatre on a current basis.

School Board

Cash

The School Board Finance Department did not have suitable monitoring processes in place to ensure the accuracy of the transactions communicated to the Treasurer. The staff did not possess the appropriate skill, knowledge and experience to prevent or detect the errors.

Financial Statements

The Staff of the School Board Finance Department lacked the skill, knowledge and experience to accurately prepare the financial statements.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Cause: (Continued)

School Board: (Continued)

General ledger/ Trial Balance

The Staff of the School Board Finance Department lacked the skill, knowledge and experience to maintain accurate and timely financial data within their accounting system.

Unauthorized and Unfunded Capital Expenditures

The Staff of the School Finance Department lacked the skill, knowledge and experience to comply with laws and regulations. City's capital acquisition policies and procedures related to funding School's capital acquisition were not considered.

Budgetary Process

The Staff of the School Board Finance department, the lacked the skill, knowledge and experience to accurately prepare annual operating budgets.

Effect

City

Cash

Significant delays in completion of the audit through the lack of response to the resolution of the differences between the general ledger and bank reconciliations resulting in a financial statement disclaimer.

Investments

Taxes Receivable

There is a higher risk of the financial statements being misstated due to error or fraud. Inaccurate financial information limits management's ability to manage the City's resources.

Accounts receivable-HRWTF/Refunds

Accounts receivable- Utility Billing

Accounts receivables and revenues were not auditable and resulted in a disclaimer on the proprietary funds and misstatement of the financial statements. Inaccurate financial information limits management's ability to manage the City's resources.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Effect: (Continued)

City: (Continued)

Due from other governments-City/CSA

Community Development Block Grant (CDBG) Fund

There is a higher risk of the financial statements being misstated due to error or fraud. Violation of laws and regulations and disallowance of grant funding. Inaccurate financial information limits management abilities to manage the City's resources.

Capital Projects Funds

Payroll liabilities

There is a higher risk of the financial statements being misstated due to error or fraud. Inaccurate financial information limits management ability to manage the City's resources. Significant hours were required to analyze and create entries to correct the errors.

Journal Entries (GNI)

Adjusting Journal Entries

Manual transaction processing defeats the purpose of a systemic integrated accounting system with embedded internal controls and increases the risk of misstatement of financial information due to error or fraud.

Grant Accounting

Beacon Theatre

There is a higher risk of the financial statements being misstated due to error or fraud. Mismanagement of the City's resources. Inaccurate financial information limiting management ability to manage the City's resources. Significant hours were required to analyze and create entries to correct the errors.

School Board

Cash

Financial Statements

General ledger/ Trial Balance

There is a higher risk of the financial statements being misstated due to error or fraud. Inaccurate financial information limits management ability to effectively manage the School Board's resources. Significant hours were required to analyze and create entries to correct the errors. Significant delays in providing accurate financial information delayed the completion of the audit of the City's 2018 Financial Statements.

SECTION I - FINANCIAL STATEMENT FINDINGS: (CONTINUED)

A. Current Year Findings and Questioned Costs - Financial Statement Findings: (Continued)

Finding 2018-001

City and School Board's Finance Organization and Financial Statement Closing Process: (Continued)

Effect: (Continued)

School Board: (Continued)

Unauthorized and Unfunded Capital Expenditures

Material violation of laws and regulations were incurred, the circumvention of the City's role in funding capital acquisition with local funds and a significant deficit in the Building and School Board Replacement Fund.

Budgetary Process

The operating budget exceeded actual expenditures by approximately \$2 million which resulted in the City budgeting local share requirements higher than needed therefore created a burden on the City's taxpayers.

Summary

The City's inability to produce timely audited financial statements may impact the City's ability to acquire financing for long term City and School Board capital projects, eligibility for applying for other economic resources such as grants, hire qualified personnel and economic development.

Recommendation

It is recommended that the City and School Board perform an entity wide internal control risk assessment to develop and implement a corrective action plan to address the internal control deficiencies noted above. The risk assessment should be considered in the systemic environment internal control structure, financial processes, personnel and organizational structure.

For Discussion Purposes Only

Section 7

Section 7

Summary Statement

The 2018 AFR Draft as provided to City Council on August 24, 2021 remains unchanged, specifically there has been no changes by either City Management or the Auditor as of August 31, 2021.

The Auditor has forwarded to City Management for review and discussion the following:

- Draft auditors' opinion
- Draft internal control & compliance report
- Draft findings

City Management Comment and Recommendation

Comment

Internal discussions by City Management and School Board Management regarding the aforementioned documents forwarded by the Auditor has been conducted and is currently ongoing.

The key matter that is under consideration is whether to accept the Auditors' drafts as presented or recommit both City Staff and Schools Staff to perform or produce additional evidence that would result in a different outcome currently described and presented by the Auditor. The recommit will require 100% dedication, additional staffing resources and the realization that the anticipated alternate information to be provided to the Auditor may still not satisfy his original stated concern of receiving sufficient evidence to render an opinion and / or alter the finding.

Section 7

City Management Comment and Recommendation

Recommendation

Context is the major view point Management is faced with; the options are:

- to continue to pursue and apply resources to obtain a more favorable June 30, 2018 report (AFR, APA and Single Audit); rather than firmly noting the lesson learn of the City and Schools strength and weakness (financial reporting, internal control and compliance) flowing from 2014 up to 2018 and is expected to be found in fiscal years 2019, 2020, 2021 to present, or

- to understand where we are and the resolve to undertake a comprehensive plan of action and resources to:
 - Implement the Auditors' recommendation
 - Continue focus on financial statement preparation (2019, 2020 and 2021); while being mindful of the required work to be perform to ensure sufficient evidence is available to demonstrate to the Auditor that the City's financial statements are presented fairly in all material aspects
 - Implementation of improvements

City Management recommend the second option and request City Council concurrence and support of such.

**RECRUITMENT
OF CITY
ATTORNEY**

City Attorney

Recruitment Announcement



Accepting applications through February 21, 2019

Our City & Community

INDUSTRIAL, DIVERSE, HISTORIC, WATERFRONT

Hopewell is an independent, historic, riverfront city adjacent to Prince George and Chesterfield Counties, as well as the Fort Lee Military Installation. Hopewell is centrally located and is only 21 miles south of Richmond, Virginia and approximately 130 miles south of Washington, DC. According to the US Census Bureau, the population of Hopewell as of 2016 is 22,735.

Hopewell is known for industry. In 1912, E.I. DuPont purchased 1,600 acres of land in Hopewell to start a gun cotton plant supporting WWI. In 1915, a fire so devastating it was reported nationwide, destroys downtown. In 1916, Hopewell incorporates and rebuilds. Hopewell is deemed the “Wonder City” for its ability to bounce back. Currently, Hopewell is home to four Fortune 1000 companies and is on the rise again.

Hopewell is a diverse community, with its origins a century ago as an *industrial town*, Hopewell is now in a rebirth as an *industrious city*.

Hopewell is known for the rivers. It is situated at the confluence of the Appomattox and James Rivers providing spectacular views. A 2015 William & Mary College study recorded 236 mating pairs of bald eagles on the James River. Multiple regional and national fishing tournaments are held out of the City Marina. The Hopewell Riverwalk will connect the City’s historic downtown to the City Marina.

Hopewell is known for the small town atmosphere. The Beacon Theatre anchors downtown Hopewell with over 175 shows and events annually. As part of the Virginia Main Street Program, Downtown Hopewell has experienced recent revitalization. Downtown businesses consist of a coffee grinder, pie shop, boat manufacturer, coffee shop and bakery, antique shops, fitness centers, award winning BBQ restaurant, and a diner first opened in 1927. Plans for over 500 apartment units within the downtown area over the next 3-5 years will transform not just downtown, but the entire City. Hopewell also hosts a variety of events including a 5k Run/Walk, the James River Ball, Hoppin’ Happenings Egg Hunt, Butts on Broadway, Wonder City Craft Beer Festival, Hopewell Haunts, Summer Concert Series, the Holiday Boat Parade, Light up the Night and so much more!





Our Vision

“We endeavor to be a city, ever evolving, with a small hometown atmosphere, taking advantage of our regional location and riverfront assets. We desire to cultivate a healthy and prosperous citizenry with good character, who work together, look to the future, that show great pride in our schools, neighborhoods, businesses and ourselves.”

For more information regarding the City’s Vision, visit: [Hopewell Comprehensive Plan 2028](#) (ctrl + click)

Our Organization

The City of Hopewell operates under the council-manager form of government. Citizens of Hopewell elect a seven-member council who serve four-year terms. The Mayor and Vice Mayor are chosen and voted on by the Council itself and serve in their roles for two years. City Council appoints three administrative positions to oversee the operations of the City. City Council appoints the City Manager, City Attorney and City Clerk.

The City of Hopewell manages a municipal workforce of over 400 employees and have an adopted FY2019 General Fund Budget of \$52,918,072.

CITY COUNCIL

Mayor Jasmine Gore, Ward 4

Vice Mayor Patience Bennett, Ward 7

Councilor Deborah Randolph, Ward 1

Councilor Arlene Holloway, Ward 2

Councilor Johnny Partin, Ward 3

Councilor Janice Denton, Ward 5

Councilor Brenda Pelham, Ward 6

The City Attorney’s Office

The City Attorney’s Office is composed of one full-time City Attorney and one full-time Paralegal. The City Attorney is appointed by City Council and serves as the chief legal advisor to Council, City Administration, and departments, boards, commissions and agencies of the City in all matters affecting the interests of the City.



The City Attorney's Office Continued...

THE IDEAL CANDIDATE

City Council is looking for a respected attorney with solid experience practicing law, preferably municipal law, with sound values and strong work ethic. The environment is fact paced with an active Council. The ideal candidate will be someone who will partner with the elected official and staff to solve complex, controversial and/or sensitive matters effectively, persuasively and/or appropriately with tact and diplomacy.

The City Attorney will give all members of Council the same information and keep them all equally and well informed. The best candidate will work diligently to protect the legal interests of the City. At the same time, he/she needs to be a solution seeker. The individual will exercise independent judgement with the highest level of professionalism, integrity and ethics. The best candidate will understand politics and how to navigate them; however, he/she will not be involved in them. He/she needs to be strong, but diplomatic, responsive and competent in the field.

The ideal candidate will need to be an strong leader capable of practicing law while managing the day-to-day activities of the office and competing priorities. He/she must have knowledge and experience with budget management, staff management, time management and prioritization. The City Attorney, and his/her staff, will have excellent written and oral communication skills, in addition to strong interpersonal, analytical, research and problem-solving skills. Additionally, they will interact with a variety of people with diverse backgrounds and need to be open, approachable and a good listener.

POSITION REQUIREMENTS

The position requires a Juris Doctor (J.D.) from an accredited law school, licensure with the Virginia State Bar , and at least five years of progressive experience practicing law, preferably municipal law.

The City Attorney's Office Continued...

COMPENSATION AND BENEFITS

The City offers a competitive salary that is negotiable based on qualifications and experience. The successful candidate will have access to a comprehensive benefits package that includes, but is not limited to:

- ◇ Paid Time Off
- ◇ Paid Holidays
- ◇ Health, Dental and Vision Insurance
- ◇ Short and Long-Term Disability
- ◇ Group Life Insurance
- ◇ Virginia Retirement System (VRS) Retirement
- ◇ Flexible Spending Accounts
- ◇ Professional Development Opportunities
- ◇ And much more!

For more information about our benefits package, visit <https://hopewellva.gov/benefit-plans/> (ctrl + click)

APPLICATION & SELECTION PROCESS

For more details and/or to apply, please visit <https://hopewellva.gov/city-jobs/> (ctrl + click). Only complete applications submitted through our site will be considered.

The application deadline is February 21, 2019.

Applications will be screened within 4 weeks of the closing date. Finalists will be interviewed and the selection of our next City Attorney will be shortly thereafter.

The City is an Equal Opportunity and Virginia Values Veterans Employer.



City of Hopewell

300 N. Main Street
Hopewell, VA 23860

Phone: 804-541-2245

www.hopewellva.gov

City Attorney | Hopewell, VA



CITY OF HOPEWELL
invites applications for the position of:

City Attorney

SALARY:	Not Displayed
DEPARTMENT:	City Council
JOB TYPE:	Regular Full-Time
OPENING DATE:	02/01/19
CLOSING DATE:	02/21/19 11:59 PM
DESCRIPTION:	

****SALARY COMMENSURATE WITH OVERALL QUALIFICATIONS AND EXPERIENCE****
****REQUIRED ATTACHMENTS: RESUME AND A MINIMUM OF THREE (3) PROFESSIONAL REFERENCES****

Under the appointment of City Council, the City Attorney performs work of considerable difficulty in protecting the legal interests of the City, and serves as the chief legal advisor to Council and City Manager. As designated by Council, the City Attorney also serves as the chief legal advisor to other departments, boards, commissions and agencies of the City in all matters affecting the interests of the City.

City Attorney Recruitment Brochure: (LINK WILL BE INSERTED UPON APPROVAL OF FINAL DOC)

EXAMPLES OF DUTIES:

- Provides oral and written legal opinions and advice on complex matters to City Council, City administration, and City departments on a daily basis.
- Attends a variety of meetings – City Council, Boards, Commissions, Committees, Authorities, etc.
- Represents the City in complex legal matters. Prepares and tries cases, including appeals to state and federal courts; processes and litigates claims against the City; prosecutes suits, actions and proceedings for and on behalf of the City.
- Prepares, reviews and/or approves various complex legal documents on behalf of the City – contracts, ordinances, resolutions, bonds, bids, deeds, leases, policies, etc. Provides explanations and answers when necessary.
- Researches, interprets and applies laws, court decisions, and other legal authority in the preparation of opinions, advice and briefs.
- Advises on the purchase, sale, exchange and/or leasing of properties.
- Reviews procurement matters to ensure compliance.
- Prepares and reviews legislation for General Assembly sessions. Presents to the General Assembly as necessary.
- Supervises and reviews codifications of City Code.
- Manages, supervises and reviews the work of support staff, as well as managing the department budget, support contracts, etc.
- Membership and active engagement in local government organizations and attendance of continuing education seminars specializing in local government.

TYPICAL QUALIFICATIONS:

Minimum Education and Experience:

- Juris Doctor from an accredited law school and at least five (5) years of progressive experience practicing law, preferably municipal law; or an equivalent combination of training and experience
- Managerial experience preferred

Licenses and/or Certifications:

- Current licensure by the Virginia State Bar, qualified to practice in federal and state courts, and the ability to maintain membership in good standing as a condition of continued employment

Knowledge, Skills and Abilities:

- Comprehensive knowledge of local government, including Roberts Rules of Order, state and federal law
- Thorough comprehension of judicial procedures, rules of evidence and methods of legal research
- Comprehensive skill in formulating legal opinions, conducting complex litigations and professional judgement
- Strong written and oral communication skills, analytical, research and problem-solving skills
- Strong supervisory, organization and time-management skills
- Ability to read, analyze, interpret and apply the most complex legal principles, precedents and documents
- Ability to present or respond orally or in writing effectively, persuasively and/or appropriately to highly complex, controversial and/or sensitive matters
- Ability to render immediate legal advice when necessary
- Ability to deal with competing priorities, varied instructions, and abstract/concrete variables
- Ability to establish and maintain effective working relationships with all public officials, staff and the general public

SUPPLEMENTAL INFORMATION:**Work Environment:**

- Work is primarily performed in an indoor, climate-controlled, pleasant environment with moderate noise level.

Essential Physical Activities:

- Hearing, seeing up close, talking, standing, sitting, reaching, finger movement
- Lift and carry up to ten (10) pounds regularly

APPLICATIONS MAY BE COMPLETED ONLINE AT:

<http://hopewellva.gov/city-jobs/>

The City of Hopewell is an EEO and V3 certified employer.

Position #CA022119
CITY ATTORNEY

300 N Main St, Rm 223 Hopewell, VA 23860 804-541-2211 or 804-541-2245

hr@hopewellva.gov

These are the locations that we advertised the positions:

- NEOGOV – No Cost
- Virginia Municipal League (VML) – No cost
- Virginia Association of Counties (VACO) - \$50
- International City/County Management Association (ICMA – 60 days for Senior Manager/Department Head) - \$225
- Virginia Bar Association - \$399
- Local Government Attorneys of Virginia (LGAVA) – No cost
- International Municipal Lawyers Association (IMLA) - \$350 for non-member
- National League of Cities (NLC) - \$250
- LinkedIn – pay per click based on daily budget indicated during posting process – amount to be provided by City Clerk

CREATION OF
FINANCE
COMMITTEE
(RESOLUTION)

**A RESOLUTION ESTABLISHING
THE HOPEWELL CITY COUNCIL
STANDING COMMITTEE FOR FINANCE**

WHEREAS, the Hopewell City Council is empowered by Chapter IV, §4 of the Hopewell City Charter and §15.2-1411 of the Virginia Code (1950), as amended, to establish and appoint such advisory committees as the City Council deems necessary or desirable; and

WHEREAS, the City Council desires to establish a standing committee devoted exclusively to provide policy level oversight and guidance on financial issues; now therefore

BE IT RESOLVED this _____ day of September, 2021, that the Hopewell City Council hereby establishes a standing committee of the City Council which shall be known as the FINANCE COMMITTEE; be it

FURTHER RESOLVED that the FINANCE COMMITTEE shall be authorized/charged to perform oversight and advisory duties on behalf of the City Council:

- (1) the operating budget;
 - (2) capital improvement budget;
 - (3) review of financial reporting documents;
 - (4) long-term financing;
 - (5) other items requiring fiscal policy direction and input; and
 - (6) inform City Council on any matters related to the City's fiscal and financial health
- ; be it

FURTHER RESOLVED that the FINANCE COMMITTEE shall be comprised of two (2) current members of the City Council. The City Manager and Finance Director are hereby designated and shall serve as the administrative/technical support staff for the FINANCE COMMITTEE and shall, in addition to providing such support as requested by the FINANCE COMMITTEE, be responsible for providing such financial information requested and/or deemed necessary by the FINANCE COMMITTEE to perform the duties of its charge. The President of Council (Mayor) shall be authorized, in accordance with Rule 410 of the Rules of City Council, to name/appoint individuals as the members of the FINANCE COMMITTEE with the concurrence of City Council. Nothing herein shall authorize the President of Council (Mayor) to increase or decrease the number of members of the FINANCE COMMITTEE. The term of each membership shall be two (2) year(s). Members shall serve at the pleasure of the President of Council (Mayor). The City Treasurer may be invited, but not required, to attend and speak at any meeting of the FINANCE COMMITTEE.

FURTHER RESOLVED that FINANCE COMMITTEE shall meet no fewer than _____ time every _____, and shall provide a report of its activities (and, as circumstances deem necessary, recommendation(s)) to the City Council on a _____ basis.

**A RESOLUTION ESTABLISHING
THE HOPEWELL CITY COUNCIL
STANDING COMMITTEE FOR FINANCE**

WHEREAS, the Hopewell City Council is empowered by Chapter IV, §4 of the Hopewell City Charter and §15.2-1411 of the Virginia Code (1950), as amended, to establish and appoint such advisory committees as the City Council deems necessary or desirable; and

WHEREAS, the City Council desires to establish a standing committee devoted exclusively to _____
_____ pro
provide policy level oversight and guidance on financial issues; now therefore

BE IT RESOLVED this _____ day of _____, September, 2021, that the Hopewell City Council hereby establishes a standing committee of the City Council which shall be known as the FINANCE COMMITTEE; be it

FURTHER RESOLVED that the FINANCE COMMITTEE shall be authorized/charged to perform oversight and advisory the following duties on behalf of the City Council:

- (1) the operating budget;
 - (2) capital improvement budget;
 - (3) review of financial reporting documents;
 - (4) long-term financing;
 - (5) ~~---~~ other items requiring fiscal policy direction and input; and
 - (6) inform City Council on any matters related to the City's fiscal and financial health
- ; be it

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FURTHER RESOLVED that the FINANCE COMMITTEE shall be comprised of _____ two (2) members, _____ ~~of which shall be a~~ current members of the City Council. The City Manager and Finance Director is ~~are~~ hereby designated and shall serve as the administrative/technical support staff for the FINANCE COMMITTEE and shall, in addition to providing such support as requested by the FINANCE COMMITTEE, be responsible for providing such financial information requested and/or deemed necessary by the FINANCE COMMITTEE to perform the duties of its charge. The President of Council (Mayor) shall be authorized, in accordance with Rule 410 of the Rules of City Council, to name/appoint individuals as the members of the FINANCE COMMITTEE with the concurrence of City Council. Nothing herein shall authorize the President of Council (Mayor) to increase or decrease the number of members of the FINANCE COMMITTEE. The term of each membership shall be _____ two (2) year(s). Members shall serve at the pleasure of the President of Council (Mayor). The City Treasurer ~~shall~~ may be invited, but not required, to attend and speak at any meeting of the FINANCE COMMITTEE.

FURTHER RESOLVED that FINANCE COMMITTEE shall meet no fewer than _____ time every _____, and shall provide a report of its activities (and, as circumstances deem necessary, recommendation(s)) to the City Council on a _____ basis.

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 to consider citizen comments regarding a request to vacate a portion of an undeveloped right-of-way

ISSUE: The City has received a request to vacate a portion of an undeveloped right of way and must consider citizen comments before voting on the matter. The Planning Commission has made a recommendation on the matter and the City Council held a work session on July 27, 2021.

RECOMMENDATION: Staff recommends City Council consider citizen comments during the public hearing.

TIMING: Public Hearing – September 14, 2021

BACKGROUND: Walter T. Singleton, Jr. has requested the vacation of an undeveloped portion of Texas Street between 221 S. 9th Avenue, and 301 S. 9th Avenue. These properties are also identified as Sub-Parcel #'s 046-0120, and 046-0030. The owner of 301 S. 9th Avenue is not interested in the vacation and has provided correspondence to the City in that regard. If vacated, this portion of Texas Street would be combined with 221 S. 9th Avenue.

ENCLOSED DOCUMENTS:

- Application
- Staff Report

STAFF:

Tevya W. Griffin
Johnnie Butler

FOR IN MEETING USE ONLY**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

MOTION: _____

Roll Call

SUMMARY:

Y N

- Councilor Debbie Randolph, Ward #1
- Councilor Arlene Holloway, Ward #2
- Vice Mayor John B. Partin, Ward #3
- Councilor Jasmine Gore, Ward #4

Y N

- Councilor Janice Denton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Mayor Patience Bennett, Ward #7



Walter T. Singleton, Jr.

Vacation of a portion Texas Street

*Staff Report prepared for the City Council Public Hearing
September 14, 2021*

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

I. WORK SESSIONS & PUBLIC HEARINGS:

Planning Commission Public Hearing	June 3, 2021	Recommended Approval with conditions
City Council Work Session	July 27, 2021	No Action
City Council Public Hearing	September 14, 2021	N/A

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	R-4, Residential Apartments
Size of Area:	5,000 square feet
Proposed Use:	Combine
Location of Property:	Portion of Texas Street located between 221 South 9 th Avenue and 301 South 9 th Avenue
Election Ward:	Ward 2
Land Use Plan Recommendation:	Urban Residential
Strategic Plan Goal:	N/A

III. EXECUTIVE SUMMARY:

Walter T. Singleton, Jr. has requested the vacation of an undeveloped portion of Texas Street between 221 S. 9th Avenue, and 301 S. 9th Avenue. These properties are also identified as Sub-Parcel #'s 046-0120, and 046-0030. The owner of 301 S. 9th Avenue is not interested in the vacation and has provided correspondence to the City in that regard. If vacated, this portion of Texas Street would be combined with 221 S. 9th Avenue.

IV. STAFF ANALYSIS:

The portion of undeveloped Texas Street is located in Ward 2, adjacent to the Thomas Rolfe Court community. The right of way is approximately 5,000 square feet. Based on the City Council policy for vacating right-of-ways, the property owner may have to pay for cost of the property since a single family detached home can be constructed on the lot. If Council approves the vacation, Staff would compare sales of comparable property in the area and City Council would determine a final cost for the vacation.

The portion of right-of-way in question is overgrown with trees and underbrush. In between this portion of right-of-way is a 10' alley and on the other side of the alley an undeveloped portion of Texas Street continues. This portion of the 700 block of Texas Street lies in between two duplexes that are a part of Thomas Rolfe Court. The right of way is situated on a hill, is not accessible to vehicular traffic, and includes a power pole and several trees.

V. PUBLIC SERVICE AND SITE CONSIDERATIONS:

The site in question is flat and a portion is used for vehicular access to 221 South 9th Avenue.

Staff from departments outside of Planning and Zoning were also asked to review and provide comments on this application.

Joe Battiata, Stormwater Program Manager had the following comments:

I'm not in favor of vacating any paper right of ways or alleys. If developed there will be drainage issues associated with the lack of space to accommodate property on-lot grading away from the foundation that doesn't impact a neighboring structure. We have been inundated with complaints from property owners who have wet yards and crawl spaces due to inadequate on-lot grading, or runoff from a neighboring house where there isn't adequate room to provide a swale or drainage away from the foundation.

Johnnie Butler, City Engineer comments:

The City Engineer has no objections or further comment regarding such action other than say that this is positive step on the future use.

VI. PLANNING COMMISSION RECOMMENDATION

At their meeting on June 3, 2021, the Hopewell Planning Commission, with a vote of 4-0, recommended approval with conditions of the request to vacate a portion of undeveloped Texas Street between 221 S. 9th Avenue and 301 S. 9th Avenue, also identified as Sub-Parcel's #046-0120, and #046-0030, respectively.

Condition

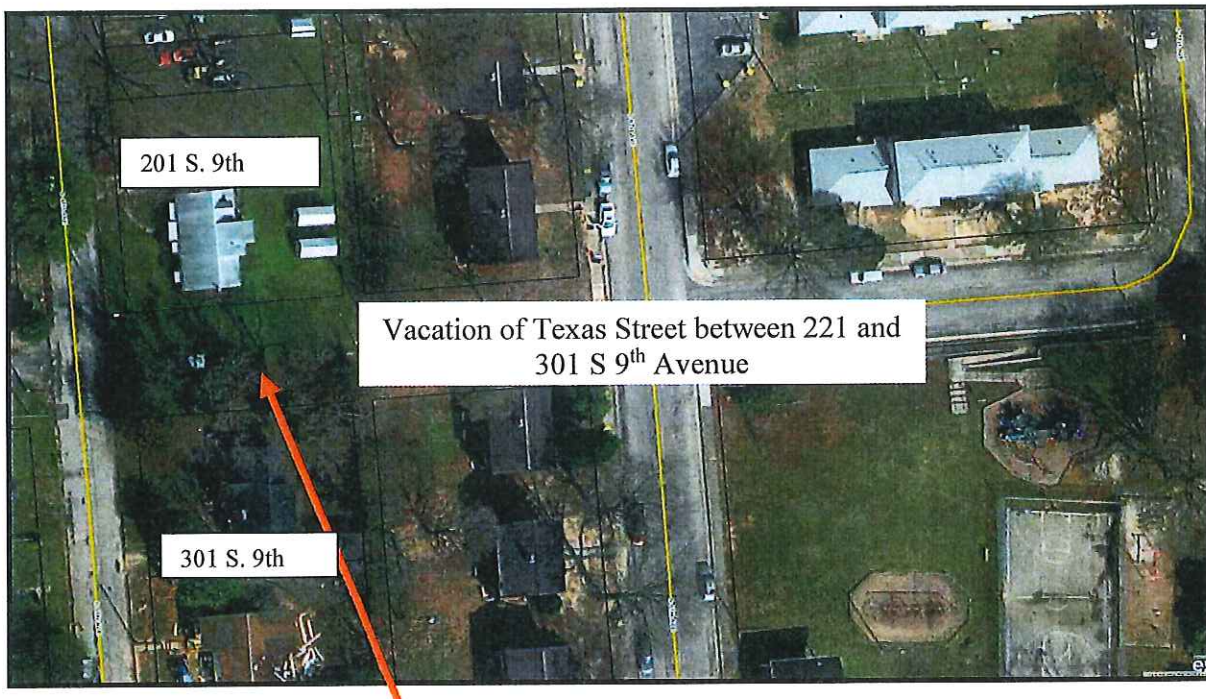
1. Prior to the removal of any trees three (3) inches or more in diameter at four (4) feet from the base, the property owner must provide an engineered study that shows potential drainage impact to surrounding properties. The owner must provide the study to the City for review and consultation prior to tree removal.

VII. CITY COUNCIL RESOLUTION:

In accordance with City Council's Right-of-way Vacation Policy, The City Council votes to *approve, approve with conditions, table, or deny* the request submitted by Walter T. Singleton, Jr. to vacate a portion of undeveloped Texas Street between 221 S. 9th Avenue and 301 S. 9th Avenue, also identified as Sub-Parcel's #046-0120, and #046-0030, respectively.

Attachment(s):

1. Application



City Council Policy No. CC-3

APPLICATION FOR STREET/ALLEY VACATION

I (We) Walter T. Singleton Jr. of 237 Hanbury Rd E Suite 12-313
(Names) (Mailing Address) Chesapeake VA 23322

JEROLD Schmees PO Box 3120 Glen Allen VA 23058

petition the City of Hopewell to vacate the undeveloped right-of-way situated at: _____

Between - 221 5th 9th AVE Hopewell VA - 046-0120

301 5th 9th AVE Hopewell VA #046-0030

There has _____ has not been previously a petition to vacate this right-of-way.

Attached is a drawing of the right-of-way to be vacated.

There is/are 2 property owner(s) adjoining this right-of-way. Attached is/are the signature(s) of the adjoining property owner(s) and a \$100.00 deposit per property owner.

I (We) agree to pay for two public notice advertisements in the Hopewell News as well as all other costs incurred by me/us associated with this application, regardless of Council's final decision regarding the petition.

I (We) have received Council's Policy concerning right-of-way vacations.

#2021-0353

Walter Singleton Jr.
(Signature of Petitioner)

J. Schmees
(Signature of Petitioner)

walter.singleton@wrjonline.com

257-663-6897
(Telephone Number)

804 937-8608

4-18-21

(Date)

In Reference to:

The parcel of property between 221 South Ninth Ave, Hopewell VA and 301 South Ninth Ave in Hopewell VA being a portion of Texas Street, an undeveloped 50' right of way.

I, Jerold Schmeer, owner of 301 South Ninth Ave, Hopewell, Virginia have no interest in the above parcel.

Signed:

Date:

Jerold Schmeer, Member

4-18-21

Jerold Schmeer
Hopewell Properties Partnership, LLC
Richmond Holding Company, Inc
804-937-8608

*City of Hopewell
Dept of Development
300 N. Main St
3rd Floor Ste 321
Hopewell VA 23860*

**CITY COUNCIL
PUBLIC HEARING**

**REQUEST TO VACATE A PORTION OF TEXAS STREET
SEPTEMBER 14, 2021**

Application Request

Walter T. Singleton, Jr. has requested the vacation of an undeveloped portion of Texas Street between 221 S. 9th Avenue, and 301 S. 9th Avenue. These properties are also identified as Sub-Parcel #'s 046-0120, and 046-0030. The owner of 301 S. 9th Avenue is not interested in the vacation and has provided correspondence to the City in that regard. If vacated, this portion of Texas Street would be combined with 221 S. 9th Avenue.

Purpose: The owner uses the unimproved right-of-way for vehicular access to his home. He would like to improve to make a permanent driveway. Ownership is required.



Property Characteristics

Existing Zoning:	R-4, Residential Apartments
Size of Area:	5,000 square feet
Proposed Use:	Combine with 301 S. 9 th Avenue
Location:	<ul style="list-style-type: none">• Portion of Texas Street located between 221 S. 9th Avenue and 301 S. 9th Avenue• Adjacent to Thomas Rolfe Court

Land Use Plan Designation:

Urban Residential



Proposed portion of Texas Street to be vacated

Staff Comments

The site in question is flat and a portion is used for vehicular access to 221 South 9th Avenue.

Stormwater Program Manager had the following comments:

Not in favor of vacation of any right of way. If developed there will be drainage issues associated with the lack of space to accommodate property on-lot grading away from the foundation that doesn't impact a neighboring structure. We have been inundated with complaints from property owners who have wet yards and crawl spaces due to inadequate on-lot grading, or runoff from a neighboring house where there isn't adequate room to provide a swale or drainage away from the foundation.

City Engineer comments:

The City Engineer has no objections or further comment regarding such action other than say that this is positive step on the future use.

Director of Development comments:

Has no objections if the applicant will continue to use for access with no permanent structure built on the property.

Planning Commission Recommendation

- At their meeting on June 3, 2021, the Hopewell Planning Commission, with a vote of 4-0, recommended approval, with conditions, of the request to vacate a portion of undeveloped Texas Street between 221 S. 9th Avenue and 301 S. 9th Avenue, also identified as Sub-Parcel's #046-0120, and #046-0030, respectively.
- Condition
 1. Prior to the removal of any trees three (3) inches or more in diameter at four (4) feet from the base, the property owner must provide an engineered study that shows potential drainage impact to surrounding properties. The owner must provide the study to the City for review and consultation prior to tree removal.

PH-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: Hold a public hearing to consider citizen comments regarding the proposed amendment to the current Community Development Block Grant (CDBG) Consolidated Plan and Action Plan

ISSUE: The Consolidated Plan outlines the goals and objectives for use of CDBG funds over the span of five years. An Action Plan is prepared for each year of the Consolidated Plan, and details the purpose, objectives and projected outcomes for each funded activity. Either plan is considered substantially amended when there is a change to an activity that exceeds \$50,000.

RECOMMENDATION: Hold a public hearing to consider citizen comments regarding the amendments and vote to approve.

TIMING: City Council action is requested on September 14, 2021.

BACKGROUND: Staff is requesting a substantial admendment to the CDBG Consolidated Plan and Action Plan. A public hearing must be held by City Council to consider citizen comments regarding the proposed amendments.

FISCAL IMPACT: Provides funding to help low to moderate income families.

STAFF: Tevya W. Griffin, Director of Development
Chris Ward, Senior Planner

ATTACHMENTS: Power Point presentation

SUMMARY:

- | | | |
|--------------------------|--------------------------|------------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine Gore, Ward #4 |

- | | | |
|--------------------------|--------------------------|----------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Patience Bennett, Ward #7 |

**NOTICE OF PUBLIC HEARING
CITY OF HOPEWELL, VIRGINIA
SUBSTANTIAL AMENDMENT TO THE 2020-25 CONSOLIDATED PLAN AND 2021 ACTION PLAN
FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) FUNDS
FOR THE PERIOD BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2025**

The Hopewell City Council will hold a public hearing at their meeting on Tuesday, September 14, 2021 at 7:30 p.m., to consider citizen comments regarding a proposal to substantially amend the City's CDBG 2020-2024 Consolidated Plan and 2021 Action Plan. The Consolidated Plan outlines the goals and objectives for use of CDBG funds over the span of five years. An Action Plan is prepared for each year of the Consolidated Plan, and details the purpose, objectives and projected outcomes for each funded activity. Either plan is considered substantially amended when there is a change to an activity that exceeds \$50,000.

The City proposes to amend the Consolidated Plan by adding the following goals:

1. Senior Services;
2. Youth Services;
3. Services for Victims of domestic violence, dating violence, sexual assault or stalking;
4. Child Care Services;
5. Neighborhood Cleanups;
6. Food Banks; and
7. Public Infrastructure Improvements.

The City proposes to amend the 2021 Annual Plan to distribute the \$72,112 originally programmed as Contingency to two public infrastructure improvement projects:

1. Gilbert Street: East side of Gilbert Street between Old Iron and Dinwiddie to extend the existing curb line where a road side ditch currently exists. The road side ditch is substandard and does not contain water flow. This project will minimize overflow of roadside ditch.
(Proposed Budget: \$36,056)
2. South 19th Avenue from Norfolk Street to Petersburg Street: On the west side of street install curb and gutter as a gap closure. On the east side extend curb and install drainage improvement including entrance aprons and basin. This will help deter current drainage issues in the area.
(Proposed Budget: \$36,056)

Citizens are encouraged to state their views concerning the proposed amendment of the current Consolidated Plan and 2021 Action Plan. Prior to the meeting, the public may offer comment on the public hearing items or under citizen comments by leaving a voice message that will be read into the meeting minutes at (804) 541-2220. Please listen carefully to the prompts that will direct you to the comment voice mailbox. The public can also email comments to Devdept@hopewellva.gov. These comments will be received by Kim Kinker, Executive Assistant. If you cannot attend the meeting, all verbal and written comments must be received by Tuesday, September 14, 2021 at 7:00 p.m.



**CONSOLIDATED PLAN AND
ACTION PLAN SUBSTANTIAL
AMENDMENT**

MISSION OF HUD & PURPOSE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.

The City of Hopewell is a Community Development Block Grant (CDBG) Entitlement community. Each year the City receives an allocation from the United States Department of Housing and Urban (HUD) Development to:

- (1) Benefit low and moderate income people,
- (2) Aid in the prevention or elimination of slum and blight, and to
- (3) Meet an urgent need (caused by an act of nature.)

CONSOLIDATED PLAN

- Every five (5) years the City completes a Consolidated Plan that outlines the objectives and goals for CDBG funds. A needs assessment using demographic analysis and input from citizens, non-profit service providers, and other stakeholders is included in the plan.
- 2020-2025 Consolidated Plan was approved by City Council on July 27, 2021
- To gain input from citizens, non-profit service providers and others the City held meetings with grant sub-recipients, and conducted a community survey to better understand community needs. The survey was available June 11, 2020 – July 1, 2020. There were 103 survey results received.

PURPOSE

- Request a substantial amendment to the 2020-2025 Consolidated Plan and the 2021 Action Plan
- Either plan is considered substantially amended when there is a change to an activity that exceeds \$50,000.
- Increasing Plan Goals allows funding for a broader range of projects.
- Assign a project(s) to the funds previously placed in contingency

CONSOLIDATED PLAN GOALS

Current Goals

1. Owner-Occupied Housing Rehabilitation and Assistance;
2. Ending Homelessness and Homeless Prevention;
3. General Planning and Administration;
4. Disaster Recovery Planning;
5. Homeless Facility;
6. Recreational Facilities; and
7. Employment Training

Proposed Additional Goals

1. Senior Services;
2. Youth Services;
3. Services for Victims of domestic violence, dating violence, sexual assault or stalking;
4. Child Care Services;
5. Neighborhood Cleanups;
6. Food Banks; and
7. Public Infrastructure Improvements.

PROPOSAL TO AMEND 2021 ACTION PLAN

- The City proposes to amend the 2021 Annual Plan to distribute the \$72,112 originally programmed as Contingency to two public infrastructure improvement projects:
- Gilbert Street: East side of Gilbert Street between Old Iron and Dinwiddie to extend the existing curb line where a road side ditch currently exists. The road side ditch is substandard and does not contain water flow. This project will minimize overflow of roadside ditch. (Proposed Budget: \$36,056)
- South 19th Avenue from Norfolk Street to Petersburg Street: On the west side of street install curb and gutter as a gap closure. On the east side extend curb and install drainage improvement including entrance aprons and basin. This will help deter current drainage issues in the area. (Proposed Budget: \$36,056)

RECOMMENDATION

1. Staff requests that City Council approve the substantial amendment to the Consolidated Plan to add the following goals:
 - a. Senior Services;
 - b. Youth Services;
 - c. Services for Victims of domestic violence, dating violence, sexual assault or stalking;
 - d. Child Care Services;
 - e. Neighborhood Cleanups;
 - f. Food Banks; and
 - g. Public Infrastructure Improvements.
2. Staff request that City Council approve the substantial amendment to the 2021 Action Plan to appropriate \$ 72,112 FY21 previously placed in contingency to the Gilbert Street Project and the South 19th Avenue Project. Both funded \$36,056.

UNFINISHED BUSINESS

UB-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: Fraud, Waste, and Abuse Policy

ISSUE: City Council supported the request to solicit the support of the City Attorney to draft a fraud, waste and abuse policy in coordination with the City Manager. The draft policy was developed last year and is awaiting approval from City Council. The goal is establish system for complaints related to City resources that is an ordinance to provide the responsibility parties the ability to investigate claims. Providing a pathway for anonymous submissions and formal safeguard will help to mitigate misuse of City resources. The original request included an option for the City Attorney to conduct an initial unbiased review prior to elevating issues to other members of the City Administration to separate functions of management/oversight.

RECOMMENDATION: Recommend City Council take action on adopting a policy.

TIMING: Immediate.

BACKGROUND: n/a

FISCAL IMPACT: Cost and resource savings.

ENCLOSED DOCUMENTS:

- Fraud, waste and abuse draft policy.

CITY COUNCILOR: Jasmine Gore, Ward 4

FOR IN MEETING USE ONLY

MOTION:

Roll Call

SUMMARY:

Table with columns Y, N and rows for Councilor Debbie Randolph, Councilor Arlene Holloway, Vice Mayor John B. Partin, Councilor Jasmine Gore, Councilor Janice Denton, Councilor Brenda Pelham, Mayor Patience Bennett.



FRAUD, WASTE & ABUSE POLICY

MISSION STATEMENT

The City of Hopewell is committed to safeguarding public assets and resources. The City of Hopewell is likewise committed to preventing fraud, waste, and abuse of those public assets and resources. In order to ensure and maintain the integrity of its business and operation practices, this Fraud, Waste & Abuse Policy is intended to, and shall, apply every City of Hopewell employee, department head, official (whether administrative, appointed, or elected), vendor, contractor, or any other person or entity engaging in business activity with the City.

A. Purpose

The City of Hopewell's Fraud, Waste, & Abuse Policy ("Policy") serves to inform that each City of Hopewell ("City") employee, department head, and official (whether administrative, appointed or elected) is a public steward and is, individually, responsible for reporting evidence of fraud, waste, and abuse when such is observed or is suspected. This Policy should operate to increase awareness of circumstances that constitute or may foreseeably lead to fraud, waste, and abuse; as well as to protect the City from dishonest, unethical, careless and irresponsible persons and/or entities.

B. Scope

This Policy shall apply to any fraud, suspected fraud, waste, suspected waste, abuse, and suspected abuse involving any City employee, department head, official, vendor, contractor, or any other person or entity engaging in business activity with the City.

C. Whistleblower Protection

The City expects its personnel, officials, and vendors to report evidence or suspicion of fraud, waste, and abuse and all are encouraged to do so. The City will not retaliate, nor will it tolerate retaliation against those who, in good faith, report fraud, waste, or abuse. Furthermore, the City will not retaliate nor tolerate retaliation against those who participate in an investigation

of fraud, waste, or abuse. Any employee or official who believes s/he has experienced retaliation for making or assisting in the investigation of a report of fraud, waste, or abuse should this belief or suspicion immediately to the Director of Human Resources. Upon receipt, the Director of Human Resources shall notify such report to the City Manager, with copy to the City Attorney and City Council. All reports of retaliation shall be investigated and the written findings shall be reported out to the City Council, City Manager and the City Attorney for appropriate action, if any.

D. Reporting Fraud, Waste or Abuse

While face-to-face communication is always the best form of communicating, face-to-face reporting is not be required to make a report under this Policy. Any person who makes a report shall retain the right to disclose their identity or remain anonymous.

If possible, each report of fraud, waste, or abuse should include the following information:

1. The name(s) of the individual(s) involved or suspected
2. Factual summary/details of what happened and why you think that it is wrong or illegal
3. Description of where it happened and when (i.e., date and/or timeline)
4. The name(s) of any person who witnessed what happened or may have information regarding what happened
5. The City department or agency impacted or involved; and
6. Any documentation or other supporting evidence you have, know of or believes exists.

E. How to Make A Report

A report may be made by any of the following methods:

1. Fraud Hotline – Anonymous
2. Online/Email Reporting
3. Fax
4. In Person

F. Who Is Eligible to/Can Report

Employees, Department Heads, Officials

Contractors, Vendors

Citizens

Other Interested Parties

G. To Whom to Make a Report

In addition to any other reporting option provided herein, the _____ shall be authorized to receive and investigate all reports made pursuant to this Policy.

A report of fraud, waste, or abuse may be made in person or through the fraud hotline, online reporting, or by email directly to the _____.

An employee may make a report to their immediate supervisor or department head. If the employee believes that his or her supervisor is involved, the Employee may make his or her report to the City Manager or directly to _____.

The City employee or official who receives a report of fraud, waste, or abuse shall deliver the same in writing to the _____ who shall conduct an investigation as provided herein.

The City employee or official who receives a report of fraud, waste, or abuse but fails to pass on the report to the _____ shall be subject to disciplinary action, up to and including termination.

The City employee or official who obstructs or fails to cooperate with an investigation shall be subject to disciplinary action, up to and including termination.

H. Sample Activity of What to Report (this list is not intended to be exhaustive)

Any misconduct affiliated with City contracts or procurement

Theft of City resources (e.g., cash, equipment, supplies, time)

Record Falsification

Payroll fraud or time abuse

Kickbacks or bribes

Intentional misuse of City property or equipment

Contractor Fraud

Gross mismanagement of resources, including careless expenditures

Gross disregard of policy and procedural controls

I. Definitions

"Abuse" means the excessive or improper use of something, or the employment of something in a manner contrary to the natural or legal rules for its use; the intentional destruction, diversion, manipulation, misapplication, maltreatment, or misuse of resources owned or operated by the City; or extravagant or excessive use so as to abuse one's position or authority. Examples of abuse include, but are not limited to:

- Using City equipment or supplies to engage in or conduct non-City business or outside employment
- Using position (paid or volunteer) or information/access derived therefrom to obtain anything of value, e.g., money, property, contract, service(s), or other personal gain
- Utilizing non-public City information to get non-City business
- Profiting from use of non-public information derived solely from access as City employee or vendor/contractor
- Accepting or seeking material value for personal benefit from a vendor or potential vendor
- Excessive use of small purchase or purchase order authority to authorize activities that primarily benefits the user

"Fraud" means the intentional deception perpetrated by an individual or individuals, or an organization or organizations, either internal or external to the City, which could result in a tangible or intangible benefit to themselves, others, or the City or could cause detriment to others or the City. Fraud includes a false representation of a matter of fact, whether by words or by conduct, by false or misleading statements, or by concealment of that which should have been disclosed, which deceives and is intended to deceive. Examples of fraud include, but are not limited to:

- Stealing, misappropriation of funds, supplies, etc.
- Forgery or the unauthorized alteration of any document
- Intentional misrepresentation of a payroll record
- Knowingly make a false entry in a City record
- Claiming to hold and/or using an education degree that is fraudulent, fictitious or that has been revoked
- Making a false state or representation to obtain property, credit, services or a position of employment (whether paid or volunteer)

"Waste" means the intentional or unintentional, thoughtless or careless expenditure, consumption, mismanagement, use, or squandering of resources owned or operated by the locality to the

detriment or potential detriment of the locality. Waste also includes incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls. Examples of waste include, but are not limited to:

- Carelessly or intentionally ruining or destroying materials or equipment
- Purchase of unnecessary or unneeded supplies or equipment
- Purchase of goods and services at (obviously) inflated prices
- Failure or refusal to recycle major resources or reduce waste

J. Procedures

1. All reports will be reviewed and investigated by the _____. If warranted, the allegations may be jointly investigated with another agency or referred to the Commonwealth's Attorney.

2. If the report is made via voicemail, the voicemail message shall be transcribed.

3. Investigation findings shall be reported out to the City Manager and the City Council, even if the investigation is concluded as "unfounded".

4. If an investigation concludes that the report was "founded", i.e., substantiated as true, the Finance Department and the Department of Human Resources shall also receive a copy of the investigation report. Should the investigation document criminal activity, a copy of the report shall be sent to the Chief of Police and Commonwealth's Attorney.

5. If an investigation concludes that the report was "founded", i.e., substantiated as true, and the City realizes a savings of tax dollars as a result of the report, the reporter—if his or her identity has been disclosed, shall be entitled to a maximum monetary reward equal to ten percent (10%) of the savings realized or \$5,000.00, whichever is the lesser amount.

***** Possible other terms for the Policy, to-wit: penalty for vendors/contractors found to have engaged in fraud, waste, and abuse. If City Council wants to expand policy to include these penalties, should also determine: the grounds for finding, notification of finding and period of protest, procedures for protest/appeal, etc.*

K. Debarment Policy and Procedures

The Fraud and Abuse Debarment Policy ("Debarment Policy) shall apply to a vendor or contractor who has, after investigation, been found to engage in fraudulent or unlawful activity to obtain from or maintain business with the City.

Sample Activity that May Lead to Debarment

- *Use of forged or falsified documents for any reason, including with the intent to deceive the City*
- *Failure to provide adequate documentation as evidence, as requested by the City, in any investigation commenced under the Policy*
- *Failure to respond to requests for information regarding vendor/contractor performance of a City contract/purchase order and payment(s)*
- *Violation of the terms of solicitation after bid submission*

UB-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:

Review and revise the membership criteria of the Hopewell Historic Preservation Subcommittee

ISSUE: HPC is having difficulty recruiting members that meet the criteria outlined for the committee.

RECOMMENDATION: Consider the recommendations of the HPC members and revise accordingly

TIMING: Action is requested at the September 14, 2021 City Council Meeting.

BACKGROUND: The HPC is an ad hoc committee of City Council created in 2004. The criteria for membership is based on the project underway at time of the committee's inception. Now reinstated for the Shiloh Lodge rehabilitation project, the membership criteria should be reevaluated to reflect the needs of the work at hand.

ENCLOSED DOCUMENTS:

- Power Point Presentation
- Historical Committee minutes

STAFF:

Tevya W. Griffin, Director Department of Development/ Staff for HPC
Chris Ward, Senior Planner

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

HISTORIC PRESERVATION COMMITTEE

History as determined from City Council minutes

The Archaeological Dig Committee recommended the formation of a Historic Preservation Subcommittee of City Council. The committee will coordinate all activities Associated with the uncovering, preserving and interpreting the history of Hopewell.

The committee will be comprised of the following: 3 City Councilors; 1 College of William & Mary; 1 ARB; 1 National Park Service; 1 Historic Hopewell Foundation; 2 At-large Citizens appointed by City Council

City Staff Representative – non-voting members; 1 Department of Planning; 1 Department of Parks & Recreation; 1 Department of Tourism

TIMELINE

June 24, 2003: Appointments to HPC subcommittee (Carl Kindervater, Jr. and Deborah Bine).

HPC Town Hall/Road Show Report.

September 9, 2003: Report from HPC Subcommittee.

Appointment to HPC Subcommittee (Jim Micklem).

February 3, 2004: Report from HPC Subcommittee (Councilor Steve Taylor).

April 27, 2004: Resignation from HPC of Deborah Bine.

June 22, 2004 Presentation from HPC Subcommittee (Councilor Steve Taylor).

July 13, 2004 Appointment to HPC Subcommittee (Paul Karnes).

November 23, 2004 Appointment to HPC Subcommittee (Councilor Martin).

May 10, 2005 Dissolve Council Liaison Committee-Archaeological Dig-College of William & Mary because it was incorporated into HPC.

August 9, 2005 Request to set work session to discuss possible relocation of Regional Enterprises

September 12, 2006 Mayor Taylor – set date for work session 10/10/06 – Cultural Resources Management Plan.

September 26, 2006 Appointments to HPC (Bailey and Emerson).

November 28, 2006 Special Meeting/Work Session – Cultural Resources Management Plan presentation.

September 11, 2007 CCR-Mayor Taylor – HPC seeks Council approval – 1) Proposal for architectural documentation of kit houses within city; 2) Proposal for archaeological evaluation of Site 44PG463, Bailey Creek Knoll. Council approved both projects and allocated \$17,500 from Arch Account, \$12,000 from Matching Grant Fund, and \$500 from Bond Agency Fee Account.

Appointment to HPC (Jane McCullen).

August 12, 2008 Appointment to HPC (Stokes).

October 14, 2008 Appointments to HPC (Michael Pritchard and Jeanie Langford).

September 22, 2009 HPC Report on kit homes, Bailey’s Creek, and Cultural Resource Management Plan.

February 9, 2010 Appointment to HPC (Libbie Newsome).

February 8, 2011 Appointment to HPC (Stokes as Co-Chair).

April 12, 2011 Appointment to HPC (Toni Cortese).

May 8, 2012 Appointment to HPC (Christina Callis).

Chart of proposed changes (11 members)

Current Membership Criteria	Proposed Criteria	Reason for request
3 City Council Members	2 City Council Members, add 1 at large member non residency requirement)	Quorum of Council
1 National Park Service Superintendent	Will act as an advisor	National Park Service member cannot vote due to potential conflict of interest per federal guidelines
1 Department of Development representative – non voting member	1 Department of Development representative voting member	Department of Development provides expertise in subject matter.
1 College of William and Mary Student	Add an at large member (non residency requirement)	Too specific and based on availability of student.
1 Director of Development is staff for the Committee	Make Senior Planner staff for the Committee	Director will act as a member. Senior Planner will fulfill staff functions (minutes, agenda, etc.)
1 Historic Hopewell Foundation representative	No change	No change
2 at large citizens	No change	No change
1 Department of Tourism- non voting member	1 Chamber of Commerce Staff representative voting member	Name change. Provides expertise in subject matter
1 Department of Recreation and Parks representative – non voting member	1 Department of Recreation and Parks representative voting member	Department of Recreation and Parks provides expertise in subject matter.
1 Architectural Review Board	No change	No change

Proposed Membership Criteria (11 members)

- 2 City Council Members
- 2 at large members with expertise relevant to project (example: Virginia State University Student, past member of Shiloh Lodge, architect, other professional)
- 2 at large citizens
- 1 Architectural Review Board member
- 1 Department of Tourism (Chamber of Commerce) representative, as a voting member
- 1 Recreation and Parks, representative, as a voting member
- 1 Department of Development, as a voting member
- 1 Historic Hopewell Foundation
- Senior Planner staff member

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:

Residency Waiver Request from Tevya W. Griffin, Director of Development

ISSUE: In accordance with the Hopewell City Code, Section 2.4, if a Director currently resides outside of the City and chooses to relocate it must be within the City of Hopewell. The ordinance provides the opportunity for a waiver of this requirement if approved by City Council.

RECOMMENDATION: City Council review the request and take action.

TIMING: The request will be represented at the September 14, 2021 City Council meeting.

BACKGROUND: Reference letter to City Manager dated August 19, 2021

ENCLOSED DOCUMENTS:

- Residency Waiver letter to City Manager

STAFF:

Tevya W. Griffin, AICP, Director Department of Development

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

- | | | |
|--------------------------|--------------------------|------------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine Gore, Ward #4 |

- | | | |
|--------------------------|--------------------------|----------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Patience Bennett, Ward #7 |



THE Griffin's

August 19, 2021

John M. Altman, Jr.
City Manager
300 North Main Street
Hopewell, Virginia 23860

Dear Mr. Altman,

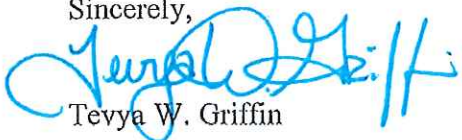
I am writing to formally request a waiver of Section 2.4, Residency requirements for certain city officers and department heads, in accordance with sub-section (c), which reads, "The City Council may waive any provision or requirement of this section. City Council may grant a waiver by ordinance, resolution, or motion."

I am requesting a waiver to live outside of the city. We have not moved or chosen a new primary residence at this time. However, I can say with certainty that it will be within the Richmond Metropolitan Statistical Area (MSA).

In May of this year, my husband and I discussed placing our primary residence on the market in efforts to purchase a larger dwelling to accommodate our family. It was at that time we contacted our real estate agent and requested an assessment of our home. After the assessment was completed, we concluded that it was in the best interest of our family circumstances and future goals to take advantage of the current housing market.

My husband's job requires travel during the day and some nights within the City of Richmond and Henrico County. Moving to Hopewell, farther away from these resources is not an option for my family at this time. I am requesting your assistance in moving this request forward to City Council for consideration. I am happy to answer any questions. My hope is that this item can be placed on the September 14, 2021 City Council meeting agenda.

Sincerely,


Tevya W. Griffin

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: Virginia Opioid Abatement Fund & Settlement Allocation MOU

ISSUE: Memorandum of Understanding Relating to the Allocation and Use of Proceeds from Any Opioid Litigation or Settlement

RECOMMENDATION: Staff recommends approval of the resolution and authorization of the City Manager to sign the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding.

TIMING: Action is requested at the September 14, 2021 meeting.

BACKGROUND: In the fall of 2018, City Council authorized retaining Weitz & Luxenburg, P.C., as lead counsel, and Marks and Harrison, P.C. to prosecute and adjust for the City a claim for past and future damages and/or expenditures caused by the conduct of pharmaceutical manufacturers, distributors and/or retailers of opioids.

ENCLOSED DOCUMENTS:

- Resolution Authorizing Execution of the Settlement MOU
- Memorandum to National Opioid Consortium's Virginia Clients
- Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

STAFF:**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice-Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

John M. Altman, Jr., City Manager

SUMMARY:

Y N

- Councilor Debbie Randolph, Ward #1
- Councilor Arlene Holloway, Ward #2
- Vice-Mayor John B. Partin, Ward #3
- Councilor Jasmine Gore, Ward #4

Y N

- Councilor Janice Denton, Ward #5
- Councilor Brenda Peiham, Ward #6
- Mayor Patience Bennett, Ward #7

RESOLUTION NO. 2021-____

**A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE
THE VIRGINIA ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING
ON BEHALF OF
THE CITY OF HOPEWELL, VIRGINIA**

WHEREAS, the City of Hopewell, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the City of Hopewell and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for the same;

WHEREAS, in order to advance their common interests, the City of Hopewell and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the City of Hopewell's outside opioid litigation counsel has recommended that the City approve the proposed memorandum of understanding; and

WHEREAS, the City Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hopewell, assembled on this day at which a quorum is present, that the City Council hereby authorizes and approves, or confirms authorization and approval of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit "A", and directs the City Manager to execute and enter into such Memorandum of Understanding on behalf of the City of Hopewell.

Witness this signature and seal

Mayor Patience A. Bennett, Ward 7

VOTING AYE:

VOTING NAY:

ABSTAINING:

ABSENT:

ATTEST:

Mollie Bess, City Clerk

MEMORANDUM

TO: National Opioid Consortium’s Virginia Clients

DATE: July 15, 2021

FROM:

Burton LeBlanc, Esq. Baron & Budd 3102 Oak Lawn, Avenue Suite 110 Dallas, TX 75219	Aaron L. Harrah, Esq. Hill, Peterson, Carper, Bee & Deitzler, PLLC NorthGate Business Park 500 Tracy Way Charleston, WV 25311
Bert Ketchum, Esq. Greene, Ketchum, Bailey & Twell LLP 419 11th Street Huntington, WV 25701	Christopher I. Jacobs, Esq. Kalfus & Nachman 870 N. Military Hwy. Suite 300 Norfolk, VA 23502
Terry G. Kilgore, Esq. Kilgore Law Office P.O. Box 669 Gate City, VA 24521	Jake Daniel, Esq. Daniel Thomas 139 E. Main St. Yanceyville, NC 27379

RE: Virginia Opioid Abatement Fund and Settlement Allocation
Memorandum of Understanding (the “MOU”)

From the outset of the opioid litigation, one vitally important aspect of the overall efforts to advance our Virginia clients’ interests has been the ultimate allocation of litigation recoveries between the Commonwealth, on the one hand, and the local governments, on the other. Your counsel, and other attorneys representing other Virginia local governments, have been involved in negotiations with the Virginia Office of the Attorney General (“OAG”) on this and other topics since 2019. The goal of these negotiations has been to ensure that local governments participate meaningfully in any opioid litigation recoveries rather than all monies flowing directly into the Commonwealth’s general fund.

Outside local government counsel, including your attorneys, and the OAG have recently concluded their negotiations. These negotiations are memorialized in a written MOU that was previously emailed to you and attached for your convenience. The key features of the MOU are as follows:

- 30% of gross opioid litigation recoveries are allocated directly to participating Virginia localities (15% totally unrestricted and 15% for opioid abatement uses). In contrast, the Commonwealth directly receives only 15% of gross opioid litigation

recoveries. Amongst the local governments, funds are divided according to an allocation methodology that factors in indicators of opioid epidemic impact such as emergency department visits, overdose deaths, and pill shipment volumes.

- The remaining 55% of the gross opioid litigation recoveries flow through the Opioid Abatement Authority Fund which was established by the General Assembly at this year's legislative session. Your attorneys were heavily involved with the OAG in the drafting of this legislation and its navigation through the General Assembly. The Opioid Abatement Authority legislation earmarks fully 50% of the funds that flow through the Authority for local government use and an additional 35% for uses for which local governments, along with state agencies, are eligible.
- The MOU ensures that any contingent attorneys' fees and litigation expenses are born ratably by all Virginia localities that participate in a settlement, whether or not they hired counsel and chose to litigate.
- The MOU also provided local government protections relative to the Board that governs the Opioid Abatement Authority. Five of eleven Board seats are drawn from local government affiliates (one elected official, two Community Service Board representatives, one Sheriff, and one local government attorney). In contrast, only three (3) Board members are drawn from the state government.

Accordingly, your attorneys recommend their local Virginia government clients approve the MOU.

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.
5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.
6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.
7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.
8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.
9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.
11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").
2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority (“Authority”) through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
- 3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
- 4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
- a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this _____ day of _____, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

MARK R. HERRING
ATTORNEY GENERAL

FOR POLITICAL SUBDIVISIONS AND COUNSEL (list firms)

EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"*Authority*" means the Opioid Abatement Authority.

"*Board*" means the board of directors of the Authority.

"*Community services board region*" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"*Fund*" means the Opioid Abatement Fund.

"*Historically economically disadvantaged community*" means the same as such term is defined in § 56-576.

"*Local apportionment formula*" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"*Participating locality*" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"*Regional effort*" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. —

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (ii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2369

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2370

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2371

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2372

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2373

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2374

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

Va. Code Ann. § 2.2-2374

F. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2375

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

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Va. Code Ann. § 2.2-2376

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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R-3



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: Stormwater Resilience Plan

ISSUE: Follow-up Discussion of the Stormwater Resilience Plan Tour

RECOMMENDATION: Staff recommends receipt of the information. No Action is requested.

TIMING: N/A

BACKGROUND: The City Engineer’s Office and the Department of Public Works developed the City of Hopewell Stormwater Resilience Plan which placed stormwater drainage improvement projects into 1 of 5 categories – Public Works Stormwater, Short Range, Intermediate Range, Long Range and Channel-Outfall. City Council toured stormwater projects and received an overview of projects that were recently completed, are scheduled for construction, and are in the planning phase. Additionally, the connectivity between the projects was discussed along with some of the challenges associated with the projects.

ENCLOSED DOCUMENTS:

- Stormwater Resilience Plan
- Stormwater Program Revenue Overview
- VPDES Industrial Utility Fee Credit

STAFF:

Johnnie E. Butler, City Engineer

SUMMARY:

- | | | |
|--------------------------|--------------------------|------------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Debbie Randolph, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Arlene Holloway, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice-Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Jasmine Gore, Ward #4 |

- | | | |
|--------------------------|--------------------------|----------------------------------|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor Patience Bennett, Ward #7 |

Austin B. Anderson, Construction Manager
Stephen Edwards, Stormwater Program Manager

FOR IN MEETING USE ONLY

MOTION: _____

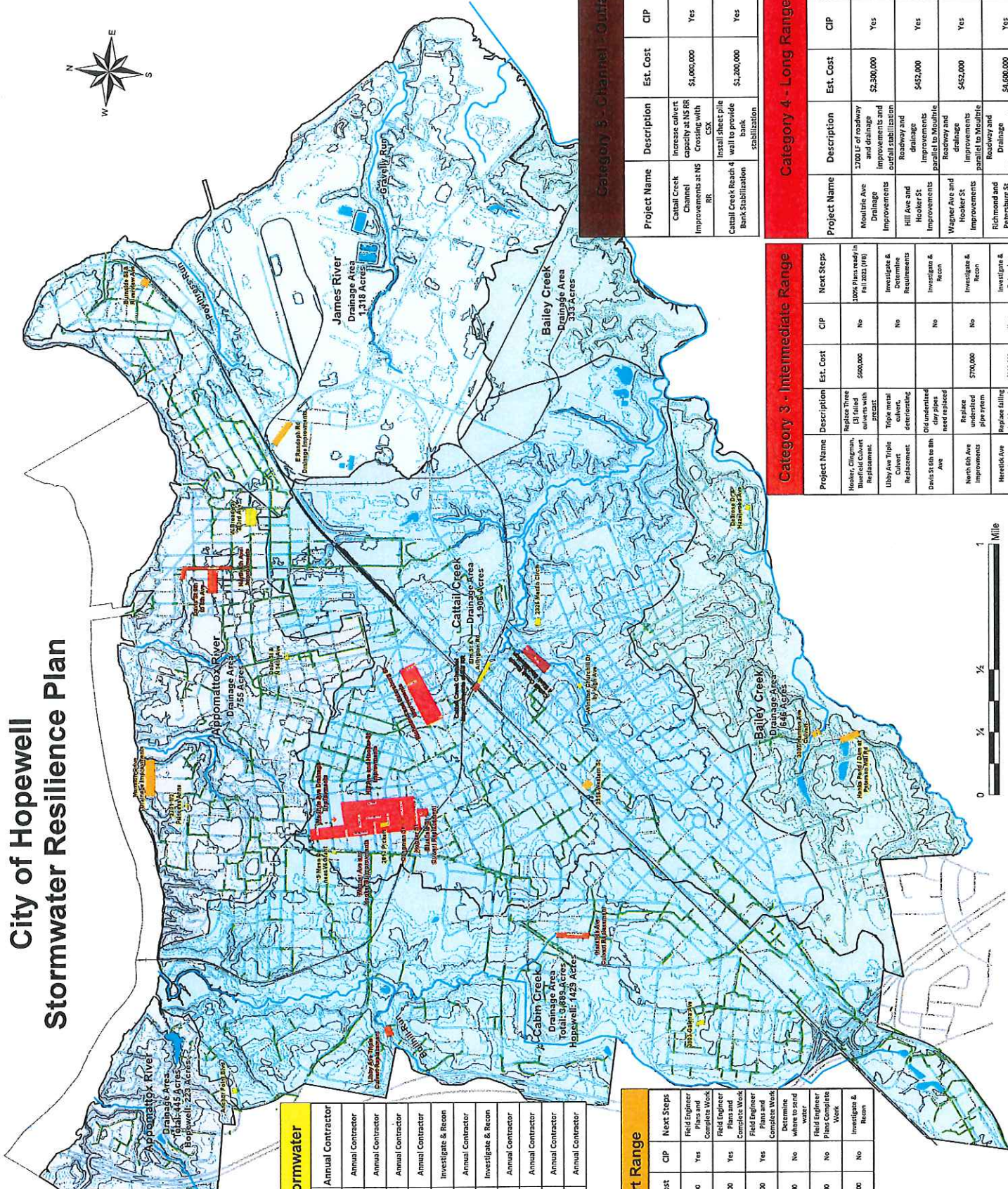
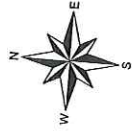
Roll Call

SUMMARY:

Y N
 Councilor Debbie Randolph, Ward #1
 Councilor Arlene Holloway, Ward #2
 Vice-Mayor John B. Partin, Ward #3
 Councilor Jasmine Gore, Ward #4

Y N
 Councilor Janice Denton, Ward #5
 Councilor Brenda Pelham, Ward #6
 Mayor Patience Bennett, Ward #7

City of Hopewell Stormwater Resilience Plan



Category 1 - PW Stormwater

Project Name	Description	Est. Cost	Annual Contractor
Anchor Point Blvd	Need to rebuild inlet	\$10,000	Annual Contractor
2813 Pleasant St	15 Single wall HOPE falling joint	\$8,000	Annual Contractor
S Meigs Dr near W Grant	Separation of Pipe	\$5,000	Annual Contractor
2701-272 Princess Anne	Manal Pipe falling, need to replace	\$25,000	Annual Contractor
W Broadway & 3rd Ave	Pipe not draining, unrelated to 3.2/2	\$15,000	Investigate & Rezon
Dolin St & N 32nd Ave	Pipe separating under road	\$10,000	Annual Contractor
2226 Haslin Circle	Separation of multiple pipe	\$5,000	Investigate & Rezon
Elm St & Aulderson Rd	Clean debris from channel	\$15,000	Annual Contractor
Delrose Dr & Hazwood Ave	Replace top slab of inlet	\$4,000	Annual Contractor
Chinholly Dr by 3903 Galena Ave	Re-enwall falling of pipe half full of road,	\$15,000	Annual Contractor
		\$25,000	Annual Contractor

Category 2 - Short Range

Project Name	Description	Est. Cost	CIP	Next Steps
Merks Road/Down at Peterson Mill Rd	Build Spillway Flume, New Inflow Culvert, Outlet Protection	\$70,000	Yes	Field Engineer Plans and Complete Work
Mansion Drive Drainage Improvements	Install curb & gutter, Drive Way/ Aprons	\$45,000	Yes	Field Engineer Plans and Complete Work
E Randolph Rd Drainage Improvements	R & R Curb, Sidewalk Drainage Collection	\$100,000	Yes	Field Engineer Plans and Complete Work
Burnside St & Riverview Ave	Two inlets not connected to an outfall	\$30,000	No	Field Engineer where to send water
2014 Western St	System flagged beyond cleaning needs to be replaced	\$30,000	No	Field Engineer Plans Complete Work
3207 Henson Ave Culvert	Constant Flooding	\$100,000	No	Investigate & Rezon

Category 3 - Intermediate Range

Project Name	Description	Est. Cost	CIP	Next Steps
Hooker, Cloughs, Burfield Culvert Replacement	Replace Three (3) failed culverts with 48" RCP	\$500,000	No	100% Plans ready in Fall 2024 (FY)
Libby Ave Tripe Culvert Replacement	Tripe metal culvert, accelerating		No	Investigate & Rezon Requirements
Davis St to 8th Ave	Old undrained clay pipes need replaced		No	Investigate & Rezon
North 6th Ave	Replace undrained pipe system	\$700,000	No	Investigate & Rezon
Heretick Ave	Replace falling 60" bit metal culvert	\$300,000	Yes	Investigate & Rezon Requirements

Category 4 - Long Range

Project Name	Description	Est. Cost	CIP	Next Steps
McAuliffe Ave Drainage Improvements	1700 LF of roadway and drainage improvements and outfall stabilization	\$2,300,000	Yes	100% Plans Ready in Fall 2022 (FY)
Hill Ave and Hooker St Improvements	Roadway and drainage improvements parallel to McAuliffe	\$452,000	Yes	VOOT RSP - PE Start in FY 25
Wagner Ave and Hooker St Improvements	Roadway and drainage improvements parallel to McAuliffe	\$452,000	Yes	VOOT RSP - PE Start in FY 25
Richmond and Petersburg Improvements	Roadway and drainage improvements 17th to 23rd Ave	\$4,600,000	Yes	VOOT RSP - PE Start in FY 27

Category 5 - Channel Outfall

Project Name	Description	Est. Cost	CIP	Next Steps
Cattail Creek Channel Improvements at NS RR	Increase culvert capacity at NS RR Crossing with CSX	\$1,000,000	Yes	Awaiting CPF Funding US House of Rep.
Cattail Creek Reach 4 Bank Stabilization	Install sheet pile wall to provide bank stabilization	\$1,200,000	Yes	Awaiting FEMA Pre-Disaster Mitigation



Level of Service	Revenue			Project Budget		
	Predicted (FY 15)	Actual (FY 20)	Projected (FY 20)	Predicted (FY 15)	Actual (FY 20)	Projected (FY 20)
LOS 5 \$8/ERU	\$2.7M		\$2.3M	\$1.6M		\$892K
LOS 4 \$6/ERU	\$2.1M		\$1.8M	\$1.1M		\$669K
LOS 3 \$5/ERU	\$1.8M		\$1.5M	\$925K		\$557K
LOS 2 \$4.5/ERU	\$1.4M		\$1.2M	\$725K		\$501K
LOS 1 \$4/ERU		\$0.5M				

1. Projected Revenue and Project Budget based on actual data from FY 2020.
2. Actual FY 2020 Revenue was 86% of Predicted Revenue, which was used to project revenue for higher fees
3. Project Budget includes MS4 Projects and Maintenance (Category 1 & 2 from SWRP).
4. The annual VPDES Industrial Permit 90% Utility Fee Credit is approximately \$318K - See Table 1.
5. The third party billing service costs \$102K per year to administer the stormwater fees.
 If the stormwater fees are added to the real estate bill, any savings would go towards projects.

VPDES Industrial Utility Fee Credit
Table 1

Facility Name	Facility Address	Impervious Cover (sq.ft.)	Equivalent Residential Units (ERU) (2,100 sq.ft. each)	Annual Fee @ (\$4/ERU)*12	Utility Fee Credit	Invoiced Amount
ASHLAND INC	PO BOX 182586 COLUMBUS, OH 43218	5,114,665	2436	\$116,928	90%	\$11,693
EVONIK CORPORATION	P.O. BOX 868 THEODORE, AL 36590	874,710	417	\$20,016	90%	\$2,002
ADVANSIX INC HOPEWELL	905 Randolph Rd PID: 0480015	8,829,996	4,205	\$201,840	90%	\$20,184
	912 Randolph Rd PID: 0480011	673,824	321	\$15,408.00	90%	\$1,541
TOTAL				\$354,192		\$35,419

R-4



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: American Rescue Plan Act Funds

ISSUE: Presentation of American Rescue Plan Act Funds

RECOMMENDATION: Staff recommends receipt of the information. No Action is requested.

TIMING: N/A

BACKGROUND: Congress passed and the President signed the *American Rescue Plan Act (ARPA) of 2021*, which for the first time provided direct Federal funding to localities. The City will receive a total of \$9,998,813 in two (2) tranches (payments), the first in 2021 and the second in 2022. The City will receive \$5,622,819 from the “Metro Cities” allocation and an additional \$4,375,994 from the “Counties” allocations. The City has received the first payment of each allocation for a total of \$4,999,406.50. The funds have to be obligated by 2024 and spent by 2026. Delaying the development of a plan to use the funds will allow the City time to review and react to the finalized guidance from the U.S. Department of Treasury, which is still under review, and time to incorporate feedback from City Council and the community.

At the July 13, 2021 City Council meeting, Council budgeted \$4,999,406.50 of ARPA Funds in the General Fund and appropriated \$469,914 to Fund 11, Capital Projects, to replace the funds used to provide a 2.5% COLA for employees and purchase an ambulance.

ENCLOSED DOCUMENTS:

- American Rescue Plan Act Presentation

SUMMARY:

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Debbie Randolph, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Arlene Holloway, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Vice-Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Mayor Patience Bennett, Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Jasmine Gore, Ward #4			

STAFF:

John M. Altman, Jr., City Manager
Michael Terry, Director of Finance

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MOTION: _____

Roll Call

SUMMARY:

Y N
 Councilor Debbie Randolph, Ward #1
 Councilor Arlene Holloway, Ward #2
 Vice-Mayor John B. Partin, Ward #3
 Councilor Jasmine Gore, Ward #4

Y N
 Councilor Janice Denton, Ward #5
 Councilor Brenda Pelham, Ward #6
 Mayor Patience Bennett, Ward #7

American Rescue Plan Act

Presentation for City Council

September 14, 2021

Amount of Funding

- Hopewell is entitled to receive **\$9,998,813**
 - “metropolitan cities” allocation = \$5,622,819
 - under the “fewer than 50,000” = \$4,375,994
- Virginia’s Independent Cities were considered county-equivalents because of the public services that are delivered, like public education
- The funds will come to the City in two tranches, directly from the U.S. Treasury to the City of Hopewell
- The first payment of \$4,999,406.50 has been received.
- The balance will arrive in May 2022.

Use of Funds as determined by ARPA

1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
3. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
4. To make necessary investments in water, sewer, or broadband infrastructure.

1st Category

To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality

Eligible uses for the Public Health Emergency

- Covid-19 mitigation and prevention (contact tracing, testing, ventilation improvement, capital investments in public facilities to meet pandemic operational needs)
- Medical expenses, including costs for medical services for individuals with “Long Covid”
- Meeting behavioral health care needs including addiction treatment, due to a national spike in overdose deaths
- Addressing disparities in public health outcomes, and economic outcomes in our communities
- Generally as broad as the CARES Act

1st Category – con't

To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality

- Assistance to unemployed workers such as job training
- Deposits into the State unemployment insurance trust fund
- Loans or grants to small businesses and non-profits to mitigate financial hardship such as declines in revenues, or to support the cost of rent, mortgage, payroll and benefits
- Aid to impacted industries such as tourism, travel and hospitality
- Assistance to households such as: utility assistance, counseling and legal aid to prevent homelessness, food assistance, rent, mortgage, home repairs, emergency assistance for burials, weatherization, internet access
 - There is a 4-step analysis to determine the eligibility of assistance to households, unless the household is located in a Qualified Census Tract. More on the next slide

2nd Category

To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay or grants to eligible workers

Essential workers – “those workers needed to maintain continuity or operations of essential critical infrastructure”

Essential work – work requiring the physical presence at a jobsite

Amount

- up to \$13 per hour, above the salary
- Maximum ARPA premium payment cannot exceed \$25,000 per eligible worker
- compensation prioritized for lower income eligible workers who performed essential work

Categories of essential workers:

- Healthcare workers
- Public health and safety
- childcare
- Education
- Sanitation
- Transportation
- Food production service

Payments in this category have enhanced reporting requirements.

3rd Category

Provision of Government Services to the
Extent of any Revenue Reduction Resulting
from the COVID-19 Public Health Emergency

What does “Revenue Reduction”
Mean?

- Recipients’ reduction in revenue is measured relative to the revenue collected in the most recent full fiscal year prior to emergency.
- U.S. Treasury provides a methodology for calculating revenue lost due to the COVID-19 public health emergency

3rd Category – con't

Provision of Government Services to the
Extent of any Revenue Reduction Resulting
from the COVID-19 Public Health Emergency

Revenue replacement

For the purposes of the revenue replacement category, we are looking only at General Revenue

- Excludes: refunds, proceeds from issuance of debt or sale of investments, utility income
- The US Treasury's formula places a predetermined 4.1% annual growth rate into their formula

General calculation steps:

1. Identify the revenue collected in the most recent full fiscal year prior to the pandemic. This is the base year.
2. Estimate the growth rate the city would have experienced using either 4.1% or the average annual revenue growth in the three full fiscal years prior to the public health emergency, whichever is higher.
3. Identify actual revenue collected over the past 12 months.
4. lost revenue is equal to the expected growth rate less actuals.

3rd Category – con't

Replenished expenses must directly relate to the provision of government services

Government Services include:

- Maintenance or pay-go funded building of infrastructure, including roads;
- Modernization of cybersecurity;
- Health Services;
- Environmental Remediation;
- School or Educational Services; and
- Provision of Police, Fire and Other Public Safety Services

3rd Category – con't

Government Services Do Not Include:

- Replenishing Financial Reserves;
- Interest or Principal on Any Outstanding Debt Instrument;
- Expenses Associated with Financial Indebtedness for Borrowed Money;
- Satisfaction of a Settlement or Judgement;
- Judicially Confirmed Debt Restricting in a Judicial, Administrative, or Regulatory Proceeding.

4th Category

Make Necessary Investments in Water, Sewer,
and /or Broadband Infrastructure

Water infrastructure projects – must be aligned with types or categories of projects eligible for financial assistance through the EPA's Clean Water State Revolving Fund, or the Drinking Water State Revolving Fund

Sewer projects – may include construction of publicly owned treatment infrastructure, including infrastructure which manages and treats stormwater or subsurface drainage water, facilitate water reuse

U.S. Treasury encourages using Recovery Funds for projects that:

- Improve drinking water infrastructure
- Consolidate or establish drinking water systems
- Support cybersecurity needs to protect water or sewer infrastructure
- Support efforts to address climate changes
- Provide relief in cases of a natural disaster

4th Category

Make Necessary Investments in Water, Sewer,
and /or Broadband Infrastructure

- Broadband** – projects must “be designed to provide service...to unserved and underserved households and businesses.”
- *Unserved and underserved households or businesses* means one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.
 - Eligible broadband projects must reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds;
 - If the required speeds cannot be achieved, then the project would be expected to meet or exceed 100 Mbps download with a minimum of 20 Mbps upload speed and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds

Deadline for Use of ARPA Funds

- Payments from ARPA Funds be used only to cover costs incurred by the local government by December 31, 2024
- “Incurred” means that the payments must be obligated by December 31, 2024.
- U.S. Treasury defines “obligation” as “an order placed for property and services and entering into contracts, sub-awards, and similar transactions that require payment.”

Ineligible Use of ARPA Funds

- ARPA funds cannot be used for:
- Contributions to rain-day funds, financial reserves, or similar funds
 - Tax cuts
 - Any payment of interest or principal on outstanding debt instruments
 - Fees or issuance costs for new debt
 - A settlement, judgment, consent decree or judicially confirmed debt

ARPA Reporting Requirements

- One interim report
 - To include recipient's expenditures by category from the date of the award to July 31, 2021
 - Report must be submitted by August 31, 2021
- Quarterly reports through the end of the award period which is December 31, 2026
 - To include financial data, information on contracts and sub-awards over \$50,000, types of projects funded
 - The first quarterly report is for the time period from award of funds to September 30, 2021, and must be submitted by October 31, 2021

Questions

COUNCILOR REQUESTS

CR-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)

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COUNCIL AGENDA ITEM TITLE:

CCR for Randolph - Time frame between boards and commissions resignations and appointment of replacement recommendations and potential interviews.

ISSUE: The recent resignation of the Chair of the EDA, which was officially received the day of the last regular council meeting, saw a councilor call someone to come in and submit a talent bank application unbeknownst to the rest of council. All Citizens should have an opportunity of at least two weeks after a resignation to put in applications should they want to.

RECOMMENDATION: Create a two week time frame to give an opening at least two weeks prior to Council voting a replacement in, and the Clerk announce to all Council members any upcoming openings.

TIMING: Begin implementation as soon as the vote especially in lieu of the new software.

BACKGROUND: Stated above. Also Council currently interviews for the Planning commission, HRHA, School Board, and EDA. Are there others we want to add?

FISCAL IMPACT: None

ENCLOSED DOCUMENTS:

STAFF:

Mollie Bess

FOR IN MEETING USE ONLY

MOTION: Authorize the City Clerk to hold all submitted talent bank applications for at specific Board/Commission at least two weeks after a Boards and Commissions member resigns, in order to allow for citizen notification and opportunity to apply. Council should reiterate all boards and commissions which require interviews as well.

Roll Call

ADJOURNMENT

