

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

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CITY COUNCIL
John B. Partin, Jr., Mayor, Ward #3
Jasmine E. Gore, Vice Mayor, Ward #4
Rita Joyner, Councilor, Ward #1
Michael B. Harris, Councilor, Ward #2
Janice B. Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6
Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, City Manager
Danielle Smith, City Attorney
Brittani Williams, City Clerk
Bridetta Williams, Deputy Clerk

March 12, 2024

REGULAR MEETING

Closed Meeting- 6:00 PM
Work Session – 7:00 PM
Regular Meeting-7:30pm

6:00 p.m.

Call to order, roll call, and welcome to visitors

CLOSED MEETING

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

Roll Call

RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

REGULAR MEETING

7:30 p.m. Call to order, roll call, and welcome to visitors

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

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:** February 13, 2024, February 19, 2024, February 27, 2024
- C-2 **Pending List:** December 14, 2023
- C-3 **Information for Council Review:** Police Report, old minutes for years 2019, 2020, 2021, 2023
- C-4 **Personnel Change Report & Financial Report:** HR Report
- C-5 **Public Hearing Announcements:**
- C-6 **Routine Approval of Work Sessions:**
- C-7 **Ordinances on Second & Final Reading:**
- C-8 **Routine Grant Approval:**

SUGGESTED MOTION: To amend/adopt consent agenda

INFORMATION/PRESENTATIONS

1. **Finance Report – Robert Bobb Group**

COMMUNICATIONS FROM CITIZENS

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

PUBLIC HEARING

***CITY CLERK:** All persons addressing Council shall step to the microphone, give name and **if** they reside in Hopewell, their ward number, and limit comments to three minutes. No one may address council more than once per meeting, unless granted permission by the presiding officer. Speakers address council as a body, not individual councilors. Questions are asked of councilors and staff through the presiding officer. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in the council chamber may be reprimanded by the presiding officer, and removed from the meeting upon a majority vote of councilors present, excluding any councilor who is the subject of the motion. (See Rules 405 and 406)*

PH1 – Right of Way Vacation 514 Monroe St – Chris Ward, Director of Development

PH2 - Conditional Use Permit 804 Kenwood Ave – Chris Ward, Director of Development

REGULAR BUSINESS

R1 – School Zone Speed Limit Enforcement by Camera – Chief Greg Taylor,
Chief of Police

R2 - Towing Ordinance – Chief Greg Taylor, Chief of Police

R3 – Health Insurance Renewal – Yaosca Smith, Human Resource Director

R4 – Harassment Policy Amendments - Yaosca Smith, Human Resource Director

R5 - Approval of Treasurers' MOU- Dr. Manker, City Manager

R6 - Zoning Ordinance Amendment Article I (Definitions), IX-A (Downtown Central Business District, B-1), and XIV-B (Tourist/Historic District, TH-1), and add Article XXIII (Historic Preservation) – Chris Ward, Director of Development

R7 - Ordinance for City Employment of City Officials – Danielle Smith, City Attorney

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Councilors Pending Request

Councilor Requests:

Presentations from Boards and Commission

Other Council Communications

BOARD/COMMISSION VACANCIES

Architectural Review Board – 3 Vacancies

Downtown Design Review – 2 Vacancies

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

Keep Hopewell Beautiful – 1 Vacancy

Recreation and Parks – 4 Vacancies

Library Board – 1 Vacancies

DSS – 7 Vacancies

Healthy Families – 3 Vacancies (3 pending applications)

Adjournment

**CLOSED
MEETING**

RECONVENE OPEN MEETING

REGULAR BUSINESS

CONSENT
AGENDA

C-1

MINUTES OF THE February 13, 2024 CITY COUNCIL REGULAR MEETING

A REGULAR meeting of the Hopewell City Council was held on Tuesday February 13, 2024 at 6:00 p.m.

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

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

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

Motion Passes 4-0

CLOSED MEETING:

Councilor Pelham makes a motion to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the extent such discussion will be aided thereby, Councilor Joyner seconds the motion.

ROLL CALL

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

Motion Passes 5-0

Reconvene Open Meeting

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

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	(Excused)

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

Motion Passes 6-0

CERTIFICATION:

CERTIFICATION PURSUANT TO VIRGINIA CODE §2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed session?

ROLL CALL

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

Motion Passes 6-0

Councilor Joyner makes a motion to appoint Dr. Rip Ballou to the Planning Commission and Mr. John Eliades to the Economic Development. Councilor Pelham seconds the motion.

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	Yes

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

Motion Passes 5-0

WORK SESSION

WS-1- Conditional Use Permit for 804 Kenwood Ave- Chris Ward, Director of Development. Mr. Ward introduces the first work session and also identifies it as Parcel # 0500390. The application was received from Waakeema Ahevonderae. This is a conditional Use permit to allow an accessory apartment. The property is zoned in Ward 7 as R2 medium density. Mr. Ward states the R2 district does permit accessory apartments with conditional use permits. This property has already received a CUP once prior for an accessory apartment in June 2020. The CUP was granted to the previous owner of this property. Since then the property has sold. The new owner is requesting a new CUP, since the old one expired. He shows an photo of the detached structure which is serving as the accessory. The R2 has specific criteria when reviewing CUPS for accessory apartments and that is the applicant need to prove that the apartment will be occupied by a related family member, who is 55 or older or has a handicap. The applicant must acknowledge that if the particular occupant leaves or moves out, the structure can no longer be used for the apartment, unless another family member that meets either the age or the handicap requirement moves in. The applicant must also demonstrate there is sufficient parking. The City council did approve the CUP back in 2020. Staff sees no reason not to approve it this time either. The applicant has certified that the apartment is occupied by her aunt, who is over the age of 55 and also handicap. She does not drive so there is no issue with parking. R2 specifies that the applicant needs to have this information certified on an annual basis, so the CUP is renewed annually. The Planning Commission also recommended approval of the CUP request and they held their public hearing on January 11.

WS-2- Right of Way Vacation for 514 Monroe Street-Chris Ward, Director of Development. Mr. Ward introduces the Right of Way vacation request. This is for a portion of a city right of way which is an unimproved alley that is adjacent to 514 Monroe Street. This particular request is regarding the stretch of property that is between parcel #0780010 and #0801165. It totals approximately 1,500 sq. ft., located in ward 1. Mr. Ward shows a map of the area that is being requested for the vacation. They are asking for the t-shaped right of way portion to be vacated. Ms. Bowling is the applicant. Mr. Ward gives a brief history of the property near the discussed parcel, which is owned by Ms. Bowling. Going thru the normal administrative review, it was discovered there are some sanitary sewer lines that run through this public right of way. After some discussion with Waste Water, they were okay with vacating this portion as long as an easement is executed between the city and the property owner so Waste Water can maintain access to the lines. Staff recommends approval of the right of way vacation request, with the requirement that an easement be executed between the city and the property owner. Planning Commission reviewed this in January and recommended approval on a 3 to 1 vote. One commissioner did not vote for the request because he would like to see a moratorium on vacation requests until a plan is developed by the city. Mr. Ward states there has been one public comment from a nearby property owner and the reason why they did not support the vacation request is if it hindered access to their property. Councilor asks the question of how the property owner would gain access to their property and Mr. Ward gives detail of the access points.

REGULAR MEETING

Mayor Partin calls the Regular Meeting to order

PRESENT: John B. Partin, Mayor
Jasmine Gore, Vice Mayor
Rita Joyner, Councilor

Michael Harris, Councilor
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

Prayer by Pastor Hart, followed by the Pledge of Allegiance led by Mayor Partin.

Councilor Denton makes a motion to amend the agenda to move R6 to R1 and to table existing R1. Councilor Holloway seconds the motion.

ROLL CALL

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

Motion Passes 7-0

Councilor Denton makes a motion to adopt the Consent Agenda and second by Councilor Holloway.

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes
Vice Mayor Gore -	Yes
Councilor Denton -	Yes

Council Pelham - Yes
Councilor Holloway - Yes

Motion Passes 7-0

INFORMATION/ PRESENTATIONS

- 1. Special Events Planning guide Report-** Ginger Holland, Interim Communication and Relations Director. Ms. Holland gives credit for the information and reporting of the planning guide to her predecessor Ms. Kayla Hawkes. Mrs. Holland walks thru a streamline packet of information for the City of Hopewell holding special events that utilize public spaces such as streets, greenways, public parks and plazas. The packet begins with information such as Permits, deadlines, fees, reservations and limitations. Inside the packet also lists guidelines and instructions for event infrastructure, insurance requirements and alcohol, event safety, public notifications, special venues (parks in Hopewell), parking and transportation. A glossary is included for reference.
- 2. Finance Committee Report Out-**Russell Branson, CFO Mr. Branson gives a report on the City of Hopewell general fund financials thru December 2024. He notes the finance committee members, Councilor Joyner and Councilor Harris, both present at the meeting. He talks about the cities revenues and expenses and the effects of both. Mr. Branson explains that the issues on the cities financials are being looked at and the council will be able to address by taking action. He states there is a possibility of taxes increasing and need to reduce spending. Mr. Branson discusses keeping a tight rein on the money and where it's going.

COMMUNICATIONS FROM CITIZENS

1. **Susan Benton**-states she wrote a letter to the state of Virginia and read aloud the letter. Ms. Benton continues to speak after the vote. She states that what she is reading is not easy to hear but she feels sure the City of Hopewell can be turned around.

Councilor Joyner makes the motion to waive 3 minute rule to 5 minutes.
Councilor Pelham seconds the motion.

ROLL CALL

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

Motion Passes 6-0

Councilor Denton makes a motion to waive the rules to allow citizens to speak freely. Councilor Joyner seconds the motion.

ROLL CALL

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

Motion Passes 7-0

2. **Francisco Johnson-** Mr. Johnson states he is a veteran of foreign war and supports Beacon Hill Church's mission to voluntarily feed the community no matter who needs it.
3. **Steve Lenox-** States he is not a resident of Hopewell but is from Sandston and serves with Beacon Hill Church. He invites the council to come serve on a Friday with Beacon Hill Church.
4. **Chris David-** States he is not from Hopewell but Colonial Heights. He thanks council for being flexible and allowing them to speak. Mr. David gives a little of his family history and having better opportunities, freedom and religious freedom and the importance of that today. There is an opportunity to serve people, to help people off drugs and alcohol if they want the help. He states he is thankful for this church. We can be on the same team and care about people. We can do all things through Christ who strengthens us.
5. **Ed Houser-** He starts off by asking a question of the council. He continues with giving names of churches in the area that serve by feeding people in the community. He states some actions he believes leaders in Hopewell have taken. He ends with thanking churches in the area.
6. **Larry Scearce-** States his support and service for Beacon Hill Church. Beacon Hill Church doesn't just feed the homeless. He questions and comments on issue of safety and liability of another establishment near Beacon Hill Church that has events where alcohol is involved. States he supports Michael Moore and Beacon Hill Church.
7. **Gregory Carton-** Talks about being falsely arrested, targeted by Hopewell Police. He presents a USB that he says he wants Council to see. Mayor Partin gives permission of the USB to be copied by IT and the original USB to be returned back to him. He would like to come back to discuss with council what he has provided for evidence.
8. **Sharah Fuller-** She states the council has inherited a mess. Ms. Fuller talks about the support her church gives to help people in need and asks if there is a way we can meet in the middle and compromise that's safe for the city and safe for people because that street is dangerous. She is asking if there is a middle ground because it seems like what the church is trying to do, we kind of need.
9. **Jenny Castle-** gives a brief history of relationship to Beacon Hill Church. Ms. Castle talks about the people needing love and asks that we think about how dangerous Hopewell is. Ms. Castle states that we cannot turn our backs on Free Food Friday or the City.

- 10. Robert Franson-** Mr. Franson talks about being a member of Beacon Hill Church for six and a half years and have participated in Free Food Fridays many times. He states the pastor takes it serious and does exactly what is needed. He states the methods the pastor uses on Fridays, over time has proven to be successful and is exactly what the community wants. Trying to alter this would take away from the effectiveness of the program. There has been many trial and error over time and this method is what works. He asks council to reconsider this. Mr. Franson gives an invitation to council to come join us, help on Fridays. He comments we would really appreciate your support.
- 11. Debbie Randolph-**States the pastor talked to her, asked her for help because she had worked with him before. Ms. Randolph states there have been several meetings over the years and discusses her knowledge and understanding of the situation. She explains Beacon Hill Church involvement in helping/ donating to other establishments in and throughout the City of Hopewell. She states what is needed is for it to be brought before council as a group, discuss with the organizations and the community to understand the needs for the best solution overall.
- 12. Arther Krigger-** states that he was one of the homeless, that the police department told him that he could be homeless anywhere but not in Hopewell. He challenged it by going to the city attorney about 10-12 years ago, asking where can he go and if they couldn't find a place for him to go and allow him to live, he will proceed to challenge them in court. Mr. Krigger states he has a background in fair housing, just enough to make him dangerous just enough to make him stupid. He explains his experiences over the years from people helping the homeless. He challenges everyone in the room with a scenario and to imagine what they would do suddenly being homeless.

Councilor Holloway makes a motion to extend the Communication from Citizens period on the agenda. Vice Mayor Gore seconds the motion.

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes
Vice Mayor Gore -	Yes
Councilor Denton -	Yes
Council Pelham -	Yes

Councilor Holloway - Yes

Motion Passes 7-0

13. Carol Carr- States she is a resident of downtown Hopewell. She participates in outreach and gives to charity. Ms. Carr talks about situations where it was unsafe, homeless blocking the exit of her home. She talks of insults and being chased to her car. She states should have the right to feel safe where she lives. Her concern is there enough conversation that is incurring to marry the outreach to what is productive, safe and efficient for everyone in the city of Hopewell. She states she doesn't have any solutions and lives downtown Hopewell and has seen a lot. She wishes council does take the time to work with the citizens, hear the voices of all of the residents who would like to comment and consider all sides of the story; to reach a conclusion or solution that would make everyone proud.

14. Nora Dwyer- States she is not a resident of Hopewell. States she sometimes walk to her class and it's kind of scary. States she interviewed Michael Moore, Pastor of Beacon Hill, for a school video project on the homeless situation in City of Hopewell. Miss Dwyer talks about her conversation with Mr. Moore and what she learned. Miss Dwyer adds that they are trying to help and that's a great thing. We can help them too by helping them do the Free Food Fridays and help them help others.

Councilor Pelham makes a motion to extend the meeting until completion of R5.
Councilor Denton seconds the motion.

ROLL CALL

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

Motion Passes 7-0

15. Star Breckley- Talks about being employed and struggling. Ms. Breckley comments that Free Food Fridays doesn't just help homeless people it helps all of us. Remainder of comments were undetectable due to audio.

PUBLIC HEARING

PH1-Lot 77 &78 Rosedale- Charles Bennett, Economic Development Director. States the public hearing is for the purchase of Lot 77 and 78 of the Rosedale Subdivision. Staff from Public Works made this request and recommendation. He points out on the map lots #77 and #78 were purchased before the dump was built, then inherited and then sold last year. The property assessment of this land is \$118,400 and approximately .34 acres and zoned R3. It was purchased by the individual for \$15,000. Charles Bennett turns the rest of the public hearing over to Michael Campbell to speak about the concerns from public works and why we recommend the city purchase this property. Mr. Campbell talks about reasons why the city should purchase this property as it is located within the land of the City of Hopewell property. Mr. Campbell states for liability purposes the city should purchase this property. Mr. Bennett adds the owner has agreed to sell the property for the purchase price to the City of Hopewell.

Councilor Denton makes a motion to purchase the lots as presented tonight.
Mayor Partin seconds the motion???

PH2-Formal Department of Social Services Building- Charles Bennett, Economic Development Director. Charles Bennett presents this public hearing as a joint effort with Public Works but primarily Economic Development. This is for the proposed sale of the former DSS building at 256 Cawson Street. It is approximately .23 acres of land, assessment is \$60,000 and zoning is B1. It is not a historic structure and not in our historic district. A contract has been signed by the purchaser that is in the agenda and has been advertised for two weeks. Mr. Bennett states this has been presented in Closed Session last fall and has taken some time to get the contract agreed upon between the city and the purchaser. Mr. Bennett explains the issues with the building and how they have been resolved in

order to go forward with the sale.

PH3- Proposed Rezoning for Butor Tract for Proposed Hopecrest Development- Chris Ward, Director of Development. Mr. Ward discusses the rezoning request for parcels 1060200, 1060105, 1060285, 1060490 and 1060735. Tonight is the second reading for this public hearing, the first being at a Work session held in January. The applicant for the rezoning is Mansor Real Estate, LLC that relates to a request to a project that would span into Prince George County. The size of the acreage in Hopewell is 27.71 acres located in Ward 7. Staff has determined that the overall proposal is in line with the comprehensive plan and provides new and varied housing to the city's housing stock. The project guarantees staff believes will secure a quality development. Planning commission voted 4 to 0 in recommendation of approving the rezoning request.

Vice Mayor Gore makes a motion to waive the rules to allow a vote for public hearing number three (3). Councilor Holloway seconds the motion.

ROLL CALL

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

Motion Passes 7-0

PH3- Proposed Rezoning for Butor Tract for Proposed Hopecrest Development-Continued-Chris Ward introduces David Monz to the podium. An updated copy of the presentation has been given to the council members, City

Manager, City Attorney and the City Clerk. Mr. Monz is not allowed to load his presentation onto the City's computer without clearance from IT. Questions asked by Council and answered by Mr. Monz. Mr. Monz was able to load his presentation after IT clearance was established. Mr. Mons talks about being from the City of Hopewell, grew up in Hopewell and graduated in Hopewell. He gives the names and positions of the members of the Hope Crest team. Mr. Mons describes what is Hope Crest and gives details of the town homes, apartment units and the amenities. He discusses the location and rezoning the parcels. He states the estimated construction will begin on the infrastructure late summer of 2024 and gives the estimated units that can be built each year until completed. Mr. Monz gives several reasons why Hope Crest is important to Hopewell. He talks about the details of the landscaping to include a storm water pond and walking trails. Mr. Mons points to the site information and total acreage of the development. There will be a total of 173 townhomes in City of Hopewell and 56 townhomes in Prince George County, making it a total of 229. He gives the site plan legend information. He speaks of Fort Greg Adams writing a brief letter of general support for the community back in July of 2023, expressing their need for additional housing units for our service members. General support was also received from Hopewell Public Schools, noting that this project would have a positive effect on the school system by counteracting a declining enrollment. He continues with Economic Development, that adding housing units to this area of the city provides the best opportunity for the redevelopment of the Colonial Corner shopping center. The townhomes will be priced in the high \$200s' to mid \$300s' contingent upon market conditions.

Councilor Denton makes the motion to postpone approving PH3 for two weeks. Mayor Partin seconds the motion.

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes
Vice Mayor Gore -	No

Councilor Denton - Yes
Council Pelham - No
Councilor Holloway - No

Motion Passes 4-3

Tara James- states that people cannot afford housing. Is this going to be something that people can afford to live in? We have a lot of unhoused and unsheltered people. Is this going to be something that helps the people in this city that need housing. Is there a way for them to build something that is more affordable for people that live here in this city? She states that is her only concern.

P Argast- Letter was mailed in. He is a resident in Prince George County, not City of Hopewell. States his concerns with the Butor Tract Development.

REGULAR BUSINESS

R-1- Food Distribution City Location-Concetta Manker, City Manager. Dr. Manker states that we appreciate all the individuals that came out and gave a testimony regarding their support to the Free food Fridays. Dr. Manker states to the council that the City appreciates the partnership with Pastor Moore and Beacon Hill Church. An Unhoused and Unsheltered Advisory committee was established and created in October 2022. Dr Manker continues on to talk about the meeting times, purpose and results of the established committee. Dr. Manker states that we are here today to open the floor to city council to provide direction to the staff regarding this issue.

Councilor Holloway makes a motion to allow Pastor Moore to speak. Mayor Partin seconds the motion.

ROLL CALL

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

Motion Passes 7-0

Pastor Moore-speaks about the safety, liability and insurance coverage. He states he has contacted the sheriffs department and police department could provide security and willing to pay from church budget to have Free Food Friday coverage while residents are present. Pastor Moore discusses what the church is providing to the homeless. He continues with his view on staying at the current location or moving to another location and any issues involved with that. Pastor Moore talks about why the church's presence is necessary for Hopewell citizens.

Councilor Denton makes a motion to allow the church to stay in the existing lot, and to work with city manager should there need to be an alternate location and to require all events go through special events application to allow the city manager to make a fourth category for nonprofits. Councilor Holloway seconds the motion.

ROLL CALL

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes
Vice Mayor Gore -	Yes
Councilor Denton -	Yes

Council Pelham - Yes
Councilor Holloway - Yes

Motion Passes 7-0

Councilor Pelham makes a Substitute motion to move to the gravel lot beside the library. Mayor Partin seconds the motion.

ROLL CALL

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

Motion Fails 5-2

R-2- School Resource Officer-Grant- Chief Taylor and Kim Parson, Admin Support Manager. Kim Parson stands before council to request permission to apply for a school resource officer continuation Grant through the Department of Criminal Justice Services. She states Hopewell Police Dept has sponsored a School Resource officer at Carter G. Woodson Middle School for the last five years and for the last three years, have been operating under a Continuation Grant thru Department of Criminal Justice Services.

Vice Mayor Gore makes a motion to approve the Hopewell Police Department to apply for a Resource Grant for \$83,718. Councilor Denton seconds the motion.

ROLL CALL

Councilor Joyner - Yes
Councilor Harris - Yes

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

Motion Passes 7-0

R-3- Patrol Officer Overtime Grant - Chief Taylor and Kim Parson, Admin Support Manager.

Councilor Denton makes a motion to grant the Patrol Officer Overtime Grant. Councilor Joyner seconds the motion.

ROLL CALL

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

Motion Passes 7-0

R-4- Cold Weather Shelter -Wanda Williams, Director DSS. Would like to formally ask for approval to accept the contract for the inclement weather shelter that is currently being operated by Push Faith House. She discusses the contract effective date and actions that have taken place.

Vice Mayor Gore makes a motion to retroactively approve the city manager to sign

and execute the contract for the warming shelter of Push Faith House. Councilor Holloway seconds the motion.

ROLL CALL

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

Motion Passes 7-0

R-5- Tyler work Plan Approval New Modules- Concetta Manker, City Manager. Staff recommends that city council approve the purchase of Tyler Munis Modules for Bid Management and Contract Management.

Councilor Denton makes a motion to recommend the city council approve the purchase of the Tyler Munis Modules for Bid Management, Contract Management and EER in the amount of \$30,495 from salary savings from the information technology directors' positions. Vice Mayor Gore seconds the motion.

ROLL CALL

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

Motion Passes 7-0

ADJOURNMENT:

Councilor Holloway motions to adjourn,

Yes- 7

No- 0

Respectfully Submitted,

Johnny Partin, Mayor

Brittani Williams, City Clerk

MINUTES OF THE FEBRUARY 19, 2024 CITY COUNCIL RETREAT

A SPECIAL meeting of the Hopewell City Council was held on Monday, February 19, 2024 at 9:00 a.m.

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

Vice Mayor Gore makes a motion to allow Councilor Harris and Councilor Denton to participate virtually, Councilor Joyner seconds the motion.

ROLL CALL:	Councilor Harris	Abstain
	Mayor Partin	Yes
	Vice Mayor Gore	Yes
	Councilor Denton	Abstain
	Councilor Pelham	Yes
	Councilor Holloway	Absent
	Councilor Joyner	Yes

Motion Passes 4-0

Vice Mayor Gore makes a motion to adopt the agenda, Mayor Partin seconds the motion.

ROLL CALL:	Councilor Harris	Yes
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Mayor Partin	Yes
Vice Mayor Gore	Yes
Councilor Denton	Yes
Councilor Pelham	Yes
Councilor Holloway	Absent
Councilor Joyner	Yes

Motion Passes 6-0

SB1 – Review of existing adopted and draft of city of Hopewell Strategic plan - Vice Mayor Gore opens up the meeting with a brief description of what she will be discussing in her presentation. She based her presentation off of the powerpoint that was provided to council as well as the public. She begins discussing the strategic plan goals for the city for the upcoming fiscal year of 2025. She explains that American Water will disconnect citizen’s water for non-payment going forward. She discusses the housing plans and what is important for housing going forward. Based on her slides housing should sure safe, decent, sanitary, high-quality affordable housing options for renters and home owners at all income levels and stages of life. One of the issues discussed is landlords are not investing back into their properties. City attorney mentioned to add blight tax the fiscal distress number must be 100 to take advantage of the blight tax. Gears were shifted to health and wellness and parks in the city and conversation was had about which parks are being used and which are vacant. Parks and recreation is to give a report of each facility and share which parks can be brought up to recreational park level. Council agrees that they need to focus on homelessness as well as it was mentioned it is still a major issue in the city. Vice Mayor mentions there is a lack of access to mental health resources, there needs to be a full grocery store in the city, and to bring back hill fest for healthy eating. Vice Mayor requests that Dr. Manker do a survey of what they are looking for in a park and look at what parks are not being used at all for potential land use for other things. Vice Mayor Gore moves on to her next topic in her presentation which was infrastructure. She speaks to council to see if anyone had anything they wanted to mention about infrastructure in the city. The Mayor mentions there needs to be a 15 year paving plan program put in place and look at the budget to ensure this is feasible. Mayor mentions the city public Wi-Fi and LED street lights should be 95 percent complete at this time, and should be

completed in full soon. The mayor also mentioned the neighborhood flooding and would like to execute getting storm water projects funded and a real CIP program started. Sewer collection was discussed and it was mentioned that the city needs an aggressive plan to replace man holes and pump stations. They would like to see execution/funding for the stormwater and sewer. Council also agreed they need to look further into rail infrastructure and ADA plan for the city because the plan has not been fully implemented yet. Council move onto the next topic in the presentation which is public safety. Council agree that the crime overall is down and lower than the state and most violent crimes are committed by people who live outside of the city. Mayor mentions that HRHA needs to hold staff accountable, and only names on the lease should reside in the homes. Council wants to look into funding for the city and identification of nuisance properties and spot blight and put the cost of it onto the owner. Vice Mayor would like for possible investment in speed cameras and look into the fees for speeding tickets and potentially look into raising the fees for specific repetitive issues with speeding. Councilor Joyner would like to look into comprehensive approach on public safety and speak more about collective bargaining. It was mentioned that it was just clear that at this point the city does not have enough money to do collective bargaining right now. As council begins to discuss economic development, the Mayor mentions the marina and the waterfront plan. The mayor mentions there are acres in ward 2 and the bluffs for potential business. The Vice Mayor states they need to strengthen the relationship with the new superintendent for the parks. Council agrees they need to create a partnership with city clients with property on U.S. Parks development. Vice Mayor Gore mentions the film office and would like to look into filming taking place in the city like they did in the past. Vice Mayor Gore also mentions the tourism plan brand and the Petersburg Battlefield and possible renaming it. Council agrees they need to look into medical park, shallow lodge, sports tourism, and an economic development packet for people in the city. Council moves on to education and work force development and discuss soft skills to help create opportunities for employment. Vice Mayor Gore mentions she does not see any effort so far for second chance employment and would like to see that change. She would like to focus on skilled labor and technical skill labor, and vocational training. Councilor Pelham asks for it to be looked into what the school system offers towards soft skills and what is the work force development plan. Vice Mayor Gore would like for there to be mandated quarterly meetings with the school system to be in the know with what is going on and what type of fund requests they are making throughout the year. Vice Mayor Gore inquired about public transportation in the city for industry and mentions it needs to be

looked into further. She would like for second chance programs to be revisited. She mentions VJCCCA funds and delinquency programs needs to be looked into. Vice Mayor Gore mentions that social services and HRHA will need to see about employment opportunities and economic programs. It was also requested by council to check with the library to see if there are any work force training that takes place there, to check into adult education, and funding expansion of summer youth programs. Council collectively move to the last topic of Vice Mayor Gore's presentation of Community Culture Development. It was suggested through council to bring back pray for Hopewell. Vice Mayor Gore mentions the city festivals and to get back into the RVA film office. Council agreed they would like to adopt Juneteenth as a festival and partner with national park service. Lastly Vice Mayor Gore would like for more social programs for working class families. At the end of Vice Mayor Gore's presentation council agreed to add Fiscal Health and City Assists to the strategic plan, under city assets they added fire station, Beacon LLC, wasterwater plant, City hall, and the marina.

SB2 – 2019 Strategic plan priorities scrub – Robert Bobb Group – Ms. Heather Ness begins her presentation going over the first few slides of her presentation beginning with housing. The idea for potential strategic initiatives are to update and implement comprehensive housing blueprints that address housing needs for all segments of the community. The presentation also suggests requiring a business license to operate individual rental properties. Health and wellness strategic plans are to recruit full service grocery stores to accessible city locations, improve physical accessibility and public awareness of healthy eating and active living. She goes through each slide in detail expressing the plan for improvement and the initiatives for the city.

SB3 – Pre-Survey Results – Robert Bobb Group – Heather Ness created a link for council to access to allow council to put in numerical order what was most important to them, the first one being the most important. Based on the survey taken, as a whole the order of priorities was listed as Economic Development being first, Fiscal Health second, public safety third, infrastructure fourth, housing fifth, education/workforce development sixth, city assets seven, community and culture eight, and health and wellness ninth. There was a survey taking for combined priorities. As a whole the group voted for fiscal health and transparency as 1, economic development as 2, determination of new revenue sources and 3, public safety as 4, environment –adding to

infrastructure 5, well trained municipal employees as 6. Council and Robert Bobb Group discussed these results amongst themselves, and agreed this was the best order.

SB4 – Development of New Strategic Priorities – Heather goes further into her presentation asking the question of what new priorities should be added and what old priorities should be removed. There was discussion between council and the Robert Bobb group further about the priorities and what council believed should be considered. A councilor suggested that real time crime be added to public safety as a conversation at a later date. What are Hopewell's future threats? This question was discussed amongst council regarding the issues and crimes that occur within the city. They agreed that although overall crime rate is down, there should be further procedures in place to help prevent crime within the city. Financially, council had conversation with the Robert Bobb Group about what could be hurting the city financially and what they could do to prevent it in the future. Council asked a multitude of questions to the Robert Bobb Group in ways they could do things better for the upcoming fiscal year of 2025. Heather gave ideas as well as Robert Bobb and offered suggestions they could consider. Council agreed to look further into suggestions given and have further conversations about them at a later date.

SB5 – Finance – Russ Branson begins his finance report asking the council where are we not? Council and Robert Bobb Group have a brief conversation of where they believe financially they are right now. Mr. Branson goes over his presentation beginning with a chart showing the preset elements of financial condition, the future, and the current issues of the city. The current issues he highlights were lack of financial reporting leaves city in dark about its current cash capacity. City is spending down its cash with no plan to address working capital or crisis needs. No fund balance data, no cash to reinvest in city infrastructure. No ratings, no ability to tap into capital markets. Lastly, ACFR's missing from FY20 on, no historical consistent financial reporting to FIN. Comm. Or council. He goes over a cash flow through June 2025 chart stating the city needs to slow down spending, increase revenue and implement RAN's to improve. He speaks on the near-term issues to address in budget. He mentions the city needs to increase billing to pay operations and capital for coming year and eliminate automatic carryover of previously funded capital. Mr. Branson explains to council they need to build reserves by having a working capital to help with cash flow in

off tax months, reinvestment in city infrastructure and deferred maintenance, and a complete reserves study should be done to evaluate all city risks. He lets council know they need to re-establish credit in the capital markets, a working capital loans for revenue anticipation notes and issue dept. for WW and Sewer needs when able. He suggests that council develop a detailed financial plan for the next 3 to 5 years, showing operating cash flow, capital investment, debt issuance, and build reserves. Mr. Branson goes over the current fund operations and current revenue with council. He explains that increased taxes estimates from COR will help balance the budget for FY25. He goes into detail about regional water and what was spent. He shows 8.9 million over revenues in FY23 and forecast to be about 10 million over budget in FY24. His chart shows that Sewer and Solid waste are on track to pay for operations form user charges, schools used 1.1 M of ARPA funds in FY24, they also expect to have 4.2M in carryover from past years for grants that they are allowed to carryover for state building fund and state year round school grants. He provides a chart showing a cash position graph for council to view.

SB6 – Introduction to potential revenue sources – Mr. Russ Branson begins this presentation with a current tax rates grid for council to review. He gives numbers for Hopewell, Petersburg, Colonial Heights, and Richmond. Conversation takes place with council and Mr. Russ in reference to the difference between cities and counties and the difference in taxes for each. Further conversation takes place amongst council regarding the taxes and the difference between the other numbers provided from other cities. Mr. Russ goes over his slide related to potential cigarette tax and gives possible maximum tax amount. He gives the number of .02 per cigarette of .40 per pack. He then goes over how much taxes Petersburg brought in for the year FY23 and based on their number it was estimated that Hopewell would make approximately \$500,000.00 per year based on the population Hopewell has.

SB7 – Consolidation and Prioritization of FY25 Strategic Priorities – Mr. Bobb gives a very brief presentation asking council how can we engage the public more effectively. There was a discussion with council and the Robert Bobb Group in regards to this question. Council agrees they can engage with the public more and they can do so by listening to the citizens' complaints and concerns and trying their best to help. Councilors should assist within their ward and pass on issues of other wards to the councilor of that ward. He then asks what suggestions does council have to make council committees more effective? All council gave ideas and suggestions in regard to this

question, Mr. Bobb engaged in offering his suggestions and ideas as well.

SB8 – City of Hopewell Culture and Leadership expectations – Ms. Heather Ness begins this presentation with a slide referencing leadership engagement model. She mentions embracing change, having future focused goals, transparency in action, shared leadership, diverse voices, unified vision, cross-sector synergies, inclusive alliances, feedback-fueled growth, and proactive adaptability. Ms. Heather goes over five practices of effective leaders. Those five are to set clear expectations, foster collaboration, lead by example, encourage innovation, and provide feedback and support. Council and Heather have conversation regarding these 5 practices. Ms. Heather goes further into her presentation and goes further into detail about leadership, effective performance management, setting clear objectives, having feedback mechanisms, and recognition and rewards. She defines metrics, explains there should be continuous monitoring, and being capable of adaptation and growth. Using insights from performance data to inform leadership decisions and foster organizational growth. At the end of Heather’s presentation, there was the wrap it up portion, for questions, review of action items and next steps. Council engaged in further questions with the group and received feedback.

CLOSED MEETING:

Vice Mayor Gore makes a motion to go into closed meeting pursuant to VA Code § 2.2-3711(A)(1) “to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council.” and to the extent such discussion will be aided thereby. Councilor Pelham seconds the motion.

ROLL CALL:

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

Motion Passes 6-0

RECONVENE OPEN MEETING:

Councilor Pelham moves to make a motion to reconvene open meeting.
Councilor Joyner seconds the motion.

ROLL CALL:	Councilor Harris	Excused
	Mayor Partin	Yes
	Vice Mayor Gore	Yes
	Councilor Denton	Excused
	Councilor Pelham	Yes
	Councilor Holloway	Yes
	Councilor Joyner	Yes

Motion Passes 5-0

CERTIFICATION:

Immediately thereafter, council responded to the question pursuant to Virginia § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed meeting motion discussed in closed meeting.

ROLL CALL:	Councilor Harris	Excused
	Mayor Partin	Yes
	Vice Mayor Gore	Yes
	Councilor Denton	Excused
	Councilor Pelham	Yes
	Councilor Holloway	Yes
	Councilor Joyner	Yes

Motion Passes 5-0

ADJOURNMENT:

Councilor Denton motions to adjourn,

Yes 5

No 0

Johnny Partin, Mayor

Brittani Williams, City Clerk

MINUTES OF THE February 27, 2024 CITY COUNCIL REGULAR MEETING

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

PRESENT: John B. Partin, Mayor
Jasmine Gore, Vice Mayor
Rita Joyner, Councilor
Michael Harris, Councilor
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

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

ROLL CALL

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

Motion Passes 5-0

CLOSED MEETING:

Councilor Pelham makes a motion to go into closed meeting pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and Va. Code Section 2.2-3711 (A) (29) for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders and offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and to the extent such discussion will be aided thereby, Councilor Denton seconds the motion.

ROLL CALL

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

Motion Passes 6-0

Reconvene Open Meeting

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

ROLL CALL

Mayor Partin-	Yes
Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Council Joyner-	Yes

Councilor Harris- Yes

Motion Passes 7-0

Councilor Joyner makes a motion to appoint Chris Ward and Charles Bennett to the 250th anniversary committee for the Revolutionary War. Councilor Denton seconds the motion.

ROLL CALL

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

Motion Passes 7-0

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 session?

ROLL CALL

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

Councilor Holloway-	Yes
Council Joyner-	Yes
Councilor Harris-	Yes

Motion Passes 7-0

REGULAR MEETING

Mayor Partin calls the Regular Meeting to order

PRESENT: John B. Partin, Mayor
Jasmine Gore, Vice Mayor
Rita Joyner, Councilor
Michael Harris, Councilor
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

Prayer by Pastor Hart, followed by the Pledge of Allegiance led by Vice Mayor Gore. Moment of Silence for Former Mayor of Hopewell, Mr. Enochs.

Councilor Holloway makes a motion to amend the agenda to table R1 and R3, approval of Treasurers MOU and additional Wastewater Plant Studies. Vice Mayor Gore seconds the motion.

ROLL CALL

Mayor Partin-	No
Vice Mayor Gore-	Yes
Councilor Denton-	No

Councilor Pelham-	Yes (Silent)
Councilor Holloway-	Yes
Council Joyner-	No
Councilor Harris-	No

Motion Fails 4-3

Councilor Pelham makes a motion to amend the agenda to remove R3. Councilor Joyner seconded the motion.

ROLL CALL

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

Motion Passes 7-0

Councilor Denton makes a motion to adopt the Consent Agenda and second by Councilor Joyner.

ROLL CALL

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

Councilor Holloway-	Yes
Council Joyner-	Yes
Councilor Harris-	Yes

Motion Passes 7-0

INFORMATION/ PRESENTATIONS

- 1. Farmers Market-** Charles Bennett, director of Development. Mr. Bennett Introduces Tisha Sawyers, Farmer Market Director. He gives background and qualifications of Ms. Sawyers. She gives a brief presentation of the success of the Farmers Market this past year and information about the coming year 2024.

COMMUNICATIONS FROM CITIZENS

- 1. Ripley Ballou-** Mr. Ballou speaks on the ongoing reporting from the Robert Bob Group. excuses himself for talking about a topic on the agenda. States there are two wastewater topics being discussed today that are requesting funds. He would like to know what is it the council proposes to cut in services or activities in order to meet this budget forecast.
- 2. Ed Houser-** Thanks the Council for its decision on Keeping Beacon Hill Church at there current location. He states he would like the council to take some actions involving a written letter and to issue an apology letter.
- 3. Khair Khan-** States he relocated to Hopewell. Talks about taxes he has paid for his home and the issue of it rising without explanation. He mentions he made an appointment with the assessor last October. Mayor Partin directed him to give his information to the City Clerk.

PUBLIC HEARING

PH1- Proposed Rezoning for Butor Tract for Proposed Hopecrest

Development- Chris Ward, Director of Development. Mr. Ward discusses the rezoning request for parcels 1060200, 1060105, 1060285, 1060490 and 1060735. Tonight, constitutes the second reading for the rezoning request. The applicant for the rezoning is Mansor Real Estate, LLC that relates to a request to a project that would go into Prince George County. The size of the acreage in Hopewell is 27.71 acres located in Ward 7. Staff has determined that the overall proposal is in line with the comprehensive plan and provides new and varied housing to the city's housing stock. The project guarantees staff believes will secure a quality development. Planning commission voted 4 to 0 in recommendation of approving the rezoning request. Jennifer Mullen with Roth Jackson speaks on behalf of the applicant. She walks through a few items she states were of interest from the comments received at the work sessions and the last hearing. Ms. Mullen continues with details of the development. Ms. Mullen states she comes before council with unanimous Planning Commission Recommendation as well as staff support.

Councilor Joyner makes a motion to approve the application of this entity for rezoning 106-0200 from R3 to R4 with the plan unit development zoning overlay for parcels 106-0200, 106-0105, 106-0285, 106-0490 and 106-0735. Councilor Holloway seconds the motion.

ROLL CALL

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

Motion Passes 7-0

PH2- Zoning Ordinance Amendment to B3-Chris Ward, Director of Development. Mr. Ward is requesting a zoning amendment, to add the family dwelling use with a conditional use permit as an allowable use in the B3 district. He states that he is considering tonight's presentation a first reading. The applicant for this zoning amendment request is Haron Izhour. Mr. Ward outlines the advertisement process, the locations of the B3 area and past and current use of the property. Staff recommends adding a single use permit approval to section A of article 11 B3 Highway commercial District as an allowable use. The Planning Commission recommends approval of this request, voted 3 to 1 to add this use to the B3 and did not receive any written or spoken public comments for or against this request.

Councilor Denton makes a motion to extend the meeting until we complete R4. Mayor Partin seconds the motion.

ROLL CALL

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

Motion Passes 7-0

Councilor Holloway makes the motion to add single family dwelling with a conditional use permit to section A of Article 11 as an allowable use. Councilor Harris seconds the motion.

ROLL CALL

Mayor Partin-	Yes
Vice Mayor Gore-	Yes

Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Council Joyner-	Yes
Councilor Harris-	Yes

Motion Passes 7-0

PH3- Conditional Use Permit 2707 Oaklawn- Chris Ward, Director of Development. Mr. Ward states this is part 2 of this request. It is going to be the same applicant and this applicant has applied for the conditional use permit to use 2707 Oaklawn Boulevard as a single-family dwelling. Mr. Ward states this is the first reading and if 5 or more agree to a vote, action can be taken this evening.

Councilor Holloway makes a motion to approve as recommended by staff.
Councilor Pelham seconds the motion.

ROLL CALL

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

Motion Passes 7-0

PH4- Public Hearing Purchase Lot 77&78 Rosedale Subdivision- Charles Bennett, Economic Development Director. Mr. Bennett states this public hearing is #2 and for the purchase of Lot 77 and 78 of the Rosedale Subdivision. Staff from Public Works made this request and recommendation. He points out on the map lots #77 and #78 were purchased before the dump was built, then inherited and then sold last year. The property assessment of this land is \$18,400.00 and approximately .34 acres and zoned R3. It was purchased by the individual for

\$15,000. Mr. Bennett adds the owner has agreed to sell the property for the purchase price to the City of Hopewell. Councilor Holloway asked Mr. Bennett if the seller wanted more than \$15,000.00. Mr. Bennett stated that he did want more but the City of Hopewell could only pay \$15,000.00.

Councilor Joyner makes a motion to approve the purchase the lots 77 and 78 in the Rosedale subdivision for the purchase price of \$15,000.00 parcel ID #0690095. Funding is coming from Economic Development expense line. Councilor Pelham seconds the motion.

ROLL CALL

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

Motion Passes 6-1

PH5-Public Hearing Sale of 256 Cawson Street- Charles Bennett, Economic Development Director. Charles Bennett presents this public hearing as a joint effort with Public Works but primarily Economic Development. This is for the proposed sale of the former DSS building at 256 Cawson Street. Mr. Bennett talks about the present, physical condition of the building and possible changes to be made to the building. It is approximately .23 acres of land; assessment is \$60,000 and zoning is B1. It is not a historic structure and not in our historic district. A contract has been signed by the purchaser that is in the agenda and has been advertised for two weeks. Mr. Bennett states this has been presented in Closed Session last fall and has taken some time to get the contract agreed upon between the city and the purchaser. It is very good news that we will be able to sell this property and get it into redevelopment. Mr. Bennett goes thru some of the conditions in the contract.

Councilor Joyner makes a motion to approve it with the addition of the real

property industry standard definition to be added to the contract. Councilor Pelham seconds the motion.

ROLL CALL

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

Motion Passes 7-0

REGULAR BUSINESS

R-1- Approval of Treasurers' MOU-Concetta Manker, City Manager. Dr. Manker presents an agreement between the city and the treasurers department. The change reduces the decentralization of specialized positions and is meant to improve the overall coordination and supervision of finance related activities. Staff recommends that City approve the MOA between the Treasurers' office and the City of Hopewell.

Motion on the floor is to postpone R1 for 2 weeks until March 12 and for the city manager to work to develop an MOU with the schools' finance team and the Beacon Theater regarding their finances.

ROLL CALL

Mayor Partin-	No
Vice Mayor Gore-	Yes
Councilor Denton-	No
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Council Joyner-	No

Councilor Harris- Yes

Motion Passes 4-3

R-2- Budget Calendar Approval-Dr. Manker, City Manager. Dr. Manker presents a copy of the Budget Calendar before council. She outlines the order according to the calendar, to begin on March 14. Staff is recommending that city council approve the proposed adopted work session for FY25 Budget Calendar.

Vice Mayor Gore makes a motion to adopt the proposed City Budget Calendar with the amendments of March 14th will be a discussion of the city councilors’ budget objectives along with Revenue projections and delinquency information and we will adjust March 21st presentation and work session to include staff presentations and outside agency requests. Councilor Holloway seconds the motion.

ROLL CALL

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

Motion Passes 7-0

R-3- Has been Tabled

R-4-Wastewater Plant Supplemental Appropriation-Dickie Thompson, Water

Renewal. Mr. Thompson comes before council to request a budget appropriation for Hopewell water renewal. He states the major issue at hand is insufficient funding, to carry fund 32, the facility for Hopewell water renewal thru the end of this fiscal year. He discusses some reasons for the insufficient funds. Mr. Thompson states the expenses will be covered by accumulated revenues from over the past several years from the miscellaneous revenue, out of the Enterprise Fund 32. Staff is recommending that city council approve this budget appropriation of 6.5 million to cover the accounts over budget as well as current and future expenses until the end of June this year.

Councilor Denton makes a motion to approve the budget appropriation of \$6.5 million to cover the accounts that are over budget as well as current and future expenses to carry us through the end of June 30, 2024; as approved in the resolution. Mayor Partin seconds the motion.

There is discussion between Councilor Holloway and presenter in reference to the amount of money that is being requested. He mentions it seems to be a misuse of funds and questioned who authorized the approval of going over the budget. Dr. Manker speaks to the questions asked prior to the vote.

ROLL CALL

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

Motion Passes 4-3

Vice Mayor Gore makes a motion to reconsider her vote. Councilor Holloway seconds the motion.

ROLL CALL

Mayor Partin-	Yes
---------------	-----

Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Council Joyner-	Yes
Councilor Harris-	Yes

Motion Passes 7-0

City Council members gave closing remarks prior to closing out the meeting

ADJOURNMENT:

Councilor Holloway motions to adjourn,

Yes- 7

No- 0

Respectfully Submitted,

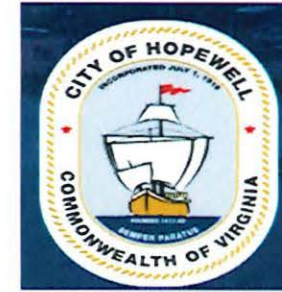
Johnny Partin, Mayor

Brittani Williams, City Clerk

C-2



CITY OF HOPEWELL
COUNCILOR PENDING LIST



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

C-3

POLICE REPORT

Hopewell Police Department Crime Summary

March 12, 2024



HOPEWELL POLICE DEPARTMENT
 CRIME SUMMARY
 Reporting Date: March 4, 2024

Year-to-Date Comparison		Thru March 3rd				
	2023	2024	# Change	% Change	5 Year Average	% Change to Average
MURDER	4	0	-4	-100%	2	-100%
FORCIBLE RAPE	0	2	2	#DIV/o!	1	233%
ROBBERY	2	0	-2	-100%	5	-100%
AGGRAVATED ASSAULT	10	9	-1	-10%	14	-34%
Violent Crime Total	16	11	-5	-31%	20	-46%
ARSON	1	1	0	0%	0	150%
BURGLARY	8	3	-5	-63%	13	-77%
LARCENY	44	42	-2	-5%	73	-42%
MOTOR VEHICLE THEFT	10	6	-4	-40%	16	-62%
Property Crime Total	63	52	-11	-17%	102	-49%
Total Major Crime	79	63	-16	-20%	122	-48%

Murder, Rape, Assault by # of Victims, All others by # of Incidents

5 Year Average to 3/31

HOPEWELL POLICE DEPARTMENT
Reporting Date: March 4, 2024

Suspected Opioid Overdoses 3/31							
	2019	2020	2021	2022	2023	2024	Grand Total
Fatal	5	3	5	3	5	4	25
Non-fatal	11	12	17	14	23	10	87
Grand Total	16	15	22	17	28	14	112

Subject to change as
forensic results are returned

HOPEWELL POLICE DEPARTMENT
Reporting Date: March 4, 2024

Verified Shots Fired Jan 2023-March 3 2023 Vs Jan 2024-March 3 2024		
2023	2024	2023 Yearly Total-58
11	8	

Neighborhood Watch Meetings

City Point – 1st Wednesday of every month @ 1800 Hrs. @ PD Multipurpose Room.

Farmingdale – 1st Monday of every month @ 1830 Hrs. @ Wesley United Methodist Church.

Cobblestone – 3rd Wednesday every other month @ 1300 Hrs. @ Cobblestone Rec. Center.

Kippax Dr – 3rd Thursday of every month at Mr. Brown residence @ 3807 Gloucester Dr.

Autumn Woods – Will be starting up again in May 2024 and the location is to be determined.

Ward 3 – Usually every quarter, nothing has been planned yet.

Arlington Heights – Usually meet last Tuesday of the month @ 1305 Arlington Rd.
Friendship Baptist Church

Hiring-Recruitment

- 10 Police applicants are in backgrounds checks.
- 3 Animal Control Applicants are in background checks.
- Testing for Dispatchers is scheduled for March 5, & March 20, 2024, 2 Full time positions are vacant.
- Banners advertising Police and Dispatchers positions have been ordered and will be placed at the entrances to the municipal building.
- 15 Police Officers positions are currently open.
- 2 Police testing dates are completed each month with 42 active applicants on file.

Recruitment Banner

HOPEWELL POLICE DEPARTMENT

NOW HIRING

- **POLICE OFFICERS**
CERTIFIED AND NON-CERTIFIED
- **EMERGENCY COMMUNICATIONS OFFICERS**



**HIRING
BONUS
AVAILABLE**

APPLY TODAY



(804) 541-0055

WWW.HOPEWELLVA.GOV/224/JOIN-OUR-TEAM

Community Policing Officers by Ward Citizen Police Academy

- Corry Young Ward -1- cyoung@hopewellva.gov
- Ryan Hayberg Ward-2 rhayberg@hopewellva.gov
- Michael Redavid Ward-3&-6 mredavid@hopewellva.gov
- Thomas Jones Ward-4 &7 tjones@hopewellva.gov
- Jonathon Bailey Ward-5 jbailey@hopewellva.gov
- The Citizen's Police Academy is scheduled every Thursday from 6pm-9pm. Classes started on February 22, 2024 thru April 19, 2024. Classes being taught are criminal investigations, use of force, traffic stops, computer based crisis scenarios and other law enforcement topics.



Downtown Community Engagement Feb 23, 2024-March 2, 2024 Thursdays & Fridays Evenings

- Foot Patrols were completed.
- Business Checks were completed.
- Directed Patrols were completed.
- Citizens contact/Business Owner contacts were made.
- 16 hours of overtime assignment has been completed downtown.

**MINUTES OF THE SEPTEMBER 28, 2021 CITY COUNCIL SPECIAL
MEETING**

A special meeting of the Hopewell City Council was held on Tuesday, September 28, 2021 at 6:30 p.m.

PRESENT:

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

Councilor Pelham makes a motion to go into closed session, motion is seconded by Councilor Randolph.

Roll Call:

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

MOTION PASS 5-0

Vice Mayor Partin comes out of closed and states council has the intention to return to closed at the end of the meeting. Councilor Pelham makes a motion to come out of closed, motion is seconded by Councilor Holloway.

Roll Call:

Councilor Denton	Yes
Councilor Pelham	Yes

Councilor Randolph	Yes
Councilor Holloway	Yes
Vice Mayor Partin	Yes

MOTION PASS 5-0

CERTIFICATION:

Immediately thereafter, council responded to the question pursuant to Virginia Code §2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call:

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

MOTION PASS 6-0

Councilor Gore makes a motion for city council to advertise city attorney position for 3 weeks using same platforms as previous submission and with equivalent budget. Motion was seconded by Councilor Pelham. Councilor Randolph requests the motion be repeated. Councilor Gore clarifies platform and announcement. She wants to use just the advertisement that was previously used.

Roll Call:

Councilor Denton	Yes
Councilor Pelham	Yes
Councilor Randolph	Yes
Councilor Holloway	Yes

Vice Mayor Partin	Yes
Councilor Gore	Yes

MOTION PASS 6-0

Councilor Gore makes a motion that moving forward city clerk will advertise all city council board and commission authority vacancies in the weekly newsletter, on social media and on the website under city clerk/council page. City Clerk will start off doing it by-weekly. Motion is seconded by Councilor Pelham. Councilor Pelham asked was regular newspaper included, Councilor Gore stated no to the newspaper. Councilor Randolph asks for clarity on vacancies because they need guidance to clerk's office on what a vacancy means. Meaning any upcoming terms that are ending would be included in the vacancy list. She asks how soon does she want to advertise when a term is ending, Councilor Pelham recommends 3 months before the term expires, Councilor Gore recommends doing just the current vacancies and come back at the next meeting with a recommendation on frequency for upcoming vacancies. Motion is repeated.

Roll Call:

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

MOTION PASS 6-0

Vice Mayor Partin opens the meeting, city clerk conducts roll call.

Roll Call:

Councilor Denton	Yes
Councilor Pelham	Yes
Councilor Randolph	Yes

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	Yes

Reverend Danny Tucker leads the meeting in prayer, and the pledge of allegiance led by Councilor Pelham.

Councilor Denton makes a motion to amend the agenda to move communication to be after the consent agenda, councilor Pelham seconds the motion.

Roll Call:

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

MOTION PASS 6-0

Councilor Pelham makes a motion to adopt the consent agenda, Vice Mayor Partin seconds the motion.

Roll Call:

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

MOTION PASS 6-0

COMMUNICATIONS FROM CITIZENS

1. Emily Decarlo – Citizen thanks all for the letter that was sent requesting information from the CW Attorney who is investigating a case of her daughter. She gave information about her daughter who was shot by a Hopewell Police Officer and gave background of herself. She is addressing them because she states as a solid citizen she would like according to Hopewell city charter for council to do the following. She reminds them of chapter 4 of the charter and chapter 2 of the charter. In accordance with those two chapters she is petitioning city council to request the oversight committee review police policy regarding the failure of the policeman who shot her daughter in 2018 who did not have her transported to the closest hospital. She mentioned there was evidence of her being alive but she laid there for 5 hours. She stated her daughter’s name was released to the media and officer’s identity was never released. She is asking for policy review for why his name was not released, she ask council to look into this policy to mandate the immediate police officer’s name of who shoots a citizen. There is a motion to allow the citizen to finish was made by Councilor Pelham, seconded by councilor Holloway.

Roll Call:

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

MOTION PASS 6-0

Citizen continues on why the police officer’s name was not released and have council reconstruct the policy if it states the name not to be released. She stated policy should be reviewed of an officer returning back to duty before case is completely investigated by the CW office. Ms. Emily goes on to discuss further details of her daughter’s death and policies of the police department.

Information and Presentations

The creation of the finance committee resolution – Mayor Bennett begins speaking opening the floor for discussion with council. She asks is anyone opposed to the resolution establishing the Hopewell city council standing committee for finance. Vice Mayor Partin makes a motion to approve the resolution establishing the Hopewell city council standing committee for finance and the finance committee shall meet no fewer than once per month and will provide recommendations to city council (cannot direct city staff without consensus of city council) on a quarterly basis. Committee will also relay any critical financial matters to council in writing within 48 hours of them being told of it. Councilor Gore has concerns regarding the duties of the finance committee. She stated she was told her and Councilor Pelham were told they had no authority to do anything. So she asked for clarity regarding who makes the decisions versus recommendations. It should be written that the finance committee does not direct the oversight. Councilor Gore states the committee would also be obligated to let council know of pertinent information. She mentions number 6 of the resolution shall state monthly in writing. Mayor Bennett asked the clerk to update the resolution and place it on the consent agenda for next meeting.

UNFINISHED BUSINESS

UB-1 Councilor Gore begins speaking about the draft fraud waste and abuse policy that was presented. She is here today asking for action on this draft, she has council look at page 6 seeking clarity on who would be responsible to receive the complaints of fraud waste and abuse and she recommends it goes to the city attorney. She begins with section G and asked council who should be the POC, Vice Mayor Partin states he is fine with just the city attorney, Councilor Randolph objects to it being just the city attorney, it should also be the city manager. They agreed on making city attorney primary and city manager secondary unless primary office is involved it will go directly to the secondary POC. There was one objection from Councilor Randolph. They move onto next line of section G that it will mimic the same as the line before. They go into further detail of the policy and have discussion on agreement of the policy.

Councilor Gore make a motion to adopt the fraud, waste, and abuse policy with amendments made tonight and for IT to begin establishing the methods to make a report which includes the hotline and email, and for HR to disseminate to employees how they can report and what they share. Motion is seconded by Vice Mayor Partin. Councilor Randolph does not think she can vote for this because there are critical issues and she would like to see council do more detailed work on it before it is passed.

Roll Call:

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

MOTION PASS 5-2

UB 2 Ms. Tavia presents on the review/revise of Hopewell Historic Preservation Sub-Committee Membership Criteria. She gives history of this committee and the criteria. She stated the needs of the work at hand should be re-evaluated. She goes over the packet and timeline of past appointments and info of the committee how it currently stands. She goes into detail of the members and how they are supposed be listed currently. She opens the floor for any questions. Councilor Gore asked of the relevance of needing a William and Mary student, she stated it should be VSU or a historic black university. Councilor Gore asked Mr. Altman is the building was purchased to be an African American Museum. There was further discussion with Mr. Altman and Councilor Gore stating why the building was purchased. She states if it should be for an African American Museum it should go to HBCU student going forward. Councilor Gore states she does not support tourism part of this presentation. Councilor Gore states the librarian Ms. Langford should be placed in the tourism position; however, Councilor Randolph mentions she resigned because she did not have time. Mayor Bennett asked about having a member from VSU and the reason was because of Shiloh Lodge. There is further discussion in relation to the members and who should be appointed with council and Ms. Tavia.

Councilor Gore makes a motion to approve a proposed membership criteria of 11

members which include 2 city council members, two at large members with expertise in relevant to the project, two at large citizens of Hopewell, one architectural review board member, one member of HBCU, one parks and recreation (non-voting member), one development (non-voting member), and a member of Shiloh Large or equivalent organization, and staff member be the senior planner and voting members as listed be the same with the exception of the Shiloh lodge, that person should be a voting member. Councilor Randolph suggest taking ARB off of the members' criteria and gives her reason for why. Councilor Bennett has a point of information asking what part does the ARB play? Mayor Bennett would like for them to remain. Councilor Denton speaks about someone interested in the Shiloh Lodge, her mic was very low and hard to make out what she was saying. Vice Mayor Partin speaks about Shiloh lodge past member to say past member or historic Hopewell foundation member. Councilor Gore has a point of information, asking if someone from the historic foundation can qualify as the two members at large, the response was yes. Vice Mayor Partin calls for the vote. Roll call for the call for the vote motion.

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 PASS 7-0

Roll call for the motion on the floor. Motion is repeated to approve historic preservation with the following members, 2 city council members, two at large members with expertise in relevant to the project, two at large citizens of Hopewell, one architectural review board member, one member of HBCU, one parks and recreation (voting member), one development (voting member), and a member of Shiloh Large or equivalent organization, and staff member be the senior planner and voting members as listed be the same with the exception of the Shiloh lodge, that person should be a voting member.

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 PASS 6-1

UB 3 Residency Waiver – Director Griffin She begins to speak regarding the waiver of section 2.4 of Hopewell city code. She stated she wrote a letter to Mr. Altman because she wanted to sell her house and they have not moved because she is requesting to move and the apartment is 13 miles from the city. She opens the floor for any questions regarding her waiver request. Councilor Pelham recommends situation does not just involve her that they do a work session and discuss the policy as a whole.

Councilor Pelham makes a motion to set up a work session involving the policy on residency for the employees as well as directors. Motion is seconded by vice mayor Partin. Mayor Bennett asks are they not taking the current waiver into consideration or does council have to decide. The answer is the waiver has to be approved or denied by council. Mayor Bennett asks are they addressing the waiver tonight. Councilor Pelham states she would prefer to address the policy as a whole.

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 PASS 7-0

Councilor Gore makes a motion to call a work session on October 12 at 6:30 PM for residency requirements for directors and council appointees, motion is 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 PASS 7-0

Councilor Gore makes a motion to call a special meeting on October 7 at 6:30 PM for council to meet with the auditors and for city manager and city clerk to coordinate the outreach, motion is 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 PASS 7-0

UB 4 – Virginia opioid Abatement Fund Mr. Altman states this is a follow up

from the first year he was here. The designated speaker speaks in reference to the opioid litigation. He states he is here to discuss the settlement allocation agreement between city council attorney's. He goes into detail how the money is to be distributed. He states the local governments have negotiated with state attorney general office with an agreement, he is here today to recommend the city of Hopewell join in that agreement. He goes on discussing opioids and what the fund does and takes care of. He states this is a way to ensure at least part of the settlement is going directly to local governments. He opens the floor for questions of council.

Vice Mayor Partin makes a motion to approve the resolution and authorize the city manager to sign the VA opioid abatement fund and settlement allocation memorandum of understanding. Councilor Pelham seconds the motion. Councilor Pelham asks how much is the total amount will be extracted. The answer was they did not know that exact number. Councilor Gore asks was the list of attorneys given to the city attorney, the answer given was yes from Mr. Altman. She asks what other localities agreed to this already and how many are there to still make a decision. Presenter answered with what he believes to be correct, but he does not know for sure. Councilor Randolph asks committing to this does it commit them to any cost. The answer to her question is no. Mayor Bennett asked to add a recommendation to the motion to say the city manager bring it back to council if there are any changes or any cost or any changes with the MOU as well. Vice Mayor Partin says yes he will add it to his motion.

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 PASS 7-0

UB 5 – Stormwater Resiliency Plan – Mr. Altman has a follow up of stormwater

tour looking for adoption of the plan as it helps to apply for different grants. Mr. Butler, Mr. Anderson, and Mr. Edwards move forward to present their presentation.

Vice Mayor Partin moves to extend the meeting to 10:00PM, motion was seconded by Councilor Randolph.

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 PASS 7-0

Mr. Butler begins his presentation by going over the history of the work committee how and they were put together. He goes over the plan and how categories were established. Once he goes into detail about those items, Mr. Anderson begins to discuss his portion of the presentation by using printout boards that were placed in front of council for review.

Motion to extend presentation time to allow members to finish. Motion 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 PASS 7-0

Presentation continues with Mr. Anderson who briefly explained the projected revenue and the \$4-dollar fee. Based on actual revenue in FY 2020, he shows council they increased in \$860,000 in revenue. He goes into further detail of the posters that were provided in front of council.

Councilor Gore makes a motion to have a work session based on current presentation because she is unaware of who tasks them to give this presentation or look into specific numbers but she believes all council should be a part of this conversation. Council should collectively make a decision on what is going on. Vice Mayor Partin makes a substitute motion to adopt the currently storm water resiliency plan as presented, Councilor Denton seconds the motion. Motion to call for the vote now on the floor.

Roll Call:

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

MOTION PASS 4-3

Mr. Altman clarifies the request from staff is to just adopt the plan as presented so that they can requests grants in the near future for other projects. Councilor Gore asks are they expecting to adopt a plan that will feed into future projects after they have been asking for this information for two years. Are they expected to make a vote tonight for a plan all council has not been involved in, that will feed into the ability to apply for grants towards other projects? Councilor Pelham asked is the

grant already prepared to be submitted once the vote is made. There is further discussion between council and presenter. Mr. Altman speaks further about the tour that council was unable to attend. Vice Mayor Partin states he asked city council back in February to bring something back in 3 months, the timeline was not made, extension was requested for 3 more months, then the tour took place, and now they are here tonight, in his eye there was ample time for questions from council.

Roll call will now take place for Vice Mayor Partin's motion.

Roll Call:

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

MOTION PASS 6-1

Vice Mayor Partin moves to extend the meeting to 10:30 PM, Councilor Pelham seconds the motion. Councilor Gore stated they need to still go back into closed session after meeting. Councilor Denton makes a substitute motion to take R1 and R2 before the last UB item, Vice Mayor Partin seconds substitute motion. Councilor Pelham is ok with substitute motion.

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 PASS 7-0

Substitute motion for R1 and R2 to be the next items discussed, 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 PASS 7-0

Vice Mayor Partin moves to extend the meeting to 10:30 PM, Councilor Denton seconds the motion.

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 PASS 7-0

REGULAR BUSINESS

R1 – Mr. Anderson presents information related to revenue sharing program. Vice Mayor Partin moves to make a motion stating there is no need for a presentation,

Vice Mayor Partin move to approve the resolution and fy23 VDO sharing applications 8211 pavement rehabilitation various local streets and 8255 Richmond street and Petersburg street improvements. Motion is seconded by Councilor Randolph.

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 PASS 7-0

R2 – **Transportation Alternatives** - Mr. Altman speaks in reference to this application giving details of the alternatives and the purpose of them. A presenter speaks further about this stating the utilities issues and constraints and phase two of river walk, there will be a friendly asset that will give connection between downtown and marina. He stated there is no real safe way to get to the marina right now, so moving it to the Southside they can make a safe accessible crossing. Councilor Randolph asked what will it all entail for the process of making it a safe trail.

Vice Mayor Partin moves to make a motion to approve the FY 23 and 24 VDOT transportation alternative program application ID 8258 West Randolph Road shared use path and to add it to the cities current CIP program. Councilor Denton seconds the motion.

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 PASS 7-0

UB 6 – American Rescue Plan Act – Mr. Altman begins stating they received funding from the feds referred to as transformational funding. They will receive a total amount of \$9,998,813.00. They have received the first half of those funds which was \$4,999,406.50 and they will receive the other half next year. Funds to be spent by 2026. He goes over a powerpoint presentation in detail that was provided to council within their packets about how they will use the funds. He states there are 4 ways to use the funds, and he goes through all 4 of those ways with council. Mayor Bennett stated she would not be present for the work session but Mr. Altman stated it was no hurry so they do not need to vote at the work session.

Vice Mayor Partin makes a motion to make a work session for the American rescue plan act funds on November 9, 2021 at 6:30 PM. Motion is seconded by Councilor Randolph.

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 PASS 7-0

COUNCILOR REQUESTS

C1 – Boards and Commissions, timeframe for appointments – Councilor Randolph stated she would like to have a two-week time period for board and commission opening before they actually appoint someone. She requests that they consider no to appointments on any openings or any re-appointments. Mayor Bennett makes statement to give the city clerk grace when setting time boundaries for board and commissions. Councilor Pelham stated it was general knowledge of an EDA position and to solicit for someone to take that place, but some were slow in doing so and she encouraged someone to apply who all agreed was qualified. She stated she does not have a problem with a two week waiting process. Councilor Gore stated the clarification needs to be made how long something is advertised versus how long before something is filled. There is further discussion between council and Mr. Altman referencing the timeline potential for boards and commissions.

Meeting is adjourned due to it being 10:30 PM.

Respectfully Submitted,

Patience Bennett, Mayor

Brittani Williams, City Clerk

**MINUTES OF THE NOVEMBER 9, 2021 CITY COUNCIL SPECIAL
MEETING**

A special meeting of the Hopewell City Council was held on Tuesday, November 9, 2021 at 6:30 p.m.

PRESENT:

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

Councilor Pelham makes a motion to go into closed session, motion is seconded by Councilor Holloway.

Roll Call:

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

MOTION PASS 4-1

Mayor Partin opens the meeting for public. Councilor Randolph make a motion to come out of closed, Councilor Pelham seconds the motion.

Roll Call:

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

MOTION PASS 5-0

CERTIFICATION:

Immediately thereafter, council responded to the question pursuant to Virginia Code §2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call:

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

MOTION PASS 6-0

Vice Mayor Partin asked everyone to bare with then as they are doing a hybrid meeting, Mayor Bennett is participating virtual and Councilor Gore will join then at some point in the meeting.

WORK SESSION

WS-1 American Rescue Plan Act – Ms. Griffin – Ms. Griffin begins her

presentation by going through the packet that has been provided to council. She states Mr. Altman is looking for feedback from council in reference to the packet and if they have any changes. She states the entitlement for the city to receive is \$9.9 million, this was from an allocation of metropolitan cities. The funds will come in two branches from US Treasurer to the city of Hopewell, she states they have received their first payment of \$4.9 million, and the balance will arrive in May of 2022. She goes into detail of several use of funds with council based on what was provided in the packet. She discusses the slides for assistance to unemployed workers, testing, essential workers, and goes over what the definition of essential work is. Mr. Altman calculated the revenue reduction in the amount of \$3.2 million dollars. Councilor Pelham asked Ms. Griffin if the extra stuff they agreed to do out of budget, she asking are they using these funds to cover those expenditures. Ms. Griffin stated she would need to ask Mr. Altman that question. She continued on to discuss recovery funds for projects the include drinking water and other resources. This information was in the 4th category and stated they can also use broad band. The deadline for use of ARP funds may be used by Dec 31, 2024 and incurred which means they must be obligated by the date. She also explains the definition of obligation from treasurer. She discusses ineligible use of funds for the ARP funds in detail, which is also provided within the packet provided. She moves on to the suggested projects in the packet within the 4 categories that are provided. Within the first category suggested projects total in the amount of \$1.685 million dollars. She discusses the revenue reduction for projects that total in the amount of \$1.6 million dollars. She goes over category of infrastructure; Mr. Altman total amount is 1.45 million dollars. Total proposed expenditures based on 3 categories is \$4,791,573.00, first allocation of 4.9 million and remaining of \$207,833.50. She now opens the floor for any questions with councilors. Councilor Pelham asked what happened to considering the small business loans they did once before, or the help they gave the homeless? She asked about the parks as it looks like they are being improved but they look as though they were already improved. Councilor Pelham asked is the 250,000 used for the renovations for downstairs, the answer is no, there is no renovations going on in development. Mayor Bennett asked about the public health emergency and covid 19 support projects, asking what does it entail. She requests a breakdown of the cost estimates. She also asked are the police vehicles brand new or to repair, she states there needs to be more clarity in how the money is being spent. Dr. Manker speaks on behalf of the 4-million-dollar grant what was awarded to the city for infrastructure for broad band in Oct of last year. The broad band being discussed currently is an additional broad band. Councilor Randolph asks for what was spent previously for tonight's meeting, in order to look how it was spent and how to anticipate how they will spend for these funds. There is further detail between

council and Ms. Griffin.

Vice Mayor Partin moves onto the regular meeting. Councilor Pelham makes a motion to extend the meeting until completion of R6, motion is seconded by Councilor Randolph. Councilor Denton states she would like to see where they are at 9:30, Vice Mayor stated items on agenda are time sensitive. Councilor Denton makes a friendly amendment to state R6 or 11 PM max, councilor Pelham states no to accepting the friendly amendment.

Roll Call:

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

MOTION PASS 4-2

Regular meeting has commenced, roll call for attendance.

Roll Call:

Councilor Holloway	Present
Vice Mayor Partin	Present
Councilor Denton	Present
Councilor Pelham	Present
Mayor Bennett	Virtual
Councilor Randolph	Present

Reverend Tucker comes forward for the prayer, Vice Mayor Partin does the pledge of allegiance.

Councilor Denton makes a motion to amend the regular meeting agenda to move R3 into the information and presentation to present above financial presentation, motion is seconded by Councilor Randolph.

Roll Call:

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Denton	Yes
Councilor Pelham	Stepped away
Mayor Bennett	Yes
Councilor Randolph	Yes

MOTION PASS 5-0

Councilor Denton makes a motion to adopt the consent agenda, motion is seconded by Councilor Holloway.

Roll Call:

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Denton	Yes
Councilor Pelham	Stepped away
Mayor Bennett	Yes
Councilor Randolph	Yes

MOTION PASS 5-0

INFORMATION/PRESENTATIONS

Mr. Aaron with recreation and parks speaks to council about the presentation of awards received, stating they received 8 awards at the Virginia recreation annual conference. He provided the awards at a table in council chambers for viewing. He gave a brief detail of what the conference was about and who was recognized. They were recognized in 8 categories and he named each one. Council gave staff a round of applause and he introduced the staff to council. They also recognized

Faithea Foster, they took photos, and Ms. Foster shared a few words with council.

R3 – Ms. Griffin discusses this item in detail about the department of veteran services to provide a benefits office that would be sponsored by the city. She states there is one currently at the American Legion downtown Hopewell in city point open every Wednesday. She states the new space will operate every first and third Tuesday. It has dual usage and continues to operate as the city engineering division and conference room and storage. She gives further detail of this office and the benefits. A presentation was presented by Ms. Donna Williams who opens up thanking Ms. Griffin. She gives a brief introduction of who she is and where she works, she is an air force veteran as well. She talks about what the two offices can bring to the city of Hopewell by going into detail a presentation they provided to council. She stated all of their services are free to the veterans. She gives further detail of where they are all located and why they are here. Which is to advocate for the veterans to help the community. She explains her services as an overall information provided to council. She opens the floor to council for any questions. Councilor Gore states she has a conflict of interest because she works with the department of veteran affairs.

Councilor Gore makes a motion to approve request to use one Hopewell building to provide a veteran's office. Motion is seconded by councilor Pelham. Councilor Randolph asked what days does the legion provide for services, the answer was they are there Wednesday 9 to 3 pm. She states the motion in package is just for the Williams building, and motion on the floor is either or, but the recommendation was to vote only on the Williams building. She proposes a substitute motion to vote to have the second location for the veteran benefit office to be the Williams building. Councilor Gore has a point of order, the motion was moved and seconded already. If there is an issue with the verbiage she is willing to change the verbiage. Councilor Randolph makes a friendly amendment for the secondary building to be just the Williams building. Councilor Gore states she is fine with that.

Roll Call:

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

Councilor Randolph

Yes

MOTION PASS 7-0

A presenter speaks on reference to the buildings of the veteran's affairs and the American Legion and gives a brief description of how much this is going to help them. He gave a little information on plans of upgrades and plans to make several changes and asking for minimal money from the city to have the sidewalk repaired. He stated he would also like to add a monument to the city of Robert Penn who is not honored anywhere in the city. He thanks council and has a seat.

Finance report is given by Mr. Terry; he opens up meeting starting with city council topics of interest in relation to the FY 2018 of audit findings and recommendations. He starts off under section 1 of his presentation that was provided to council. He goes into detail of refunds and how they were recorded in the MUNIS system. He gives further detail of finance accounts within his presentation to council. He states this was provided by staff and FY 16 and 17 are completed and 70 percent of FY18 is completed. FY 2019 is outstanding with an estimated date of completion is January 21, FY 21 outstanding estimation date is 12/28/21. He goes into further detail about refunds that were asked of him to present. Councilor Randolph asked for Mr. Terry to provide clarity on training with modules or will it be new. Mr. Terry states it will be new or upgrade depending on who is needing the training. Councilor Pelham asked Mr. Terry to refer back to page 2 and tell her what the plan is to implement that plan of action. Mr. Terry gives a detailed response to Councilor Pelham. Vice Mayor Partin states there will need to be a special meeting to go further into detail of finances currently. Council plans a special meeting for December 16 for financial report from Mr. Terry. Mayor Bennett states she does not know if she is available off the top of her head. Meeting is tentative for the moment for sake of moving on with the remainder of the meeting.

Councilor Pelham makes a motion to amend the agenda to do R2 right after communications from citizens. Motion is seconded by Councilor Randolph.

Roll Call:

Councilor Holloway

Yes

Vice Mayor Partin

Yes

Councilor Gore	Excused
Councilor Denton	Yes
Councilor Pelham	Yes
Mayor Bennett	Yes
Councilor Randolph	Yes

MOTION PASS 6-0

COMMUNICATIONS FROM CITIZENS

1. Susan Temple – She speaks to council because of an incident that occurred on Saturday and her daughter’s car was towed away. They stated there were signs that showed farmers market every Thursday. The manager of Broadway lofs emailed residents during that event to let them know about the event. She states 18 cars were towed and residents did not know about this Saturday event. The lady who had it towed stated she got permission from the city to have everyone’s cars towed. She stated it was \$145 dollars to get the cars back. She stated she had to give cash and the place would not take debit or credit cards, and the receipt was text to her phone. She was instructed to give her information to the city manager to look into if permission was given.
2. Aaron Kelly – She is speaking on behalf of HGS, she would like to bring awareness to the city of the volunteers currently and they are seeking more volunteers. She gives full details of what HGS is and what they are currently doing within the cities of Virginia. She speaks about an event on Saturday Nov 20, 2021 which is their last event of the 2021 year. She welcomes all to participate.

REGULAR BUSINESS

R2 – DELROSE DRIVE BUS STOP – Ms. Okeowo speaks about the lack of a bus stop at this drive. She states they have expressed the major inconvenience and having to travel by foot to Arlington Rd to catch public transportation. It was requested a stop be added to Delrose Dr. She opens the floor for any questions. Councilor Pelham asked how long does it extend the route, is the riverside stop still present or just when they are called. Answer is when riverside calls the route is 45 to 50 minutes. Without riverside it is

40 minutes with traffic. Councilor Randolph asked why is the request a request only versus a regular stop. The answer is because currently they need to know how many would need that stop to make it a regular stop. Councilor Randolph asks is there additional cost incurred by the city to add this stop, the answer is no. Councilor Gore asks stating last year they discussed trying to add more stops to the bus stop which was a part of the grant. She stated she was told an evaluation was being done and once it was done they can bring back the request. She asked was there a study done, the answer is they have not been looked at in over 40 years, so they started revamping their routes. Councilor Gore asked since they are paying how is council being included in the discussions. The answer was to put together a plan to coordinate to bring back to council. Councilor Gore asked shouldn't there be a partnership with council to do the plan together. They agreed council should be included and they suggested to Kimmy to have a work session to go over the options together.

Councilor Pelham makes a motion to consider the Delrose Drive Stop, and once the plan is brought back to council they will make a final decision.

Councilor Gore makes a motion for city manager to give public affairs officer the minimum presentation requirements for the bus stops, and for the public affairs officer to recommend to council work session dates to discuss preliminary adding this stuff and other changes to the bus route. Vice Mayor Partin seconds the motion.

Roll Call:

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

MOTION PASS 7-0

R1 – Moultrie Ave Improvements – Mr. Butler gives a brief description of what

is being asked of council regarding the Moultrie Ave. He goes over 7 points to this matter. He discusses each point to council briefly stating what makes this grant improvement necessary and very important. He mentions this is a 40% match.

Councilor Randolph makes a motion city council approve the community flood preparedness fund grant funding for the Moultrie Ave Rd way and drainage improvement project including the 40 % match of \$896,120.00 from the source project budget. Vice Mayor Partin seconds the motion.

Roll Call:

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

MOTION PASS 7-0

Councilor Denton makes a motion to appoint Sheila Flowers and Ruth Johnson to HRHA, motion is seconded by Councilor Randolph. Mayor Bennett recused herself from this vote due to conflict of interest, Councilor Gore also states she cannot vote due to conflict of interest.

Roll Call:

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

MOTION PASS 5-0

Councilor Randolph makes a motion to adjourn, motion is seconded by Councilor Denton.

Roll Call:

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

MOTION PASS 7-0

Respectfully Submitted,

Patience Bennett, Mayor

Brittani Williams, City Clerk

C-4

DATE: March 05, 2024
TO: The Honorable City Council
FROM: Yaosca Smith, Director of Human Resources
SUBJECT: Personnel Change Report – February 2024

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
LEWIS, WANDA	CITY MANAGER	ADMIN SER MGR	02/07/2024
SHEARIN, KENNETH	POLICE	PT SCH GUARD	02/07/2024
MEJIA, JEFFREYIOUS	INFORMATION TECHNOLOGY	IT SUPPORT SPEC	02/21/2024
COLES, DONALD	HOPEWELL WATER RENEWAL	WWT OPERATOR SR	02/21/2024
PARKER, MERCEDES	TREASURER	PT GEN CLK	02/21/2024

SUSPENSIONS: 0 (Other information excluded under Va. Code § 2.2-3705.1(1) as Personnel information concerning identifiable individuals)

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
MCKINNEY, NICOLE	POLICE	ANIMAL CONTROL CUSTODIAN	02/01/2024
BORN, THERESA	FINANCE	RE ASSESSOR	02/01/2024
WILLIAMS, JARRATT	HOPEWELL WATER RENEWAL	SAMPLE TECH	02/01/2024
IDZIOR, TRISHA	SOCIAL SERVICES	FAMSERVSPEC I	02/02/2024
EVANS, GLENISE	FINANCE	PURCH AGENT	02/05/2024
SLOAN, TYRONE	PUBLIC WORKS	PW MAINT SPEC	02/07/2024
JONES, SHAWN	FIRE	FIREFIGHTER II/MEDIC	02/08/2024
MOREAU, CONSTANCE	POLICE	POLICE OFFICER NON CAR DEV	02/09/2024
WILLS, RANDOLPH	FIRE	FIREFIGHTER II/MEDIC	02/15/2024
SANCHEZ, CARLOS	HOPEWELL WATER RENEWAL	ELEC & INST TECH IV	02/20/2024
FLORES, SERGIO	HOPEWELL WATER RENEWAL	ELEC & INST TECH III	02/20/2024
BROWN, SAMUEL	PUBLIC WORKS	PW MAINT SPEC	02/29/2024

CC: Concetta Manker, City Manager
Jay Rezin, IT Director
Ariethia Dearing, Customer Service Mgr.
Kim Hunter, Payroll
Russell Branson, Finance Director

INFORMATION/PRESENTATION

City of Hopewell

Project Management Office and
Accounting Remediation Services

March 12, 2024



Agenda

- 1. Progress to Date & Recent Successes**
 - **2020 Audit Progress & 2021 Audit Package Submission**
 - **Standard Operating Procedures**
 - **Industry Reconciliations and Dewberry Report**
- 2. Finance Committee Recommendations**
- 3. Items Needing Council Action**

COMMUNICATIONS FROM CITIZENS

PUBLIC HEARING

PH-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: Public Hearing on Request by Barbara J. Bowling of 514 Monroe Street for the City to vacate a portion of the public right-of-way adjacent and adjoining to Parcels #078-0010 and #080-1165 comprising approximately 1,533 square feet.

ISSUE: The applicant requests that the City vacate a portion of the unimproved right-of-way between two parcels she owns. The vacation will not create a dead end or prevent alley access for any other properties, per the City's Right-of-Way Vacation Policy.

RECOMMENDATION: The City Administration recommends approval of the vacation request by Barbara J. Bowling.

TIMING: City Council action is requested on March 12, 2024.

BACKGROUND: This vacation request was previously presented to City Council at a work session held on February 13, 2024.

ENCLOSED DOCUMENTS: Application, staff report, presentation

STAFF: Christopher Ward, Director of Development

FOR IN MEETING USE ONLY

SUMMARY:

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

APPLICATION FOR STREET/ALLEY VACATION

I (We) Barbara J. Bowling of 514 Monroe Street
(Names) (Mailing Address)

Hopewell, Virginia 23860

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

Located between Parcel ID 0780010 and Parcel ID 0801165

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 no 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.

Barbara J. Bowling
(Signature of Petitioner)

(804)458-8666
(Telephone Number)

(Signature of Petitioner)

9/1/23
(Date)

City Council Policy

SUBJECT: Right-of-Way Vacation

Policy No: CC-3

Effective Date: September 14, 1982

Agenda Item # & Date: UB-3 (3/25/03)

Approved by City Council: *Adopted in accordance with
action of City Council
on March 25, 1997.*

Amended by City Council: September 22, 2003

Administering Dept: Department of Development

I. POLICIES:

- A. Adjoining property owners may petition the City to vacate any public right-of-way for a street or alley. By State law, the general rule is that when a City vacates a right-of-way, it is divided between the adjoining property owners. This division rule does not apply when a right-of-way is on the edge of a subdivision.
- B. Generally, rights-of-way are owned "in fee simple" by the City, and when vacated, can be acquired by the adjoining property owners. However, there are some cases wherein the City does not own a right-of-way "in fee simple," but merely has the right to use the property. In these cases, the City vacates its right to use the property and ownership reverts to the original owner of the property, not to the adjoining property owners.
- C. As a matter of policy, any vacation of a right-of-way must not result in a dead-end situation which lacks sufficient room for a vehicle to turn around or in public property which is isolated and not connected to a public right-of-way.
- D. All expenses involved in the vacation process shall be borne by the petitioner and receiving property owners.
- E. It is the policy of the City Council not to seek to sell vacated land to adjoining property owners in the vacation of an alley or the vacation of a right-of-way twenty feet or less in width. That is, Council generally does not require that the receiving property owners purchase such rights-of-way.

- C. The Planning Commission will receive a staff report on the request, hold a public hearing, and make its recommendation to Council. Contact: Department of Development.
- D. Council receives the Planning Commission's recommendation. Council may pass on first reading an ordinance of vacation, with or without conditions. Contact: Department of Development
- E. The property owners shall have 90 days to submit to the City Attorney for approval all deeds of vacation. When an individual deed is approved, the respective \$100.00 deposit shall be refunded. Contact: City Attorney.
- F. Deeds of vacation must reflect that vacated parcels are assimilated into, and become a part of, the abutting properties. The property owners are responsible for effecting any resubdivision process necessary to accomplish this.
- G. At the end of the 90 day period, or earlier, the City Attorney shall report to Council:
 - 1. If all deeds have been received and approved, Council then may adopt on second and final reading the vacating ordinance. If adopted, the deeds will be returned to the respective property owners, for filing with the Clerk of the Circuit Court. No property is transferred until the deeds have been filed. Contact: City Attorney.
 - 2. If one or more deeds are not received within the specified 90 day time limit, Council will be requested to defeat the vacating ordinance on second and final reading. If the ordinance is defeated, all deeds shall be returned to the appropriate parties and the petition terminated.
 - 3. For property owners who have not had a deed submitted and approved, the respective \$100.00 deposit shall be forfeited to the City. Contact: City Attorney.

For additional assistance, please contact the Department of Development or the City Attorney.

Policies and procedures adopted in accordance with action of Council on March 25, 1997, amended March 25, 2003 and September 22, 2003.

NOTE: Supersedes Administrative Policy H-4 approved by City Council September 14, 1982.

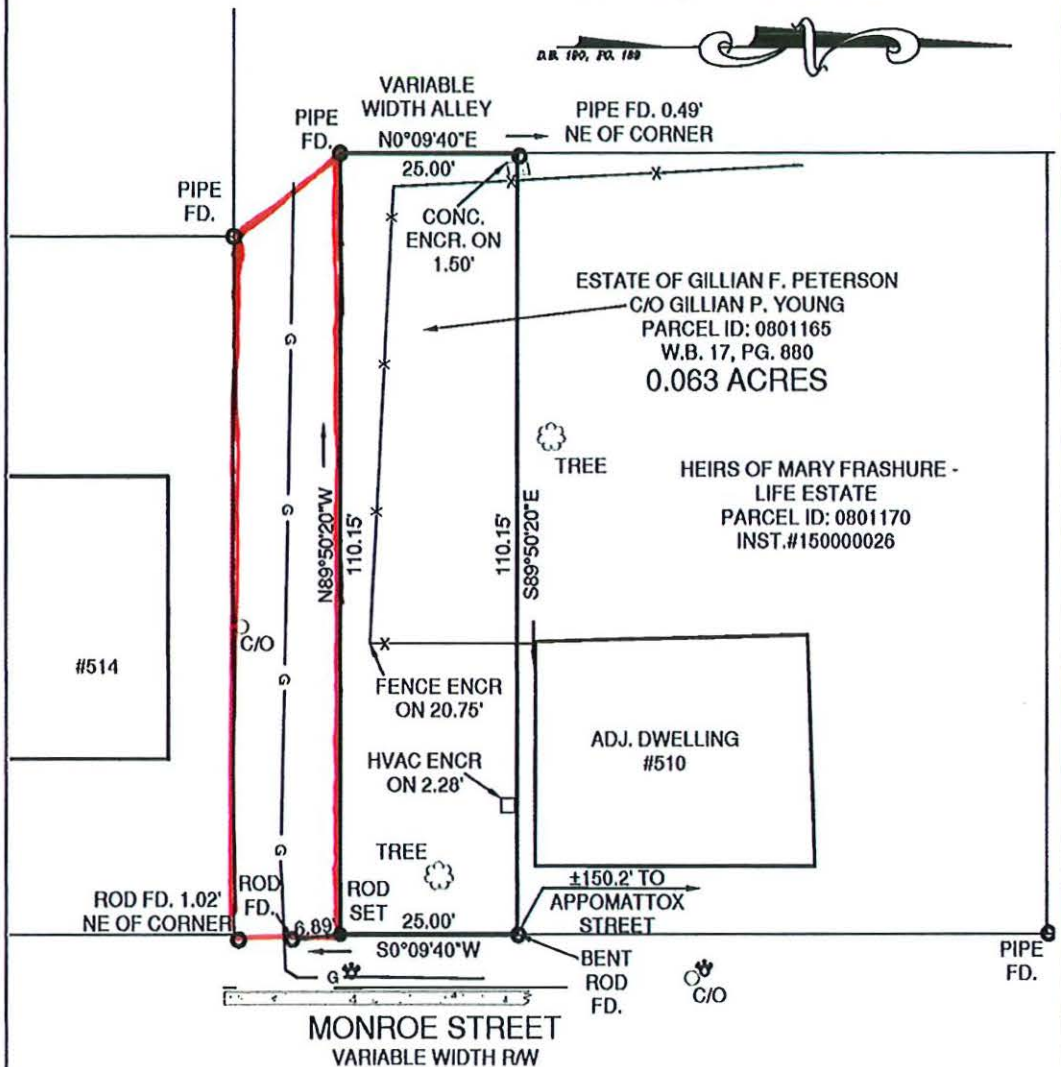
THIS PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL #5100800016E, EFFECTIVE DATE DECEMBER 15, 2022.

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD OR OTHER PERTINENT FACTS THAT A CURRENT TITLE REPORT MIGHT IDENTIFY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

THIS SURVEY WAS MADE FOR THE PURPOSE OF IDENTIFYING LEGAL BOUNDARIES AND DOES NOT PURPORT TO IDENTIFY ENVIRONMENTAL FEATURES THAT AN ENVIRONMENTAL ASSESSMENT MIGHT IDENTIFY.

NOTE: ALL DISTANCES SHOWN ARE IN US SURVEY FEET

REFERENCE PLAT: MAP OF WEST POINT CITY ANNEX, DATED DECEMBER 1, 1927 BY WW LAPRADE & BROS.



THIS IS TO CERTIFY THAT I MADE AN ACCURATE FIELD SURVEY ON FEBRUARY 21, 2023. ALL VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.

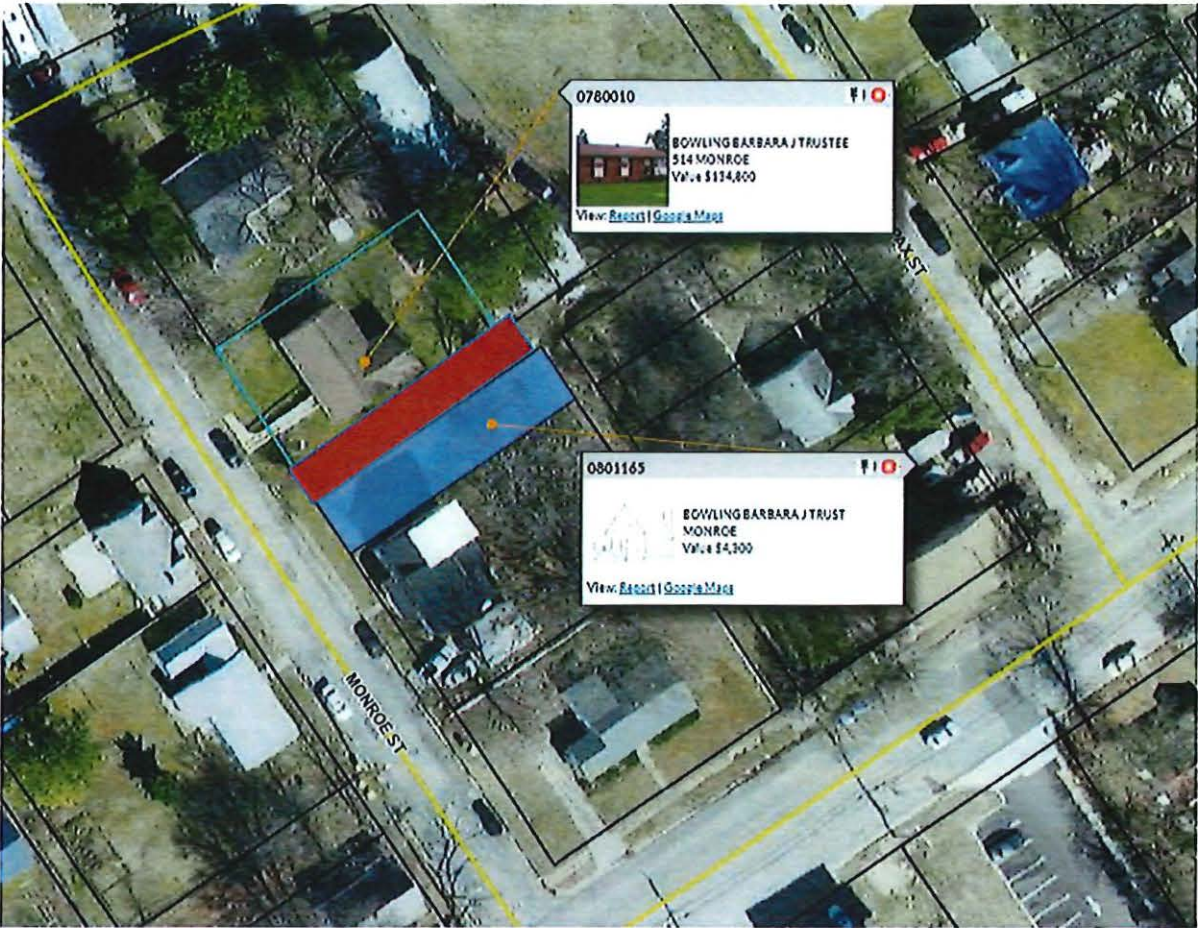
Charles C. Townes, II
 COMMONWEALTH OF VIRGINIA
 CHARLES C. TOWNES, II
 Lic. No. 2803
 2/28/2023
 LAND SURVEYOR

PLAT SHOWING
 PHYSICAL IMPROVEMENTS OF
 LOT 22, BLOCK 14,
 WEST CITY POINT SUBDIVISION
 FOR
 BARBARA BOWLING
 CITY OF HOPEWELL, VIRGINIA
 DATE: FEBRUARY 28, 2023 SCALE: 1"=20'



townes
 consulting engineers, planners, and land surveyors
 2463 boulevard
 colonial heights, va 23034
 telephone: 804.520.9015
 facsimile: 804.520.9016
 email: cctownes@townespc.com
 DRAWN BY: TSG CHECKED BY:

ATTN: LAUREN EDMUNDSON



****Red Strip is part to be vacated.**

City of Hopewell, VA

Summary

Parcel ID 0780010
 Tax ID 0780010
 Neighborhood 2
 Property Address 514 Monroe
 Hopewell, VA 23860
 Legal Description S 59' OF 1-2-3 & PT OF 4 BLK 14 SUBDIVISION: WEST CITY POINT ADDITION
 (Note: Not to be used on legal documents)
 Acreage N/A
 Class 1 - 1 Single Family Urban
 Tax District/Area 01

[View Map](#)



Owner

Primary Owner
 Bowling Barbara J Trustee
 514 Monroe St
 Hopewell, VA 23860

Site Description

Zoning R2

Land

Land Type	Soil ID	Actual Front	Acreage	Effect. Front	Effect. Depth	Prod Factor	Depth Factor	Meas Sq Ft	Base Rate	Adj Rate	Extended Value	Influ. Factor	Value
Lot Site - Low		59,000	0.000	59,000	99,000	1.00	0.75		24,000.00	24,000.00	21,600.00	L -5%	21,600.00

Land Detail Value Sum 21,600.00

Residential Dwellings

Card 01
 Residential Dwelling 1
 Occupancy
 Story Height 1.0
 Roofing Material: Asphalt shingles
 Attic None
 Basement Type None
 Basement Rec Room None
 Finished Rooms 6
 Bedrooms 3
 Family Rooms 0
 Dining Rooms 0
 Full Baths 1; 3-Fixt.
 Half Baths 0; 0-Fixt.
 4 Fixture Baths 0; 0-Fixt.
 5 Fixture Baths 0; 0-Fixt.
 Kitchen Sinks 1; 1-Fixt.
 Water Heaters 1; 1-Fixt.
 Central Air Yes
 Primary Heat Forced hot air
 Extra Fixtures 0
 Total Fixtures 5
 Fireplace No
 Features None
 Porches and Decks None
 Yd Item/Spc Fixture/Outbldg Wood frame w/sheathing Residential Shed - Small Utility 80 SF
 Last Updated 1/31/2023

Construction	Exterior Cover	Floor	Base Area (sf)	Fin. Area (sf)
Wood frame	Vinyl siding	1.0	1340	1340
		Crawl	1340	0
		Total	1340	1340

Improvements

Card 01

ID	Use	Stry Hgt	Const Type	Grade	Year Const	Eff Year	Cond	Base Rate	Features	Adj Rate	Size/ Area	Cost Value	Phys Depr	Obsol Depr	Mrkt Adj	% Comp	Value
D	DWELL			C-	1971	1989	AV	0.00		0	1340	142480	21	0	100	100	112600
01	UTLSHED	10	Wood frame w/sheathing	C-	1971	1971	AV	16.58		15.92	8 x 10	1270	55	0	100	100	600

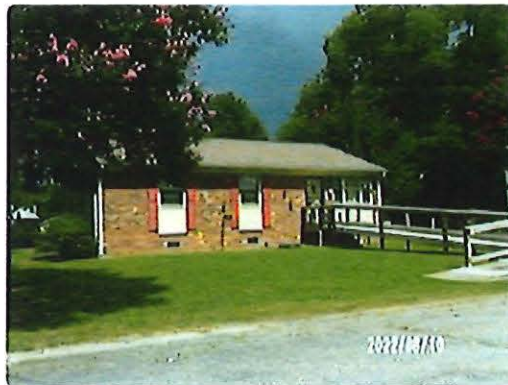
Transfers

Date	Owner 1	Owner 2	Book & Page	Document #	Amount
11/27/2017	BOWLING JACK C OR BARBARA M			170002646	\$0
12/13/1971	HARLAN CONSTRUCTION CO INC				\$1
8/24/1971	A				\$0

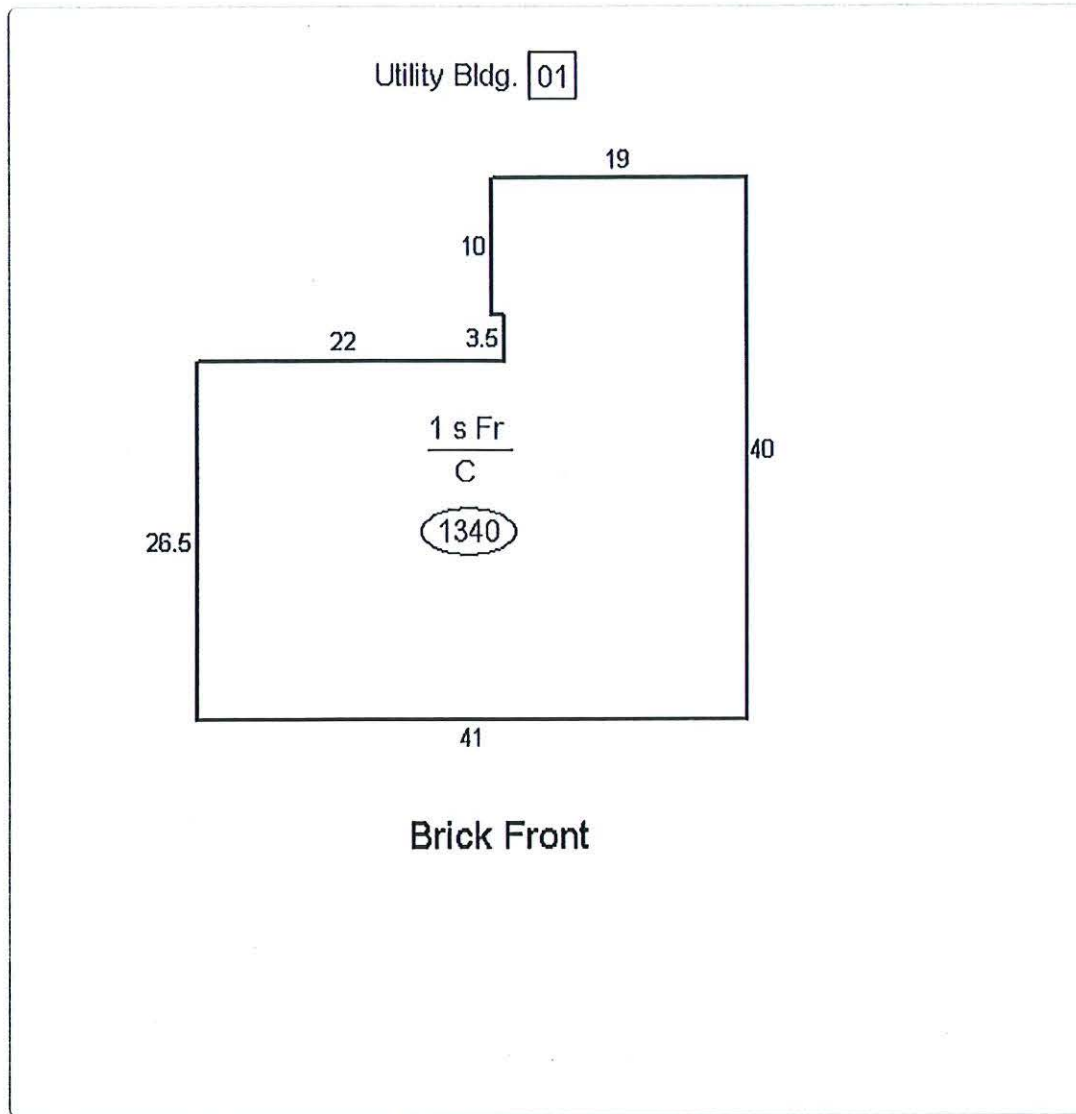
Valuation

Assessment Year		01/01/2023	01/01/2021	01/01/2019	01/01/2017	01/01/2015
Reason for Change		Reassessment	Reassessment	Reassessment	Reassessment	Reassessment
VALUATION	Land	\$21,600	\$18,900	\$18,900	\$16,500	\$16,500
(Assessed Value)	Improvements	\$113,200	\$85,500	\$90,800	\$58,600	\$83,600
	Total	\$134,800	\$104,400	\$109,700	\$75,100	\$100,100

Photos



Sketches



No data available for the following modules: Commercial Buildings.

The City of Hopewell Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.
[| User Privacy Policy](#) | [GDPR Privacy Notice](#)
[Last Data Upload: 9/1/2023, 5:33:39 AM](#)

Contact Us

Developed by
 Schneider
GEOSPATIAL



Barbara J. Bowling
Vacation Request of a portion of undeveloped alley
Adjacent to 514 Monroe Street
Staff Report prepared for the City Council Public Hearing
March 12, 2024

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

March 1, 2024

I. PUBLIC HEARINGS, WORK SESSIONS, REGULAR MEETINGS:

Planning Commission	Nov. 2, 2023	Tabled
Planning Commission	January 11, 2024	3-1 Rec. Approval
City Council	February 13, 2024	Work Session
City Council	March 12, 2024	1 st Reading

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	Surrounding properties are zoned R-2, Residential Medium Density
Size of Area:	Approximately 1,533 square feet
Proposed Use:	Combine with existing parcel #078-0010
Location of Property:	Adjacent to 514 Monroe St.
Election Ward:	Ward 1
Land Use Plan Recommendation:	Downtown Commercial Mixed Use
Strategic Plan Goal:	N/A

III. EXECUTIVE SUMMARY:

Barbara J. Bowling has requested the vacation of an undeveloped portion of an alley between her properties located at 514 Monroe Street, also identified as Sub-Parcel #078-0010, and Sub-Parcel #080-1165. The approximate square footage of the right of way in question is 1,533 square feet.

IV. RELEVANT STATE CODE AND POLICY:

Citizens of Hopewell have the ability to petition the Hopewell City Council for the vacation of public rights-of-way under the Code of Virginia, § 15.2-2006, and the City's Right of Way Vacation Policy, amended on October 24, 2023.

V. STAFF ANALYSIS:

The right of way on this block is platted as a T-shaped alley with access to Kippax, Monroe and Appomattox Streets. The alley was never properly developed and does not appear to be utilized as access by neighboring property owners. The undeveloped alley contains public utilities.

VI. PUBLIC UTILITY AND SITE CONSIDERATIONS:

The requested portion of the undeveloped alley contains a sanitary sewer manhole, 8" gravity main, and a sewer line of unknown size. Hopewell Water Renewal agrees to the vacation request only if an easement is put into place so that sewer lines can be accessed for maintenance/repair. The Director of Public Works agrees with the assessment.

VI. STAFF RECOMMENDATION:

Staff recommends approval of the right-of-way vacation request submitted by Barbara J. Bowling with the execution of an easement between Ms. Bowling and the City of Hopewell so that access to public utilities will remain.

VII. PLANNING COMMISSION RECOMMENDATION:

In accordance with City Council's Right-of-way Vacation Policy, The Planning Commission recommended approval of the request submitted by Barbara J. Bowling to vacate the undeveloped alley adjacent to 514 Monroe Street (Sub-Parcel #078-0010) with the required execution of an easement agreement on a 3-1 vote at their January 11, 2024 meeting.

Chairman Paul Reynolds voted No stating the City should place a moratorium on rights-of-way vacations until the City has a multimodal transportation plan.

Aerial Map of Right-of-Way adjacent to 514 Monroe St.



BLUE – Property currently owner by the applicant.
RED – unimproved public right-of-way.

Requested Portion of Unimproved Alley to be Vacated



STAR – Property owner who wants his access to rear of property maintained.

Utilities in the Right-of-Way



GREEN – 8” Sewer Main

RED – Sewer Main, unknown size

RIGHT-OF-WAY VACATION REQUEST

ADJACENT TO 514 MONROE ST.

Hopewell City Council
Regular Meeting
March 12, 2024
1st Reading

ROW VACATION REQUEST

514 MONROE ST.

DETAILS

- Between Parcels #078-0010 and #080-1165
- Size of requested vacation – approx. 1,533sf
- Located in Ward 1
- Existing Zoning – R-2 Residential Med. Density
- Future Land Use designation – Downtown
Commercial Mixed-Use



Barbara J. Bowling has requested the City to vacate a portion of the right-of-way that adjoins her property at 514 Monroe Street, also identified as Parcel #078-0010.

ROW VACATION REQUEST

514 MONROE ST.



Applicant owns property on either side of the right-of-way.

ROW VACATION REQUEST

514 MONROE ST.



Sanitary sewer lines (8" main and another pipe of unknown size) exist in the right-of-way.

ROW VACATION REQUEST

514 MONROE ST.

STAFF RECOMMENDATION

- Approve with requirement to execute a utility easement with the City.

ROW VACATION REQUEST

514 MONROE ST.

PLANNING COMMISSION RECOMMENDATION

- Recommend approval with 3-1 vote
- Commissioner recommends moratorium on vacation requests until multimodal plan is developed by the City.

PUBLIC COMMENT

- Received one written statement against application if vacation impedes access to neighboring property.

QUESTIONS?

- Staff requests City Council on this 1st Rereading

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: Public Hearing on Conditional Use Permit request to allow detached accessory structure to be used as an apartment at 804 Kenwood Ave.

ISSUE: Applicant requests re-approval of CUP to allow her elderly, handicapped aunt to reside in the detached accessory structure in the rear yard. The accessory structure was originally constructed as an apartment and has always been used as an apartment.

RECOMMENDATION: The City Administration recommends approval of the CUP request.

TIMING: Staff requests City Council action after the public hearing.

BACKGROUND: This same CUP request was approved to a previous property owner in 2020.

ENCLOSED DOCUMENTS: Application, staff report, presentation

STAFF: Christopher Ward, Director of Development

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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



The City of Hopewell, Virginia

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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

Application # 2023-115

APPLICATION #

Permit #: _____

APPLICANT: Waakeema Ahevonderae
ADDRESS: 804 Kenwood Avenue Hopewell, VA 23860
PHONE #: 9293604444 FAX #:
EMAIL ADDRESS: Mskeemaa@gmail.com

INTEREST IN PROPERTY: [checked] 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: Waakeema Ahevonderae
ADDRESS: 804 Kenwood Avenue Hopewell, VA 23860
PHONE #: 9293604444 FAX #:

PROPERTY ADDRESS / LOCATION: 804 Kenwood Avenue Hopewell, VA 23860

PARCEL #: 0500390 ACREAGE: 0.209 ZONING: B2

*** 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.

Transaction Amount: 300.00
Payment Amount: 300.00
CONDITIONAL USE PERMIT REVIEW
023490-004 debra mc... 11/28/2023 01:12PM
Permits / Inspections
City of Hopewell, VA

THIS REQUEST FOR A CONDITIONAL USE PERMIT IS FILED UNDER SECTION Art. IX, A, 11, H OF THE ZONING ORDINANCE.

PRESENT USE OF PROPERTY:

My disabled aunt lives there since 2022 and can provide an affidavit when needed

THE CONDITIONAL USE PERMIT WILL ALLOW:

My aunt to live there. She is over 65

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.

This property has previously continuously held a conditional use as far as I know. I purchased the

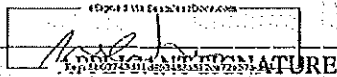
PLEASE DEMONSTRATE THAT THE PROPOSAL WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD.

It is well kept and not dilapidated and would become that way if left unoccupied and/or

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.

The building has no affect on anyone else's home or the neighborhood

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.



APPLICANT SIGNATURE

11-27-2023

DATE

Waakeema
Anevonderae

APPLICANT PRINTED NAME

OFFICE USE ONLY

DATE RECEIVED 11-27-23

DATE OF ACTION _____

APPROVED _____ DENIED

APPROVED WITH THE FOLLOWING CONDITIONS:



City of Hopewell, VA
Dept. of Code Enforcement
300 N. Main Street
Hopewell, VA 23860
804-541-2220
Welcome

11/28/2023 12:08PM debra m.
023490-0003 000203508
Payment Effective Date 11/28/2023

PERMITS / INSPECTIONS	
FENCE COMMERCIAL - REVIEW	\$80.60
2023 Item: 20231094 FENC	
Payment Id: 325955	

	\$80.60
Subtotal	\$80.60
Total	\$80.60
CHECK	\$80.60
Check Number 1300	

Change due	\$0.00



Thank you for your payment.

CUSTOMER COPY



804 Kenwood Avenue
Owner: Waakeema Ahevonderae
Conditional Use Permit to use an accessory structure as an apartment

Last Revised March 4, 2024

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

I. MEETINGS & WORK SESSIONS:

MEETING	DATE	MTG. TYPE	ACTION
Planning Commission	January 11, 2024	Public Hearing	Pending
City Council	Feb. 13, 2024	Work Session	N/A
City Council	March 12, 2024	PH/1 st Reading	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: N/A
 Existing Zoning: R-2, Residential, Medium Density District
 Acreage: 9,000 square feet
 Owner: Waakeema Ahevonderae
 Legal Description: Lots 30-31-32 BLK 7, Kenwood Heights Subdivision

Election Ward: Ward 7
 Land Use Plan Recommendation: Urban Mixed Residential
 Strategic Plan Goal: N/A
 Map Location(s): Sub Parcel #: 050-0390
 Zoning of Surrounding Property: North: R-2
 South: R-2
 East: R-2
 West: R-2

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Waakeema Ahevonderae, owner of 804 Kenwood Avenue, also identified as Sub-Parcel # 050-0410, to renew the expired Conditional Use Permit (CUP) that allows the detached garage located to the rear of the

property to be used as an accessory apartment in the Residential, Medium Density District (R-2). The original CUP was approved by City Council on June 9, 2020 and required renewal by August 18, 2021.

IV. APPLICABLE CODE SECTIONS:

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

Article IX, Residential, Medium Density District (R-2)

STATEMENT OF INTENT

This district is intended as a single family residential area with low to medium population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for family life. To these ends, development is limited to a relatively low to medium concentration and permitted uses are limited basically to providing homes to the residents plus certain additional uses such as schools, parks, churches and other types of public facilities that will serve the residents of the area.

Section A. Use Regulations

In the R-2 Residential District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off street parking as required for the uses permitted within the district):

11. Accessory apartments with a Conditional Use Permit (see Section H of this Article) from City Council (special definition)

H. ACCESSORY APARTMENTS

Accessory Apartments, (special definition) shall be permitted, subject to the following conditions and requirements:

- 1. Owner/occupants may apply to the City Council for a Conditional Use Permit to convert an existing garage to an apartment, as follows:*
 - a. Applicant must certify that such apartment will be occupied by a related family member 55 years of age or older or handicapped.*
 - b. Applicant must acknowledge that upon vacation by such family member, the building may no longer be used as an apartment, unless another family member meets the required criteria, and in no case shall it be used as a rental unit.*
 - c. Applicant must demonstrate that sufficient off street parking will be provided.*
- 2. Permits for such apartments shall be issued for a period of one (1) year and must be renewed annually. All other requirements of the Zoning Ordinance and Building Code, including but not limited to building permits and occupancy permits, must be complied with.*

3. *No such permit shall be authorized except after notice and hearing, as provided by Section 15.1-431 of the Code of Virginia, (1950), as amended.*
4. *City Council may impose such conditions relating to the use for which such Conditional Use Permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.*
5. *Upon approval by the City Council, and prior to the issuance of a permit, the owners must execute an agreement acknowledging the limitations in such permit, which will be recorded at the owner's expense in the Clerk's Office of the Circuit Court of the City of Hopewell.*

(Article I. Definitions)

The Zoning Ordinance identifies an accessory apartment located in a detached residential building as a garage apartment. The definition is:

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

Article XXI. Amendments, Section D. Conditional and Special Use Permits

D. CONDITIONAL AND SPECIAL USE PERMITS.

1. Conditional Use Permit:

Purpose:

The purpose of this section is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may, under the right set of circumstances and conditions, be acceptable in certain specific locations. These uses are permitted only through the issuance of a conditional use permit by the City Council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the Comprehensive Plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the City will be protected.

No inherent right exists to receive a conditional use permit; such permits are a special privilege granted by the City Council under a specific set of circumstances and conditions, and each application and situation is unique. Consequently, mere compliance with the generally applicable requirements may not be sufficient, and additional measures, occasionally substantial, may be necessary to mitigate the impact of the proposed development. In other situations, no set of conditions would be sufficient to approve an application, even though the same request in another location would be approved.

a. Initiation

The applicant, who shall be an owner of record or contract owner with written approval of the owner of the land involved (if a contract owner, a copy of said contract shall be

filed with and made a part of application), shall make application for the use permit to the Director of Development on the form provided for that purpose, giving all information required by such form, including such other information which the Director of Development may deem necessary for an intelligent consideration of the project for which a permit is desired.

b. Completeness

- 1. A pre-application conference may be scheduled by the applicant with the Director of Development or his designated agent to discuss the proposal.*
- 2. The application shall be accompanied by the required number of copies of the following:*
 - i. A site plan in accordance with Article XVI Site Plan Requirements of the Zoning Ordinance.*
 - ii. The front, side and rear elevations and floor plans of the proposed buildings.*

c. Review of Application

- 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.*
- 4. In approving any conditional use permit, the City Council may impose conditions or limitations on any approval as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:*
 - i. Special setbacks, yard or construction requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics; and*
 - ii. A performance guarantee, acceptable in form, content and amount to the City, posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.*

d. *Approval Criteria*

As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council only if the applicant demonstrates that:

- 1. The proposed conditional use is in compliance with all regulations of the applicable zoning district, the provisions of this Article, and any applicable General Provisions as set forth in the Zoning Ordinance.*
- 2. The establishment, maintenance, or operation of the proposed use is not detrimental to, and will not endanger, the public health, safety, morals, comfort, or general welfare.*
- 3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially impair the use of other property within the immediate proximity.*
- 4. The proposed conditional use conforms to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety or comfort of persons living or working in or driving through the neighborhood, and shall be no more injurious to property or improvements in the neighborhood, than would any other use generally permitted in the same district. In making such a determination, consideration shall be given to the location, type, size, and height of buildings or structures, type and extent of landscaping and screening on the site, and whether the proposed use is consistent with any theme, action, policy or map of the Comprehensive Plan.*
- 5. The exterior architectural appeal and function plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable zoning district, and shall enhance the quality of the neighborhood.*
- 6. The public interest and welfare supporting the proposed conditional use is sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*
- 7. The proposed use will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

V. SUBJECT PROPERTY:

The subject property is located in the 800 block of Kenwood Avenue between Poplar and Maple Street. The property is approximately 9,000 square feet. The property has three structures:

- A one story 938 square foot dwelling with three bedrooms, one bathroom, and an attached 275 square feet carport (located in front yard);
- A two story 928 square feet dwelling with three bedrooms and one bathroom located in rear yard;
- A 275 square foot shed

The City of Hopewell Department of Development identifies this property as 804 Kenwood Avenue. At some point in the past, the two dwellings were addressed by the owners as 804-A and 804-B Kenwood Avenue. The R-2 Medium Density District allows an Accessory Apartment with an approved Conditional Use Permit.

VI. OWNER'S POSITION:

The applicant is requesting that the dwelling to the rear of the property be used as an accessory apartment for a disabled aunt. The family resides in the primary structure addressed as 804-A Kenwood Ave. The family and the aunt already reside in these structures. City Council approved of this situation in June 2020 with the approval of a CUP request.

The property is existing and was previously used as a rental. The Development Department has no record of a complaint against this property related to the occupation of the accessory dwelling unit.

Improvements were made to the property by the previous owner who originally obtained the CUP approval. The improved property was then sold to the current owner.

804-B: The unit has been restored to full habitation. The unit is equipped with plumbing, electrical, HVAC, interior improvements. It includes new paint, flooring, kitchen, and bath fixtures.

VII. ZONING/STAFF ANALYSIS:

The owner recently purchased the property in June 2021. The current owner claims to have understood that the original CUP was still valid and was unaware that it required renewal by August 18, 2021. The Development Department sent a renewal notice to the new owner on August 10, 2021 but was sent regular USPS mail and not certified mail. Another notice was sent from the Department in late 2023 and the property owner responded immediately by submitting a CUP application.

Comprehensive Plan Land Use Category

The 2028 Comprehensive Plan designates this property and those immediately in the vicinity as Urban Mixed Residential. This designation and the Multifamily Residential category recommend high density dwellings (including retirement and age-restricted projects) and development flexibility for new, infill and redevelopment projects. The Urban Mixed Residential qualify for selective re-subdivision of qualifying projects where lots or entire blocks could be consolidated for redevelopment.

The following are characteristics of the Urban Mixed Residential Category:

- Primary Land Use Detached and Attached Residences, Small to Medium Lots, Multifamily Permitted within Planned Mixed Residential Neighborhoods
- Typical Density Ranges: Detached- 4-5 Dwelling Units/ Per Acre (DU/PA)
Attached: 6-12 DU/PA
Multifamily: 16-30 DU/PA
- Typical Dwelling Size: 1,000 – 2,000 Square Feet

As constructed, both units are detached structures that are equipped as dwelling units. The square footage (9,000) of the lot conforms to the Urban Mixed Residential land use category. The subdivision meets the density ranges outlined for detached dwelling units. The dwelling size of both units are less than outlined in the Comprehensive Plan for this land use category.

An accessory apartment is allowed by the issuance of a Conditional Use Permit approved by City Council if certain conditions are met. These conditions have been provided on Page 2 of this document and are in Article IX, Residential, Medium Density District (R-2), Section H. of the Zoning Ordinance.

There is sufficient parking for the accessory apartment. The dwelling has a separate driveway from the main dwelling.

The ordinance requires the applicant to certify that the accessory apartment will be occupied by a related family member 55 years of age or older or handicapped, and to acknowledge that when the building is vacated by such family member, it can no longer be used as an accessory structure.

On January 27, 2020, the previous property owner contacted the Development office and informed the Director that she had a possible family that would live in the main structure and a family member, over the age of 55 that would reside in the rear structure.

During the work session there was discussion regarding the intent of the ordinance. The question raised was whether the ordinance requires the property owner to reside in the main structure and have their family member utilize the accessory apartment *or* does the ordinance allow the property owner to lease the main structure with the lease's family member residing in the accessory apartment.

Article IV, Residential, Medium Density (R-2) Zoning District, Section H., Accessory Apartments, reads,

“Accessory Apartments, (special definition) shall be permitted, subject to the following conditions and requirements:

1. Owner/occupants may apply to the City Council for a Conditional Use Permit to convert an existing garage to an apartment, as follows:”

The issue is the slash between owner and occupants. A slash used in text in the English language depicts the word ‘or’. Therefore the owner or the occupants may apply to the City Council for this permit. The owner is applying for the conditional use permit on behalf of the occupants. The certification of the family member to reside in the accessory apartment has been provided. All other conditions have also been met. As a result, staff

supports the approval of this CUP request with the required condition that the CUP be re-submitted in one year from City Council's approval for renewal consideration.

VII. PREVIOUS PLANNING COMMISSION RECOMMENDATION:

At their meeting on January 16, 2020, the Hopewell Planning Commission, voted, 4-0 to recommend denial of the request submitted by Hyatt Properties LLC, owner of 804 Kenwood Avenue, also identified as Sub-Parcel # 050-0410, to allow the detached garage located to the rear of the property be used as an accessory apartment in the Residential, Medium Density District (R-2). The Planning Commission made this recommendation because the applicant at the time could not certify the accessory apartment would be rented to a family member.

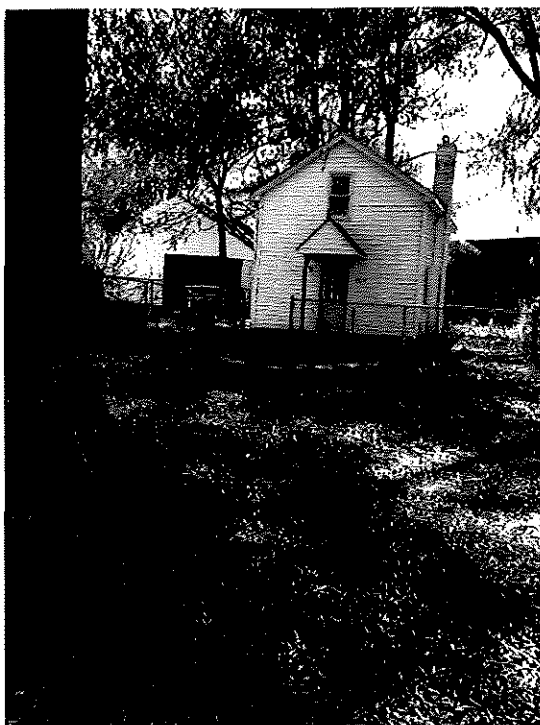
VIII. PREVIOUS CITY COUNCIL RESOLUTION:

On June 9, 2020, the Hopewell City Council approved the request submitted by Hyatt Properties LLC, previous owner of 804 Kenwood Avenue, also identified as Sub-Parcel #050-0420, to allow the detached garage located to the rear of the property to be used as an accessory apartment in the Residential, Medium Density District (R-2). The applicant provided certification verifying the age and relationship of the occupant in the accessory dwelling, thereby satisfying the Planning Commission's one concern with the application.

IX. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends to approve with conditions the request by Waakeema Ahevonderae, owner of 804 Kenwood Ave., also identified as Parcel #050-0390, to utilize what is addressed as 804-B Kenwood Avenue as an accessory apartment to be occupied by a family member over the age of 55 years old. The zoning ordinance requires an annual renewal as a mandated condition.

Aerial Map of Surrounding Area - 804 Kenwood Avenue located off of Winston Churchill Drive between Poplar and Maple Street



Detached accessory structure to be used as an accessory apartment.

804 Kenwood – Primary residence.



CONDITIONAL USE PERMIT

804 Kenwood Avenue (Parcel #050-0390)

City Council Public Hearing

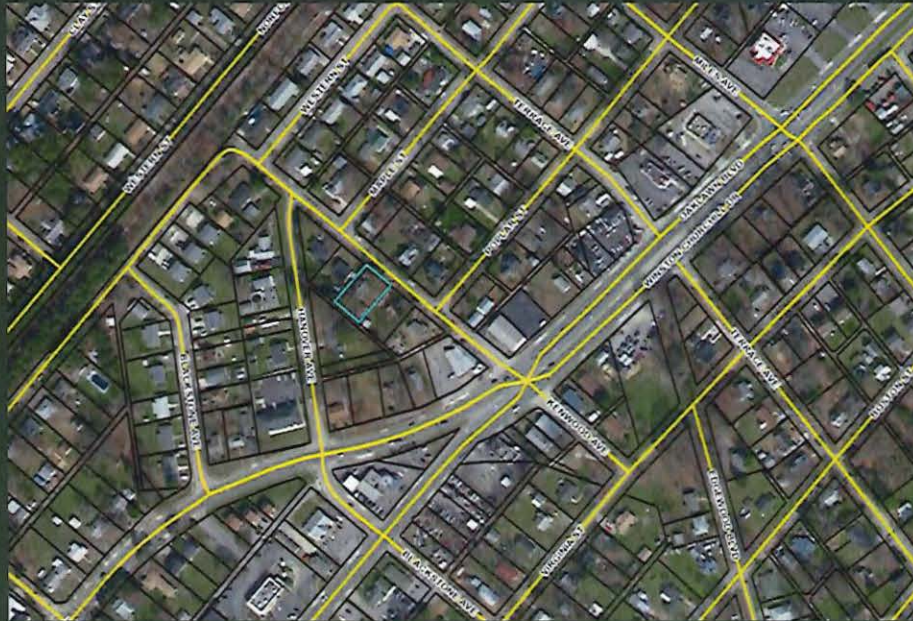
March 12, 2024

1st Reading

- APPLICANT: Waakeema Ahevonderae
- REQUEST: CUP to allow accessory apartment
- WARD: 7
- PARCEL SIZE: 9,000sf / 0.21 acres
- CURRENT ZONING: R-2 Medium Density Residential
- ORDINANCE: Article IX, Sec. H, Article XXI, Sec. D
- DATES: Planning Commission PH – Jan. 11, 2024
- PUBLIC NOTIFICATION: Ads – 12/28/23 & 1/4/24
Adj. Prop. – 12/21/23

▶ CUP for this property was originally approved in June 2020 to previous owner.

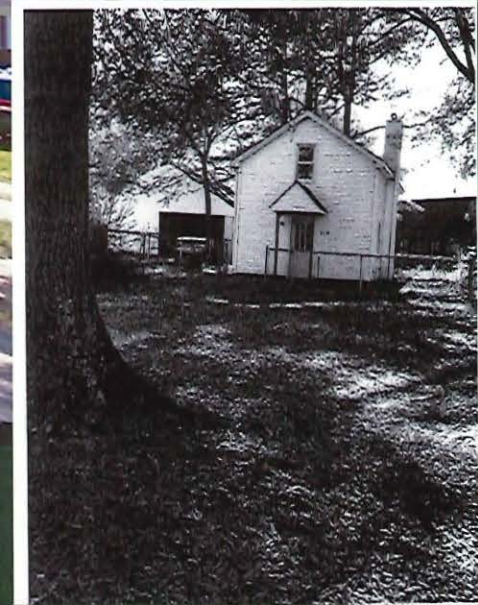
Current owner is requesting renewal of CUP for accessory apartment.





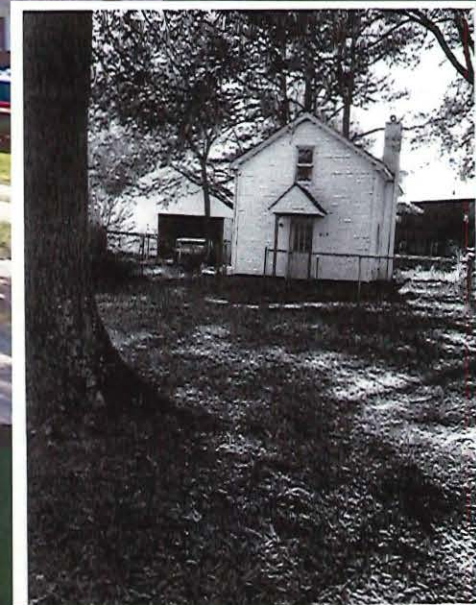
PRIMARY RESIDENCE

ACCESSORY
APARTMENT





ACCESSORY
APARTMENT



PRIMARY RESIDENCE

Criteria to approve CUP

- Applicant must certify that such apartment will be occupied by a related family member 55+ years of age or handicapped.
- Applicant must acknowledge that upon vacation by such family member, the accessory structure may no longer be used as an apartment unless another family member meets the required criteria. In no case shall it be used as a rental unit.
- Applicant must demonstrate that sufficient off street parking will be provided.

Staff Recommendation

- Staff recommends approval of the CUP request to allow the use of the detached structure located at 804 Kenwood Ave. as an accessory apartment to be occupied by a relative 55 years or older or relative with a handicap.
- The R-2 District requires an annual administrative verification.

▸ Planning Commission Recommendation

The Planning Commission recommends approval of the CUP request to allow the use of the detached structure located at 804 Kenwood Ave. as an accessory apartment to be occupied by a relative 55 years or older or relative with a handicap.

January 11, 2024 Public Hearing

4-0 Vote

No public comment received

▸ Questions?

REGULAR MEETING

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: Use of photo speed monitoring camera devices in school zones.

ISSUE: Increased enforcement of speeding violations with the installation of photo speed monitoring camera devices will increase student, parents, with community safety during the morning arrival and afternoon departure of students, parents, school staff and school buses drivers.

RECOMMENDATION: Seeking approval of installation of photo speed monitoring camera devices in school zones to deter motorist from speeding in the school zones.

TIMING: Approval of photo speed monitoring camera devices being installed in school zones at the March 12, 2024 City Council meeting.

BACKGROUND: Hopewell Police has received many complaints over the years by school crossing guards, citizens, school bus drivers and school officials in regards to increased speeding violations in school zones during morning arrival and afternoon departures.

ENCLOSED DOCUMENTS: PowerPoint Presentation & Cooperative Purchasing Rider Addendum To Services Agreement

STAFF: Marty Plank-Vice President of Sales, Chief Taylor, Major Reid, Lt. Perez

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

**COOPERATIVE PURCHASING RIDER ADDENDUM
TO SERVICES AGREEMENT**

This COOPERATIVE PURCHASING RIDER ADDENDUM TO SERVICES AGREEMENT (this "Rider") is effective as of the ___ day of March, 2024 (the "Rider Effective Date"), by and between the City of Hopewell and Altumint, Inc. ("Altumint" or "Contractor").

WHEREAS, in or around January of 2023, Altumint and the City of Suffolk, Virginia ("Suffolk") entered into an agreement (Contract No. 22105) following a public bid process where the contract: (1) was awarded based on a competitive bid; (2) allows for cooperative purchasing riders; and (3) allows Altumint to provide photo enforcement and related services to Suffolk in exchange for agreed upon compensation (the "Services Agreement"); and

WHEREAS, Paragraph Y (Cooperative Agreements) of the Services Agreement allows other Virginia jurisdictions to also purchase products and services from Altumint; and

WHEREAS, City desires to purchase certain products and services from Altumint pursuant to the Services Agreement as described in this Rider.

NOW, THEREFORE, in consideration of the promises and of the mutual covenants, representations and warranties set forth herein, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

1. **Services.** City shall purchase from Altumint the services set forth in Exhibit A to this Rider (the "City Services") for the fees that are also set forth in Exhibit A. The City Services shall be performed pursuant to the terms and conditions of the Services Agreement as described in this Rider. More specifically, Altumint shall honor all of the obligations, responsibilities and liabilities of the "Contractor" under the Services Agreement and City will honor all of the obligations, responsibilities and liabilities of the "City" under the Services Agreement, as described in this Rider.

2. **Notices.** Pursuant to Paragraph M of the Services Agreement, the notice address(es) for City of Hopewell is as follows:

[to be inserted]

3. **Insurance.** Altumint shall purchase and maintain comprehensive general liability insurance with limits of not less than the following: (a) personal injury liability insurance with a limit of \$1,000,000 each occurrence/\$2,000,000 aggregate; property damage liability insurance with limits of \$500,000 each occurrence/\$1,000,000 aggregate. Such insurance shall include completed operations and contractual liability coverage; and (b) automobile insurance with a limit of \$1,000,000 for each occurrence/aggregate. Altumint shall also comply with the requirements established by the Commonwealth of Virginia for the provision of workers' compensation insurance. Altumint shall add City as an additional insured as appropriate and provide City with a certificate of insurance.

4. **Disclaimer.** Except as expressly provided in the Services Agreement, Altumint makes no warranties, express or implied, including without limitation any warranty concerning merchantability or fitness for any particular purpose or any warranty regarding the Altumint system or the City Services.

5. **Limitation of Liability.** Altumint's maximum liability to City arising from or in connection with the Services Agreement or this Rider shall not exceed the amount of the total fees paid to Altumint by City for the twelve (12) months prior to a claim arising. In no event shall Altumint be liable to City for any punitive, incidental, indirect or consequential damages of any kind in connection with the services agreement or this Rider, even if Altumint has been informed in advance of the possibility of such damages.

6. **Full Force and Effect.** Including the provisions of this Rider, the Services Agreement remains in full force and effect.

7. **Cessation of Suffolk/Altumint Relationship.** If, for whatever reason, the relationship between Suffolk and Altumint ceases, such cessation shall have no effect on the relationship between City and Altumint. In those circumstances, each party shall continue to honor their respective obligations pursuant to the Services Agreement and this Rider.

8. **Definitions; Counterparts; Electronic Signatures.** Each capitalized term used in this Rider that is not defined shall have the same meaning assigned to it in the Services Agreement. This Rider may be executed in counterparts (including by electronic transmission), each of which shall be deemed an original, and all such counterparts shall constitute a single instrument.

IN WITNESS WHEREOF, the parties have caused this Rider to be executed as of the Rider Effective Date.

Altumint, Inc. By: _____ Name: _____ Title: _____	City of Hopewell, Virginia By: _____ Name: _____ Title: _____
---	---

Exhibit A

Fees

1. **Service Locations:** School zone, work zone, traffic signal, and school bus enforcement locations as directed by City.
2. **Fee due to Altumint:** For the provisioning, deployment, maintenance and service of each Monitoring System, along with Altumint's full suite of back-office processing services, City shall pay Altumint as follows:

1	Photo Red Light enforcement to capture recorded images of vehicles entering the intersection against a red signal indication.	Monthly Per System Per Approach	\$3,199
2	Photo Speed enforcement to capture recorded images of vehicles traveling at a prohibited rate of speed in school and work zones.	Monthly Per System Per Zone	\$3,499*
3	Photo School Bus Stop Arm enforcement to record images of vehicles passing school buses against a stop arm signal indication.	Monthly Per System Per Bus	\$499
		Per Mailed Citation	\$49
4	One (1) time cost to establish infrastructure necessary to install new camera in school, work zone, traffic signal or school bus location	Per installation	\$0
5	Altumint to provide one (1) Flock camera per installed speed camera at no additional cost to the City. The location of these cameras to be determined by the city.		\$0

3. **Fee due to Altumint:** City shall pay Altumint a fixed processing and administrative fee of \$10 for each citation paid through a collections agency.

** Includes 250 mailed citations per system "pooled" with all installed photo speed systems each with 250 mailed citations. Each additional mailed citation above total "pooled" amount each month, if any, will have a fixed violation processing fee of \$12. Per VA Code §46.2-882.1 this fee reflects the value of the goods and services provided and is not based on the number of violations paid or monetary penalties imposed.*



Awarded by

CIOReview

Most Promising
Smart City Solutions
Provider For 2023



altumint

SAFE COMMUNITIES. SMART SOLUTIONS.



City of Hopewell School Zone Speed Enforcement 1/30/24

Altumint Corporate Office: 4600 Forbes Blvd, Suite 203 | Lanham, MD 20706 | altumint.com
Contact: Marty Plank | martin.plank@altumint.com | 757.560.5568





THE ALTUMINT MISSION

Enabling communities to improve road and traffic safety with technology-enabled solutions to protect their citizens and save lives



The Problem

Pedestrian Safety when Drivers Speed



According to the NHTSA, a pedestrian hit by a vehicle traveling 20 m.p.h. is almost 2/3 less likely to be killed than a pedestrian hit at 30 m.p.h. or more.





School & Work Zone Key Provisions – 46.2-882.1

- Photo speed enforcement sign shall be placed within 1000 feet
- Enforcement limit of at least 10 mph over posted speed
- Fines cannot exceed \$100 – no points, no insurance impacts for civil violations
- Vendor paid based on value of goods & services provided not on number of violations paid or monetary penalties imposed
- Extensive public information campaign
- 30-Day warning period for each school crossing zone photo speed location
- Hopewell conducted a speed study at 4 locations



ALTUMINT VA SPEED CLIENTS



“It’s absolutely working – when you can go from 30,000 to less than 1,000, it’s doing what it’s supposed to do.”

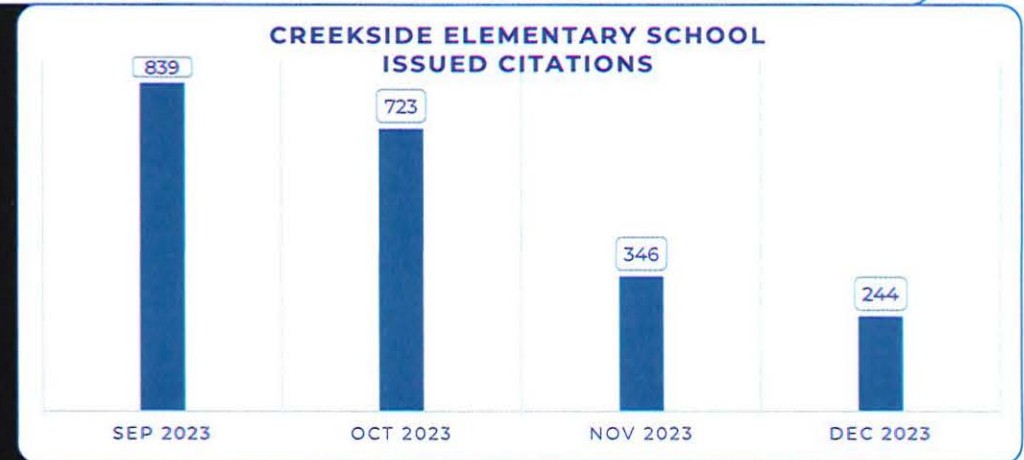
– **Michael D. Duman, Suffolk, VA, Mayor** on the effectiveness of their speed camera initiative
City Council Meeting 1/17/2024

“ We have seen an immediate impact in driver behavior” – Macon Bibb County Manager

“We went from thousands of violations to hundreds. I have 3 words... this is substantial” – Suffolk Mayor

“These speed cameras are very effective, almost all the time I see traffic driving at a slower rate.” – Suffolk Public Works

“Altumint focuses on conducting our program the right way, which mirrors the values of our department.” – Altavista Chief

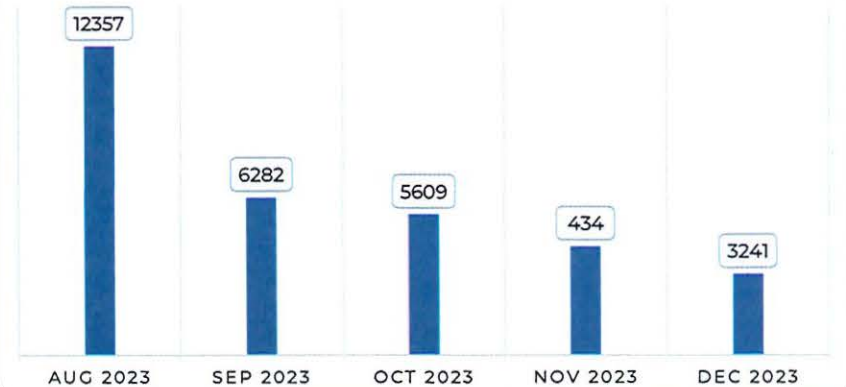


“The Altumint system has brought about substantial safety enhancements within a highly dynamic and intricate work zone. Upon its initial installation, the weekly speeding volume exceeded 5,500 vehicles, but currently, that figure has dropped to fewer than 900 vehicles per week. Additionally, there has been a noticeable decrease in the average speed within the work zone, and this improvement can be directly attributed to the implementation of Altumint technology. The presence of this technology has significantly contributed to a safer environment for our contractors and staff operating within the work zone.”

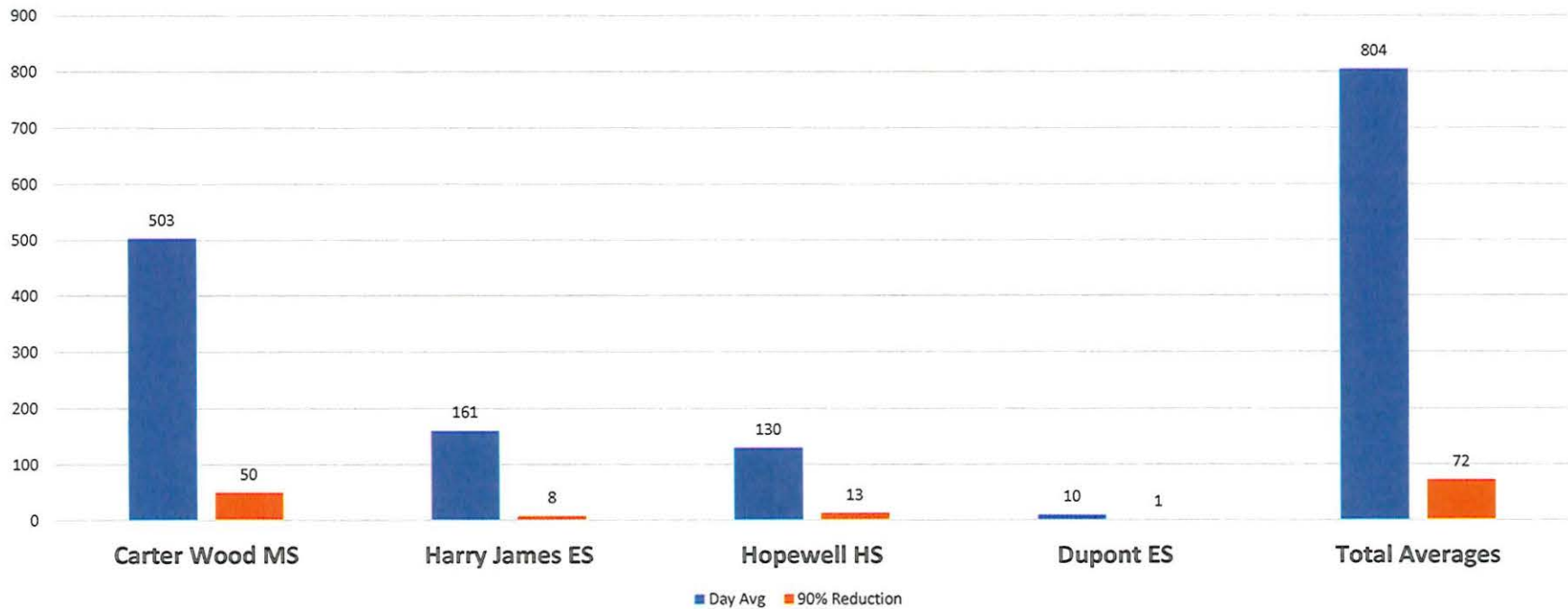
Thomas Hartman, Harrisonburg, VA,
Director of Public Works



HARRISONBURG WORK ZONE ISSUED CITATIONS



HOPEWELL SPEED STUDY DAILY AVERAGE



** During 3-day study 1,008 vehicles were driving 21+ MPH over the speed limit at Carter Wood MS**



COMMUNITY ENHANCEMENT STRATEGY

Proactive citizen education of your Automated Speed Enforcement program is essential to its success. If handled responsibly and with care, the public will have a positive perception of the safety benefits and purpose of the program.

Altumint empowers you with comprehensive communications plans and materials.



HOW WE HELP

- Communications Development and Support
- Community-Specific Strategy Development
- Graphic Asset Creation
- Media Relations Assistance



KNOW THE FACTS


ABOUT SCHOOL ZONE CAMERAS

Citations will only be issued when a vehicle travels within a school zone more than 10 miles per hour over the posted speed limit.

The cameras actively enforce the speed limit on school days when classes are in session. Enforcement begins one hour before the start of school until one hour after dismissal.

All speed limits are marked with signs. Flashing lights near a school are an indicator of the reduced speed limit. Photo speed enforcement signage will be present in school zones with cameras.

The first citation will be \$XXX.
Each subsequent citation will be \$XXX.



A photograph of a school zone camera mounted on a pole above a speed limit sign. The sign reads 'SCHOOL SPEED LIMIT 20 WHEN FLASHING'.



Thank You!



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: Towing Ordinance

ISSUE: An ordinance is required to establish a towing advisory board and to define terms to be used in the towing contracts.

RECOMMENDATION: Approval of the towing ordinance on first reading. Approval of and creation of Towing Advisory Board. Appointment of _____, _____, _____, as members of Towing Advisory to serve for two year period.

TIMING: Ordinance to become effective on March 12, 2024

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

ENCLOSED DOCUMENTS: Proposed towing ordinance.

STAFF: Chief Gregory Taylor

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

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



Towing Ordinance

City of Hopewell

City Council

March 12, 2024

Problem

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



Problem



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

Solution

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



Requests



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



The End

§ 46.2-1217. Local governing body may regulate certain towing

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Nothing herein shall prohibit the Department of State Police from entering into a memorandum of understanding with a county, city, or town to provide for towing services.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) and towing requests made by a law-enforcement officer of the county, city, or town at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a (i) police towing request or (ii) towing request made by a law-enforcement officer employed by the Department of State Police, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon

presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (a) has vested ownership, dominion, or title to the vehicle; (b) is the authorized agent of the owner as defined in clause (a); or (c) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a (1) police-requested tow or (2) towing request made by a law-enforcement officer employed by the Department of State Police who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the Commonwealth Transportation Board. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

Code 1950, § 46-5.1; 1956, c. 114; 1958, c. 541, §§ 46.1-3, 46.1-3.02; 1960, cc. 75, 204; 1966, c. 297; 1972, c. 267; 1974, c. 142; 1977, c. 666; 1980, c. 551; 1978, c. 282; 1984, cc. 64, 190, 381; 1985, c. 91; 1988, c. 520; 1989, c. 727; 1993, c. 405; 1999, c. 78; 2006, cc. 874, 891; 2008, cc. 470, 647; 2012, cc. 803, 835; 2019, c. 630.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

CITY OF HOPEWELL TOWING AGREEMENT

THIS CONTRACT, made this _____ day of _____, 2024 (“Effective Date”) by and between _____(hereinafter, referred to as “CONTRACTOR”) and the CITY OF HOPEWELL, a Virginia municipality (hereinafter, CITY”), to establish an eligibility list of businesses to provide towing services.

WITNESSETH:

WHEREAS, the City, by and through the Hopewell Police Department, desires to establish an eligibility list of business establishments to provide towing services; and

WHEREAS, the City deems it desirable to ensure that fair, uniform rates are charged for services rendered while serving on the Police Department’s towing list and to protect the integrity of the City and the towing facilities from unfair pricing and/or incompetent services.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, the Parties hereto do hereby agree as follows:

1. TERMS AND CONDITIONS

1.1. CONTRACTOR shall certify that its operation complies with and will continue to comply with all conditions, equipment specifications and requirement under this Agreement and under the established laws of the Commonwealth of Virginia. The Contractor shall report to the Support Services Captain, (“towing coordinator”). Failure to comply or false statements, material or otherwise, concerning the Contractor’s compliance and/or the compliance of any of its agents or assignees shall be grounds for termination.

1.2. CONTRACTOR maintain and furnish the City with no more than one day phone number and one night phone number. The Contractor agrees to give twenty-four (24) hour notice to the City prior to any changes in either day or night phone numbers. The CONTRACTOR shall notify the City of a temporary change in telephone number. Such notice must be provided to the City of Hopewell Emergency Communications Center (804.541.2222) of a temporary change of telephone number. Any permanent change in address or telephone number shall be made in writing to the Support Services Captain, City of Hopewell Police Department, 150 W. Randolph Road; Hopewell, Virginia 23860.

1.3. CONTRACTOR shall have conducted towing services in the City of Hopewell under its current business name for a minimum of one (1) year. Prior performance and reputation in the community, as reported through the Police Department and criminal history information on the applicant. Input from the City of Hopewell Towing Advisory Board (if active) will be considered when a contractor submits his/her application.

1.4. The Contractor shall supply a copy of his/her criminal history record to the towing coordinator. Such criminal history record will be obtained from the Virginia State Police. An applicant with a felony conviction on his/her criminal history will general be ineligible for a towing contract. All felony convictions will be evaluated by the Hopewell Police Department for the severity of the offense, number of offenses, repeat offenses and the length of time since the most recent felony conviction in addition to any other relevant factors. The purpose of this evaluation is to assess the applicant's propensity for truthfulness, trustworthiness and character. The Hopewell Police Department reserves the right to make the final approval for all submitted applications.

1.5. CONTRACTOR must provide a current copy of his or her driving record. The applicant's driving record must be obtained through the Virginia Department of Motor Vehicles.

1.6. CONTRACTOR shall provide proof of insurance that meets the requirements as stated in §46.2-649.1 of the Code of Virginia and shall maintain the same. The Contractor shall notify the towing coordinator immediately upon any lapse of insurance for any period of time.

1.7. CONTRACTOR shall install and maintain a clearly visible sign at the storage lot providing the company name, telephone number where the owner, manager or attendant may be reached at any time so a towed vehicle may be reclaimed by its owner during hours of operation. The sign must be placed in a conspicuous location and must be legible and in good condition.

1.8. The tow yard must be within one (1) mile from the City of Hopewell.

1.9. If the CONTRACTOR declares bankruptcy personally or on behalf of the business or otherwise ceases operations during the terms of this Agreement, the CONTRACTOR shall notify the City in writing immediately.

2. RESPONSIBILITIES AND OPERATIONS

2.1. CONTRACTOR shall insure that service is provided for its storage lot five (5) days a week with the exception of legal holidays from 8:00 am to 5:00 pm.

2.2. CONTRACTOR shall return all vehicles upon proper payment for towing and/or storage fees.

2.3. When a vehicle has been claimed by the CONTRACTOR, the response time to the tow lot shall not exceed one (1) hour by the contractor, its employees, agents or assignees.

2.4. No office facilities are required to be maintained at the storage lot and the lot does not have to be consistently manned during service hours.

2.5. CONTRACTOR shall not charge for storage over a weekend.

2.6. CONTRACTOR shall provide adequate security for all vehicles towed and their contents, including appropriate fencing.

2.7. CONTRACTOR shall be responsible for the towed vehicle and all its legal contents from the time that it is claimed until: the vehicle is delivered to a location specified by the owner or operator, however, the owner, manager or agent of the specified location refuses the delivery of the vehicle, the mileage charge will continue to the Contractor's tow lot; the vehicle is released and accepted by the owner and/or the owner's agent; or the vehicle is otherwise disposed of according to law.

2.8. CONTRACTOR may charge a separate fee for the release of a vehicle after normal business hours (5:00 pm to 8:00 am). Fees allowed are listed on Addendum D of this Agreement.

2.9. As mandated by the Commonwealth of Virginia Work Area Protection Manual, towing and recovery personnel who are exposed to traffic shall wear high-visibility safety apparel that meets Performance Class 3 requirements.

2.10. The CONTRACTOR shall be able to respond and shall respond to police calls for impoundment or seizure for towing and wrecker services every day of the week on a twenty-four hour a day basis. Inoperable vehicles or abandoned vehicles shall be towed Monday – Friday; 6:00 am to 6:00 pm or as needed by the City. If an inoperable or abandoned vehicle tow is required after hours or on the weekend, CONTRACTOR will need to be available. If the CONTRACTOR is not available, then the City will move on the rotation to the next CONTRACTOR on the tow list.

2.11. Response time for the CONTRACTOR'S arrival on scene when called shall not exceed thirty (30) minutes from the time the call for service is made by the City. Where a larger than normal wrecker is required given the circumstances, the CONTRACTOR shall have an additional thirty (30) minutes to respond to the scene. Where the CONTRACTOR'S response time exceeds thirty (30) minutes, the City reserves the right to call any other available CONTRACTOR. Frequent failures to respond in the appropriate amount of time limits shall be considered grounds for termination of this Agreement and removal from the eligibility list. The above time limit may be waived by the City for good cause shown.

2.12. Where the vehicle's owner/operator requests that another business other than the CONTRACTOR tow their vehicle, the City shall honor the selection unless circumstances dictate otherwise.

2.13. CONTRACTOR is responsible for determining the appropriate wrecker for the call for service. If additional assistance is required, the CONTRACTOR shall notify the City on this fact on scene and the police officer will call for another CONTRACTOR to respond to assist. No CONTRACTOR shall accept called for service that are beyond their capability or equipment limitations. No CONTRACTOR shall accept a service call from the City and then split the call with another CONTRACTOR or assign the call to another CONTRACTOR.

2.14. CONTRACTOR shall be responsible for debris removal from the scene before departing. The CONTRACTOR shall also be responsible for the removal of injurious substances dropped by the vehicle upon the highway per §18.2-324 of the Code of Virginia. If the cleanup

of any injurious substance warrants the use of resources beyond those required for a basic cleanup, the CONTRACTOR may charge an hourly fee as per Addendum D for additional labor and may also charge for its additional equipment and supply expenses. The CONTRACTOR is required to document the before and after condition of the scene with photographs. The CONTRACTOR is required to maintain for a period of two (2) years the photographic documentation, as well as the documentation substantiating the additional expenses charged. The documentation must be available for inspection by the City upon request. Where two or more wreckers are on scene, CONTRACTOR agrees to cooperate with all drivers as necessary for cleanup. If all other tow trucks have left the scene, the last tow truck operator will be responsible for cleanup.

2.15. CONTRACTOR shall not release any vehicles "seized" or "seized for forfeiture" by the City until the City gives its permission to release the vehicle or at the direction of the towing coordinator and upon official letter from the Hopewell Police Department. Release shall only be given to the person(s) lawfully permitted to possess such a vehicle. Where CONTRACTOR releases such a vehicle in violation of this section, the City may elect to terminate this Agreement and/or remove the CONTRACTOR from the eligibility list.

2.16. In performance of its duties under this Agreement, the CONTRACTOR shall use only that equipment which has previously inspected and approved by the City. All approved equipment shall be listed on Addendum A by the CONTRACTOR, which is made part of the Agreement. Use of equipment any other towing facility by the CONTRACTOR, regardless of ownership, or any use of unapproved equipment, shall constitute just cause for immediate termination of this Agreement. If a CONTRACTOR'S wrecker is temporarily disabled a rental wrecker may utilized, with the written approval of the Hopewell Police Department for up to thirty (30) days. Extension of time of the thirty (30) day time limit may be given at the discretion of the City. The rental wrecker must meet all of the requirements of this Agreement and magnetic signs displaying the name, address and telephone number of the CONTRACTOR shall be affixed to both sides of the rental wrecker. (Magnetic signs are not otherwise allowed on wreckers owned and used by the Contractor). CONTRACTOR shall notify the City of Hopewell Police Department towing coordinator for approval prior to the use of the rental wrecker. This provision shall not prohibit the use of "specialty equipment" under emergency conditions. When so instructed by the police, CONTRACTOR shall provide the necessary equipment to move the designated motor vehicle. Such "specialty equipment" may include but is not limited to , dollies, winches, cable extensions and off-road work.

2.17. CONTRACTOR grants the City permission to inspect periodically all equipment and storage facilities listed by the CONTRACTOR in Addendums A and B. Upon a determination by the City that the facilities or equipment is unacceptable, the City shall provide to the CONTRACTOR written or verbal notification of its determination. Said unacceptable equipment or storage facility shall not be used by the CONTRACTOR in the performance of its obligations until corrected and if not corrected within 10 days, such equipment or storage facility shall be deleted from Addendum A. All unacceptable equipment will be documented in the tow company's file at the City of Hopewell Police Department.

2.18. CONTRACTOR shall keep all records related to the towing of vehicles towed under this contract for a period of two (2) years. These records shall include copies of itemized bills given to the owner or operator as outlined in this Agreement. CONTRACTOR shall keep separate all towing charges billed under this Agreement and such records must be available at any time for inspection by the City.

2.19. CONTRACTOR represents that no current employee or member of the governing body of the City of Hopewell has any interest, direct or indirect in the CONTRACTOR'S business.

3. TERMINATION, EXPIRATION AND RENEWAL

3.1. This contract shall expire on _____.

3.2. The contract may also be terminated pursuant to the terms listed herein.

3.3. The City reserves the right to terminate this Agreement at any time for any breach of the terms of this Agreement.

3.4. The City may at any time, in its discretion, suspend or terminate this Agreement after providing the CONTRACTOR with 24-hour advance written notice at the place of business provided to the City. However, the City reserves the right immediately, without 24-hour advance written notification, suspend the Agreement and remove the CONTRACTOR from the Authorized Towing List if such suspension and removal is in the best interest of public safety. Grounds for termination shall include but is not limited to:

- a. failure to respond to requests from the City within the prescribed thirty (30) minute time limit.
- b. failure to maintain equipment or storage facilities in accordance with this Agreement and/or failure to have new equipment or storage facilities approved prior to their use.
- c. lack of adequate insurance as required by §46.2-649.1 of the Code of Virginia
- d. arriving at the tow scene where tow trucks are required without being called by the City.
- e. operating in a manner that is inefficient or unsafe or allowing an inexperienced or unlicensed person(s) to drive or operate any equipment used to tow a vehicle.
- f. storing a vehicle at a location other than an approved storage lot.
- g. failure to comply with any of the terms of this contract.
- h. conviction of the violation of any federal, state or local laws, to include but is limited to involvement in criminal offenses or activity and failure to comply with all laws, ordinances, codes and regulations relative to the operation of a motor vehicle towing and storage business.

- i. failure to clean roadways at the time of an accident.
- j. use of satellite (multiple) phone numbers or business locations to increase the number of operating points for contractors in the City.
- k. substantiated complaint(s) of excessive or unnecessary fees for towing or storage charged to customers.
- l. any action or activity by the CONTRACTOR which, in the determination of the police, is not in the best interests of the police, the City or the citizens of the City of Hopewell.
- m. operation of a towing business in the City of Hopewell without a valid City of Hopewell business license.
- n. failure to pay city, state or federal taxes.

3.5. CONTRACTOR shall receive from the City of Hopewell Police Department written notice of such removal or suspension and the grounds therefor. The Chief of Police or designee's decision for removal or suspension shall be final unless the CONTRACTOR appeals in writing to the Chief of Police for the City of Hopewell within ten (10) days of notice of removal or suspension.

3.6. The CONTRACTOR'S written appeal to the Chief of Police shall include the basis for its appeal and the relief sought, and shall state whether the CONTRACTOR wishes to have a hearing with respect to the appeal. If no hearing is requested, the Chief of Police or his/her designee shall render a decision to the CONTRACTOR within ten (10) days of receipt of appeal.

a. If a hearing is requested, it shall be held within ten (10) days of receipt of the written appeal or as soon as thereafter possible, and a final decision shall be rendered by the Chief of Police or his designee within ten (10) days of the hearing. During the hearing the CONTRACTOR shall have the opportunity to present pertinent information, and to cross-examine adverse witnesses as in a due process hearing. The administrative hearing shall be informal and shall be conducted by the Chief of Police or his/her designee. The CONTRACTOR may be represented by counsel at its own expense.

b. If the final decision of the Chief of Police or his/her designee is removal of the CONTRACTOR from the Authorized Tow List and/or termination of the Agreement, the CONTRACTOR may appeal in writing to the City Manager. Such appeal must be made to the City Manager within ten (10) days of receipt of the Chief of Police's final decision issued pursuant to this Agreement. The City Manager may consider the CONTRACTOR'S written appeal and any supporting documentation that he/she may provide or evidence submitted to the Chief of Police. The City Manager shall issue a written decision as a finding which may uphold, reverse or modify the decision of the Chief of Police within thirty (30) days after receipt of the written appeal.

3.7. This contract may be renewed by the City for additional one-year period under the terms and conditions of the original contract upon written agreement of both parties. In order to effect a renewal, the CONTRACTOR must submit a signed and notarized form (Addendum C)

and an updated criminal history obtained from the Virginia State Police. The CONTRACTOR must also submit an updated driving history obtained from the Virginia Department of Motor Vehicles.

3.8. Price increases may only be negotiated at the time of the renewal.

3.9. Renewal shall depend upon the performance of CONTRACTOR and the CONTRACTOR'S compliance with the terms of this Agreement.

4. CONTRACTOR MINIMUM REQUIREMENTS

4.1. CONTRACTOR shall meet all requirements established by the Virginia Department of Criminal Justice Services (DCJS) and any other reasonable requirements the City may impose in its discretion from time to time.

4.2. All tow truck drivers must be duly licensed and registered with DCJS and such license or registration must be maintained and renewed in accordance with DCJS requirements. CONTRACTOR shall maintain a copy of each tow truck driver's DCJS issued license or registration. All employees who actively operate a tow truck under the towing contract are required to complete the four-hour National Traffic Incident Management Responder Training. Owners who are not active operators are also encouraged to complete this training.

4.3. All wreckers must be registered pursuant to §46.2-649.1 and any other applicable state law. CONTRACTOR or the driver must display proper license plates as required by DMV.

4.4. All wreckers must have business name (see Code of Virginia §46.2-1076 (C)) and phone number on both sides of the vehicle and visible to the naked eye from a distance of fifty (50) feet. The lettering will be permanently affixed to the wrecker. Magnetic signs are prohibited except in the use of rental wreckers.

4.5. No truck having wheels of the dual-tire type in excess of 6,000 pounds and no trailer, semitrailer or cab for such trailer shall be parked on any road in the City within any residential district as defined in the zoning ordinance.

4.6. All wreckers must have current Virginia state inspections.

4.7. All wreckers shall be standard vehicles originally designed and built as wreckers and shall not be pick-up or similar trucks with towing slings on the body.

4.8. All wreckers shall be equipped with at least one shovel, one broom, one container or pail for glass and debris, one 5lb operational/charged multi-purpose fire extinguisher and a sufficient amount of absorbent material equal to a five gallon bucket and any other equipment required by the City.

4.9. In addition to the required standard lighting equipment, each wrecker shall be outfitted with a flashing, blinking or alternating (rotating) amber light(s) as required by §§46.2-1025 and 46.2-1030(C) of the Code of Virginia.

4.10. Additions or changes in equipment must be reported by the CONTRACTOR to the City immediately.

5. EMPLOYMENT DISCRIMINATION AND A DRUG-FREE WORKPLACE

5.1. As part of its contractual obligations, CONTRACTOR commits to conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended; where applicable, the Virginians with Disabilities Act; the Americans with Disabilities Act and §2.2-4311 of the Virginia Public Procurement Act.

5.2. CONTRACTOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by state law relating to employment discrimination.

5.3. CONTRACTOR agrees to post in a conspicuous place, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana is prohibited in the shelter and/or any other workplace.

5.4. For the purposes of this section, a “drug-free workplace” means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during performance of the contract.

6. INDEMNITY

6.1. CONTRACTOR agrees to defend, indemnify and hold harmless, the City of Hopewell and its members, officers, directors, employees, agents, and representatives from and against any and all claims, damages, demands, losses, costs and expenses, including attorney’s fees and any other losses of any kind or nature whatsoever including claims for bodily injuries, illness, disease or death and physical property loss or damage in favor of CONTRACTOR , a subcontractor, their employees, agents, third parties arising out of the performance of services and resulting from tort liability, strict liability or negligent acts or omissions of CONTRACTOR , its employees, agents or subcontractors under this agreement or resulting from breach of contract, whatever by statute or otherwise.

6.2. CONTRACTOR shall assume the responsibility for damage to or loss of its material, equipment or facilities located at the site and, in order to effect this limitation of liability, CONTRACTOR agrees to insure or self-insure such property against any such risk.

7. DEFAULT

7.1. In case of default of the CONTRACTOR, the City may procure towing services from another source and hold the contractor responsible for any excess cost incurred thereafter. This remedy shall be in addition to any other remedies that the City may have.

8. PAYMENT

8.1. Payment by the City is due thirty (30) days after the receipt of approved invoice unless otherwise specifically provided: subject to any discounts allowed. If an invoice requires modifications by the City, the thirty (30) day period begins after receipt of an acceptable invoice.

8.2. Additional costs, fees or other charges are not authorized under the terms of this agreement.

9. ASSIGNMENT

9.1. This agreement shall not be assignable by the CONTRACTOR in whole or in part without the written consent of the City.

10. FEES

10.1. CONTRACTOR may charge three (3) basic fees for its services: (1) a night tow fee to cover the period from 6:00 pm to 6:00 am; (2) a day tow fee to cover the period from 6:01 am to 5:59 pm a; and (3) a holiday fee. The holiday fee may be charged on holidays recognized by the City of Hopewell. The City service fees are listed in Addendum D of this Agreement. These basic fees shall include any charge for the storage of the vehicle towed.

10.2. All fees shall be listed on Addendum D of this Contract and approved by the City.

10.3. To determine the proper category of the charge, (disabled vehicle, accident, traffic infraction, etc.) the CONTRACTOR must verify with the police officer on the scene as to the nature of classification to be assigned to the incident.

10.4. CONTRACTOR shall give each owner/operator a written copy of the approved towing fees at the time of the tow. The City shall provide master copies to the CONTRACTOR. The CONTRACTOR will provide copies of the master copies to the owner or operator. Only the copy approved by the City will be supplied to the owner or operator. If the operator or owner is not available at the time of the tow, a copy may be given when the customer picks up the vehicle.

10.5. When requested at the scene of the tow or at the CONTRACTOR'S storage lot, the CONTRACTOR shall release to the owner or his or her designee personal contents of the vehicle. At no time can the CONTRACTOR hold personal items not permanently affixed to the vehicle in lieu of payment of the tow bill or fees.

a. The allowable fees are listed on Addendum D of this Agreement. CONTRACTOR can charge for an additional wrecker, person or equipment it utilized for the same vehicle. The fee listed in Addendum D for additional person, wrecker or equipment shall not exceed the fee for disabled passenger vehicles, pick-ups, SUVs or vans. With prior approval from the Police Department Towing Coordinator, CONTRACTOR may charge a fee not to exceed \$100 for extraordinary circumstances. At no time can this charge be levied without prior approval by the Police Department on duty supervisor.

b. If a wrecker responds and services are not required, no charge will be made by the CONTRACTOR if it has not hooked up to the vehicle.

c. CONTRACTOR shall present to the owner or operator of a towed vehicle an itemized bill which shall contain the following information:

a. vehicle's owner's name and address;

b. vehicle description including make, model, color, license plate number and vehicle identification number.

c. date and time vehicle towed, incident number and assigned by Police Communications Center, location from which the vehicle was towed and the reason for the tow, list of services provided and individual cost.

d. location, date and time the vehicle was released.

11. COMPLAINTS

11.1. The City of Hopewell Police Department Chief of Police shall designate an officer to investigate all complaints made by the owner and/or operator of vehicles which are towed or stored pursuant to this Agreement.

11.2. When necessary, the Chief of Police or his/her designee shall make written recommendations for corrective actions, which shall be binding on the CONTRACTOR.

11.3. The Chief of Police or his/her designee will determine whether the CONTRACTOR is providing satisfactory service. If service is determined to be unsatisfactory, the CONTRACTOR may be terminated and this Agreement will be dissolved.

12. INSPECTION

9.1. The City reserves the right to conduct an inspection of the premises and evaluate the services as it may deem appropriate to assure goods and services conform to the specifications.

9.2. The City shall have access to the CONTRACTOR'S facilities, shall have access to all necessary records in order to conduct audits in compliance with this Agreement. The City shall give the CONTRACTOR reasonable advance notice of intended inspections and audits.

9.3. CONTRACTOR'S records shall be open for such inspection and audits to the extent necessary to adequately permit evaluation and verification of any invoices, payments or claims submitted by CONTRACTOR of any of its payees pursuant to this Agreement. Such records shall include but are not limited to, those records necessary to evaluate and verify direct and indirect costs (including overhead allocations) as they may apply to costs associated with this Agreement.

10. CHANGES TO THE CONTRACT

10.1. Any changes must be made to the contract with agreement of both the City and the CONTRACTOR. Proposed changes will need to be in writing in order to modify the scope of the contract.

11. CANCELLATION

11.1. The parties to the contract each reserve the right to cancel and terminate the agreement, in whole or in part, without penalty, upon 30 days written notice to the other party. Any contract cancellation notice shall not relieve either party of the obligation to deliver and perform all outstanding services due prior to the effective date of the cancellation.

12. APPLICABLE LAWS

12.1. This agreement shall be governed in all respects by the laws of the Commonwealth of Virginia. Any litigation with respect thereto shall be brought in the courts of the City of Hopewell.

12.2. CONTRACTOR shall comply with all applicable federal, state and local laws, rules and regulations.

13. INCORPORATION BY REFERENCE

13.1. This agreement specifically incorporates by reference all documents specifically mentioned herein.

This Agreement and the terms listed herein constitute the entire understanding and obligations of all parties with respect to the towing and storage of motor vehicles by the CONTRACTOR at the request of the City. No changes to this contract shall be made except in writing with notarized signature by both parties. This Agreement supersedes all other agreements between parties with respect to towing and storage of motor vehicles.

City Manager

Chief of Police

City Attorney (approved as to form)

CONTRACTOR

Name: _____

Title: _____

Signature: _____

Date: _____

COMMONWEALTH OF VIRGINIA:

City of Hopewell

The foregoing instrument was acknowledged before me this _____ day of _____,
2024 by _____ (Contractor) of _____ (Company
Name)

Notary Public

My Commission expires _____

TOWING

Purpose.

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

Sec. 10-81. - Definitions.

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

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

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

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

City means the City of Hopewell.

DMV means the Department of Motor Vehicles.

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

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

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

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

Police Department means the City of Hopewell Police Department Office.

Policy means the Hopewell Police Department Towing Policy.

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

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

Tardiness means delayed beyond the expected or proper time.

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

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

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

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

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

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

Towing panel means the towing board minus the chief.

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

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

Towing policy.

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

Application for law enforcement requested towing.

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

Insurance.

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

Sec. 10-85. - Duties and requirements of authorized towers.

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

Equipment and maintenance of towing vehicles.

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

Storage and security of vehicles by authorized towers.

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

Sec. 10-88. - Responsibilities and records maintained by authorized towers.

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

Compensation to authorized towers.

Towers shall be compensated for their services by the owner or authorized person of the towed and stored vehicle. The towing and storage fees charged by the tower shall be reasonable in light of those charged by other towers in the City for comparable service.

Rotation system.

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

Solicitation of business by tower.

- (a) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by law enforcement personnel or the person involved in the accident or emergency.
- (b) No tower shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of soliciting business.

- (c) Violations of this section shall result in suspension from the towing list for thirty (30) days for the first offense, sixty (60) days for the second offense, and suspension from the towing list for a third offense for one (1) calendar year. Violations of this section may also be punishable as a Class 3 misdemeanor.
- (d) Any authorized tower violating this section may also be suspended or terminated from the towing list.
- (e) Towers are prohibited from soliciting business at the scene of accidents, emergencies, or mechanical breakdowns; however, a tower is not otherwise prohibited from contracting with any person, firm or corporation.

Prohibited practices.

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

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

Complaints.

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

Suspension or termination of authorized towers.

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

Hearing and appeals process.

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

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

Amendments to policy.

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

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: **The Local Choice (TLC) Annual Insurance Renewal.**

ISSUE: Council to approve the 2024-2025 The Local Choice (TLC) health care rates as proposed by OneDigital, the City’s benefits consultant, during the March 12, 2024 meeting.

RECOMMENDATION: City Administration recommends approving our recommendation to keep employee premiums the same for the 2024-2025 plan year.

TIMING: Action is required at this meeting to meet TLC’s April 1, 2024 renewal submission deadline.

ENCLOSED DOCUMENTS: Proposed Employee and Early Retiree (Pre-Medicare) Insurance Rates

STAFF: Yaosca Smith, Director of Human Resources

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor 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"/> | Councilor Dominic Holloway, Sr., Ward #7 |



CITY OF HOPEWELL

Active Employee Insurance Rates
July 1, 2023 through June 30, 2024

Medical, Dental and Vision Insurance (Bundled) - The Local Choice (TLC) – Anthem

High Deductible Health Plan (HDHP) with HSA*	Employee Share (per pay)	Employee Share (per month)	City Share (per month)	Total Premium (per month)
Employee Only	\$35.63	\$71.27	\$497.73	\$569.00
Employee + Spouse	\$100.95	\$201.89	\$851.11	\$1,053.00
Employee + Child	\$83.40	\$166.80	\$886.20	\$1,053.00
Employee + Children	\$83.40	\$166.80	\$1,369.20	\$1,536.00
Employee + Family	\$166.80	\$333.59	\$1,202.41	\$1,536.00
Key Advantage 500	Employee Share	Employee Share	City Share	Total Premium
Employee Only	\$43.07	\$86.13	\$619.87	\$706.00
Employee + Spouse	\$126.13	\$252.25	\$1,053.75	\$1,306.00
Employee + Child	\$102.22	\$204.44	\$1,101.56	\$1,306.00
Employee + Children	\$102.22	\$204.44	\$1,701.56	\$1,906.00
Employee + Family	\$211.45	\$422.90	\$1,483.10	\$1,906.00
Key Advantage 250	Employee Share	Employee Share	City Share	Total Premium
Employee Only	\$50.50	\$101.00	\$679.00	\$780.00
Employee + Spouse	\$151.31	\$302.62	\$1,140.38	\$1,443.00
Employee + Child	\$120.98	\$241.95	\$1,201.05	\$1,443.00
Employee + Children	\$120.98	\$241.95	\$1,864.05	\$2,106.00
Employee + Family	\$256.11	\$512.22	\$1,593.78	\$2,106.00

*City of Hopewell's Health Savings Account (HSA) contribution (24 pays): \$1,400 individual or \$2,700 family
Please note the rates above may be reduced by \$30 or \$15 per month based on achieving one of our two wellness incentives.

Voluntary Vision Insurance - VSP

Tier	Monthly Premium	Per Pay Premium
Employee Only	\$11.37	\$5.69
Employee + Spouse	\$19.15	\$9.58
Employee + Child(ren)	\$19.55	\$9.78
Employee + Family	\$31.52	\$15.76

Voluntary Dental Insurance – Delta Dental of Virginia

(TLC participants are NOT eligible to participate in this plan)

Tier	Monthly Premium	Per Pay Premium
Employee Only	\$33.89	\$16.95
Employee + Spouse	\$72.28	\$36.14
Employee + Child(ren)	\$75.80	\$37.90
Employee + Family	\$124.17	\$62.09

*City employees are paid bi-weekly (every other week) and deductions occur 24 out of 26 pays.

Proposed Early-Retiree Rates 2024-2025

20+ Years of Service (City Pays 30% of the total premium)			
Plan	Retiree Share	City Share	Total Premium
TLC Key Advantage 250	583.80	250.20	\$834.00
TLC Key Advantage 500	528.50	226.50	\$755.00
TLC HDHP	425.60	182.40	\$608.00

15-19 Years of Service (City Pays 20% of the total premium)			
Plan	Retiree Share	City Share	Total Premium
TLC Key Advantage 250	667.20	166.80	\$834.00
TLC Key Advantage 500	604.00	151.00	\$755.00
TLC HDHP	486.40	121.60	\$608.00

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: Human Resources Policies and Procedures Manual

ISSUE: HR Harassment Policy that needs to be amended and updated.

RECOMMENDATION: City Administration recommends approval of revisions and updates to Section 5. Equal Employment Opportunity and Section 6. Workplace Harassment Policy

TIMING: Action is required at this meeting on March 12, 2024.

ENCLOSED DOCUMENTS: Human Resources Policies and Procedures Manual Section 5. And Section 6.

STAFF: Yaosca Smith, Director of Human Resources

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y N

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

Y N

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

City of Hopewell

Human Resources Policies and Procedures Manual

SECTION 5: EQUAL EMPLOYMENT OPPORTUNITY

5.1 Equal Employment Opportunity Policy1

5.2 Implementation1

5.3 Sexual Harassment.....1

5.4 Complaint Procedure.....2

City of Hopewell

Human Resources Policies and Procedures Manual

SECTION 5: EQUAL EMPLOYMENT OPPORTUNITY

5.1 Equal Employment Opportunity Policy

The City expressly prohibits any form of unlawful employee discrimination and harassment based on sex, race, color, religion, national origin, age, pregnancy, marital status, sexual orientation, disability, status as a Vietnam Veteran or special disabled veteran, or any other class protected from discrimination by state and federal law. Improper interference with the ability of all employees to perform their expected job duties is not tolerated.

The City is fully committed to the principles of equal employment opportunity in the provision of all services to the public. This policy describes how the City will apply those principles and ensure compliance with applicable federal, state, and local laws relating to equal employment opportunity.

The City will make all decisions regarding recruitment, hiring, promotions, and other terms and conditions of employment, without unlawful discrimination on the basis of race, color, religion or creed, sex, national origin, disability, age or any other protected characteristic.

5.2 Implementation

To implement this policy the City will make good faith efforts to:

- 1 Identify and eliminate employment practices and procedures which tend to have an unlawful adverse impact on protected population groups through consideration of factors not clearly related to job performance;
2. Develop and recruit qualified minority and women applicants, using such special recruitment efforts and other measures to increase the number of qualified minorities and women in applicant pools for available jobs; and
3. Take such other narrowly tailored affirmative action to promote the employment and advancement of minorities, females, and the disabled as may be consistent with compelling City interests.

Nothing in this policy is intended to require or allow preference in employment decisions based on membership in a protected group. Selection for city positions shall be based on a determination of who is best suited for a particular position.

The EEO Officer for the City is the Human Resources Manager. The Human Resources Manager can be reached at (804) 541-2246. The Human Resources Manager's office and the Human Resources Department are located on the second floor of the Municipal Building. Any complaints or issues should be directed to the EEO Officer, the Assistant City Manager, or the City Manager.

5.3 Sexual Harassment

Our employees and other members of our working environment have the right to be free from inappropriate comments, unwelcome sexual advances, requests for sexual favors,

City of Hopewell

Human Resources Policies and Procedures Manual

and other verbal or physical conduct of a sexual nature, or based on a person's gender, when "submission to" or "rejection of" this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment. We expect our employees and other members of our working environment to treat each other with respect and courtesy.

5.4 Complaint Procedure

If you believe you have been discriminated against or harassed, as set forth in this policy, or retaliated against for bringing a complaint or opposing a practice, you are required to promptly report the matter to your immediate supervisor, the Department Director, the Human Resources Manager, the Assistant City Manager, or the City Manager. See [Section 6.3](#) for the full complaint procedure.

City of Hopewell
Human Resources Policies and Procedures Manual

SECTION 6: WORKPLACE HARASSMENT POLICY

6.1 Sexual Harassment Defined.....1
6.2 Harassment1
6.3 Complaint Procedure.....2
6.4 “Other Members” of the City’s Work Environment.....4

Appendix A – Acknowledgement Form

City of Hopewell
Human Resources Policies and Procedures Manual
SECTION 6: WORKPLACE HARASSMENT POLICY

6.1 Sexual Harassment Defined

With respect to sexual harassment, the City prohibits:

- 6.1.1 Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, where:
- a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b) Submission to, or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
 - c) Such conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile, or offensive working environment.
- 6.1.2 The types of behaviors that constitute sexual harassment may include, but are not limited to:
- a) Unwelcome sexual flirtations, advances or propositions; derogatory, vulgar, or graphic written or oral statements (including e-mail or voice mail messages) regarding one's sexuality, gender or sexual experience;
 - b) Unnecessary touching, patting, pinching or attention to an individual's body;
 - c) Physical assault;
 - d) Unwanted sexual compliments, innuendoes, suggestions or jokes; or
 - e) The display of sexually suggestive pictures or objects, including the viewing and/or downloading of inappropriate pictures or materials from computer systems.

It is not considered harassment or retaliation of any sort for supervisors to enforce the City's job performance or conduct standards in a fair and consistent manner.

6.2 Harassment

With respect to harassment (other than sexual harassment) on the basis of sex, race, color, religion, national origin, age, pregnancy, marital status, disability, status as a Vietnam Veteran or special disabled veteran, or any other class protected by state and federal law, the City prohibits:

Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her sex, race, color, religion, national origin, age, pregnancy, marital status, partisan political affiliation, sexual orientation, disability, status as a veteran or special disabled veteran, or any other class protected by state and federal law, and that:

- 1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;

City of Hopewell

Human Resources Policies and Procedures Manual

2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Harassing conduct by co-workers and non-employees (hereinafter defined as, by way of example but not limitation, volunteers, visitors, customers, vendors, or consultants) toward employees which includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to sex, race, color, religion, national origin, age, pregnancy, marital status, disability, or any other class protected by state and federal law; and
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of sex, race, color, religion, national origin, age, pregnancy, marital status, partisan political affiliation, sexual orientation, disability, status as a Vietnam Veteran or special disabled veteran, or any other class protected by state and federal law and that is placed on walls, bulletin boards, or elsewhere on the premises or circulated in the workplace. This includes e-mail and voice mail messages, as well as the viewing and/or downloading of inappropriate pictures or materials from computer systems.

6.3 Complaint Procedure

The following procedure applies to any discrimination and/or harassment complaint:

1. If you believe you have been discriminated against or harassed, as set forth in this policy, or retaliated against for bringing a complaint or opposing a practice, you are required to promptly report the matter to your immediate supervisor, the Department Director, the Human Resources Manager, the Assistant City Manager, or the City Manager. If you believe you have been harassed or discriminated against, or if you are aware of the harassment of others, you should provide management with as much detail as possible in a written or verbal complaint, including the names of individuals involved, the names of any witnesses, direct quotations where language is relevant, and any documentary evidence (notes, pictures, e-mail, cartoons, etc.) to your immediate supervisor, Department Director, the Human Resources Manager, the Assistant City Manager, or the City Manager.
2. You can inform any of the persons listed above of the complaint. Thus, for example, if you would prefer not to bring the complaint to your immediate supervisor, you should report it to the Department Director, the Human Resources Manager, the Assistant City Manager, or the City Manager.
3. All employees have an obligation to promptly report harassment and discrimination, whether as a victim or as an observer, to your immediate supervisor. Failure to promptly report all perceived incidents of harassment or discrimination is considered an act of willful misconduct and may subject an employee to disciplinary action and/or termination of employment.
4. Supervisors who receive complaints of unlawful harassment or discrimination have a duty to investigate the allegations and to take immediate and appropriate corrective action. In order to fulfill this obligation, complaints of unlawful harassment or

City of Hopewell

Human Resources Policies and Procedures Manual

discrimination shall be promptly and thoroughly investigated, regardless of whether the complainant requests or seeks such an investigation.

5. Non-probationary employees have the option of initiating a formal grievance through the [Grievance Procedure](#) described in Section 8 of the personnel policy manual. If the employee chooses not to pursue the complaint through the [Grievance Procedure](#), the City will utilize the procedure described herein to investigate and resolve the complaint as promptly as possible.
6. Once on notice of a complaint, the City will investigate it in a prompt, thorough, and impartial manner. This investigation may include interviews with the complainant, the alleged offender, and other witnesses. All parties, (i.e., complainant, alleged offender) will be allowed to have an advisor of their choice attend the meeting. Advisors may only consult with their parties; they may not address the City representative conducting the investigation and may not ask questions. All advisors will be bound by the confidential terms of the Complaint Investigation Process. Upon request by the City representative conducting the investigation, and in any event when a party's advisor is an attorney, a representative of the City Attorney's office may attend any portion of the meeting for purposes of consulting with and advising the City representative conducting the investigation.
7. The City will ensure as much confidentiality as is possible. Documentation of all allegations and investigations will be retained in a confidential file.
8. The City prohibits any form of retaliation against an employee for filing a complaint under this policy, for assisting in the initiation or investigation of such a complaint or opposing a discriminating or harassing practice. There will be no discrimination or retaliation against any individual who files a complaint of harassment or discrimination, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. The City will take immediate and appropriate corrective action if it determines that harassment or discrimination has occurred in violation of this policy. Discrimination and harassment are considered acts of willful misconduct and may subject an employee to disciplinary action and/or termination of employment. In addition, depending upon the nature of the complaint and the wishes of the person(s) claiming harassment, corrective action may involve one or more of the following:
 - a. Advising the complainant about how to communicate to the alleged harasser about the unwelcome nature of the behavior;
 - b. Distributing a copy of the City's [Equal Employment Opportunity](#) and [Workplace Harassment Policy](#) as a reminder to the department or area or person whose behavior is being questioned.
 - c. If both parties agree, arranging and facilitating a meeting between the person(s) claiming discrimination or harassment and those accused of discrimination or harassment to work out a mutual resolution.
 - d. Cancellation or termination of City contracts or volunteer status.

City of Hopewell

Human Resources Policies and Procedures Manual

- e. Disciplinary action for employees may include any or all of the following: mandatory participation in educational or counseling sessions, suspension without pay, denial of a promotion or pay raise, demotion, and termination for cause.
- 9. Prompt reporting of harassment and discrimination is in the best interest of all employees and the City. Complaints must be brought within two years of the latest alleged incident. Information about all complaints and resolutions will be kept on file in the Human Resources Department so the City Manager may be advised of every informal and formal complaint as brought forward and of any resolutions of such complaints.

6.4 “Other Members” of the City’s Work Environment

It should be noted that the City's authority to investigate, to compel cooperation, or to impose sanctions against those who are not employees of the City, is limited. City volunteers, subcontractors, vendors, suppliers, and independent contractors (referred to collectively as “other members” of the City’s work environment) may use this complaint policy where applicable to bring complaints against a City employee or “other member” of the City whose behavior in the City’s working environment is in question. These “other members” are expected to abide by the City’s prohibition against all forms of discrimination or harassment. If any such individual or entity is found to have violated the City’s policy, the services of such individual or entity may be terminated or suspended immediately at the City’s full discretion.

The City will not tolerate any form of retaliation against employees or “other members” of our working community who elect to follow this procedure. Any complaint brought by an employee or “other member” of our working community will not prejudice the employee's or “other member’s” rights of employment. However, the use of this procedure should not be construed as preventing, limiting, or delaying any corrective actions deemed necessary by management in circumstances when the operation, effectiveness, and reputation of the City may be compromised.

If you have any questions regarding this policy or how to make a complaint, we urge you to contact the Human Resources Manager or Department Director in your location.

**CITY OF HOPEWELL
Acknowledgement Form**

I hereby acknowledge that I have received a copy of the City's Equal Employment Opportunity and Workplace Harassment Policy, and hereby agree that I will read and abide by this employment policy. I further understand that I may contact the Human Resources Manager or my Department Director if I have any questions about the policy.

Name of Employee (Please print)

Employee's Signature (Date)

ORIGINAL ACKNOWLEDGEMENT FORM IS TO BE FORWARDED TO THE HUMAN RESOURCES DEPARTMENT

R-5



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: Memorandum of Understanding and Agreement (MOU/MOA)

ISSUE: The City’s Finance Department, under the leadership of the Interim Chief Financial Officer, is reorganizing the department to centralize all the city’s financial activities to the Finance Department

RECOMMENDATION: Staff recommends that the City Council approve the Memorandum of Agreement (MOA) between the Treasurer’s Office and the City of Hopewell.

TIMING: Approval on March 12, 2024.

BACKGROUND: The City of Hopewell is reorganizing its Finance Department. As a part of the reorganizational plan, the department will centralize all financial functions to the Finance Department. The City and the Treasurer have also agreed to centralize their department’s Accountant position to the Finance Department.

ENCLOSED DOCUMENTS: Memorandum of Understanding and Agreement (MOU/MOA)

STAFF: Dr. Concetta Manker, City Manager

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

Roll Call

SUMMARY:

Y N

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

Y N

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



Dr. Concetta Manker
City Manager

cmanker@hopewellva.gov
p: 804.541.2243
f: 804.415.4041

300 North Main Street
Suite 216
Hopewell, VA 23860
www.hopewellva.gov

MEMORANDUM OF AGREEMENT

To: Hopewell City Council
From: Dr. Concetta Manker, City Manager
Date: 02/09/2024

The purpose of this Memorandum of Agreement is to agree to the new organizational structure of the City of Hopewell and to establish and clarify the roles and responsibilities of the Treasurer's Office and the Department of Finance.

Purpose

The purpose of this agreement is to provide a consistent alignment of finance-related functions within the organization while providing the Treasurer's Office with needed finance-related support. This MOA outlines the work to be done on behalf of the Treasurer's Office to ensure that there is a clear understanding of work product and timing. This change reduces the decentralization of specialized positions and is meant to improve overall coordination and supervision of finance-related activities.

Roles and Responsibilities

The City of Hopewell Treasury Office Agrees to:

- Organization restructure of the Finance and Treasury Department
- Relocating the Treasurer's Accountant position to the Finance Department.
- The Accountant will report to the Assistant Finance Director.
 - Bank reconciliations
 - Maintains a list of revenue charge codes by vendor or revenue source
 - Determines what revenue code to use if unclear by the Treasurer's Office.
 - Creates journal entries related to the Treasurer's Office workflow.
 - Interfaces with Schools Finance Department on revenue and expense reports
 - Reconciles school expense reports with monthly payroll and AP payments out of the City's funds
 - May assist with other City/Finance needs as time is available
 - Responsible for maintaining the relationship between Treasurer and Finance
 - Maintains Treasurer's records for annual audit
 - Provides annual reconciliation of annual State report on revenues provided and booked into the City's GL
 - Engage in other finance functions as assigned as long as primary Treasury functions are being completed
- **Interface with Treasurer's office**
 - Office remains in Treasurer's Office unless otherwise noted.
 - Finance's primary contact with Treasurer staff
 - Works with the Treasurer's staff to ensure office procedures are consistent with the City's needs for financial data

- **Reporting**

- Provide monthly reports on the status of tasks, especially bank reconciliations
- Provides support and data for annual audit

Terms of Agreement

This Memorandum of Agreement shall commence on March 12, 2024, and remain in full force and effect until such time it is amended by mutual agreement. Either party may terminate this Agreement at any time with a (30-day) written notice.

_____ **Date:** _____
Mayor Partin

_____ **Date:** _____
Treasurer Signature:
Shannon Foskey

_____ **Date:** _____
Finance Director Signature:
Russell Branson

_____ **Date:** _____
City Attorney Signature:
Danielle Smith

_____ **Date:** _____
City Manager Signature:
Dr. Concetta Manker

R-6



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: First Reading to Amend Zoning Ordinance Articles I (Definitions), IX-A (Downtown Central Business District, B-1), and XIV-B (Tourist/Historic District, TH-1), and add Article XXIII (Historic Preservation)

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

RECOMMENDATION: City Administration and Planning Commission recommend approval of the proposed zoning ordinance amendments and requests that Council set the public hearing date for March 26, 2024.

TIMING: City Council public hearing is requested for March 26, 2024.

BACKGROUND: See staff report for background.

ENCLOSED DOCUMENTS: Staff Report; Proposed Ordinance Amendments; Proposed Ordinance Amendments (Redlined); Presentation

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

FOR IN MEETING USE ONLY

SUMMARY:

- Y N Councilor Rita Joyner, Ward #1
Councilor Michael Harris, Ward #2
Mayor John B. Partin, Ward #3
Vice Mayor Jasmine Gore, Ward #4
Councilor Janice Denton, Ward #5
Councilor Brenda Pelham, Ward #6
Councilor Dominic Holloway, Sr., Ward #7



City of
HOPEWELL
VIRGINIA

March 2024

ZONING ORDINANCE AMENDMENTS

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



Content

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

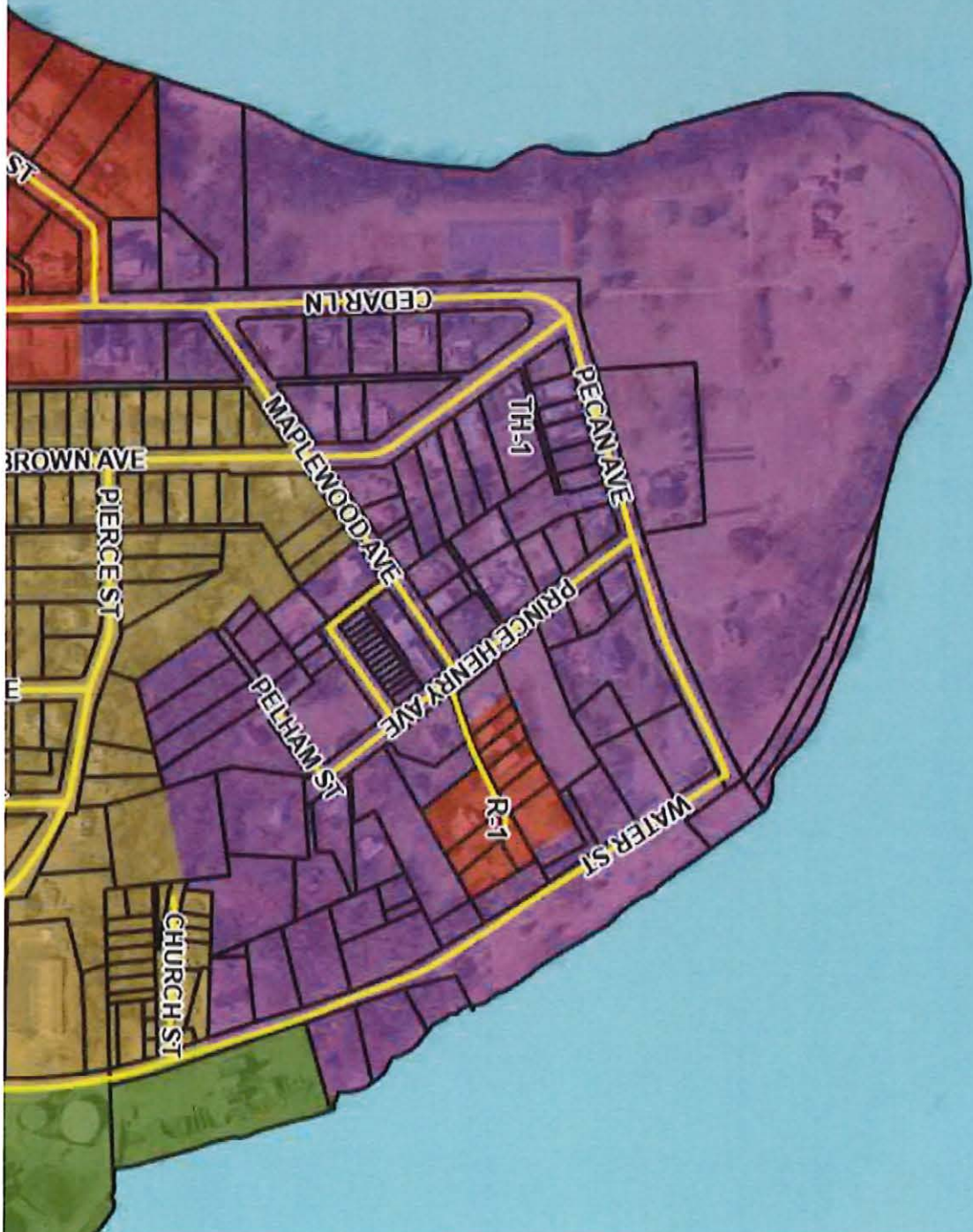




Background

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

TH-1 ZONING





Scope of the Update

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

Article XXIII, Historic Preservation

New article consolidates architectural review responsibility and improve administration.

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

Update addresses use, sign, and development regulations.

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

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

Article I, Definitions

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





Art. XXIII - Historic Preservation

This new article applies to all local historic districts:

Outlines requirements for historic districts, generally

Consolidates B-1 & TH-1 requirements

Establishes the Architectural Review Board (ARB)

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

Creates a Framework for Future Districts & Properties

Outlines requirements for future districts and individually-protected landmarks

Addresses Deficiencies & Best Practices

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



Art. IX-A,B-1 Changes

Modifies Uses

Add and modify uses for active economic development prospects

Updates Sign Requirements

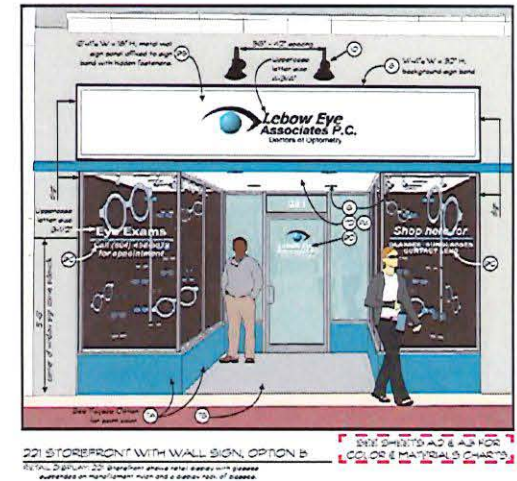
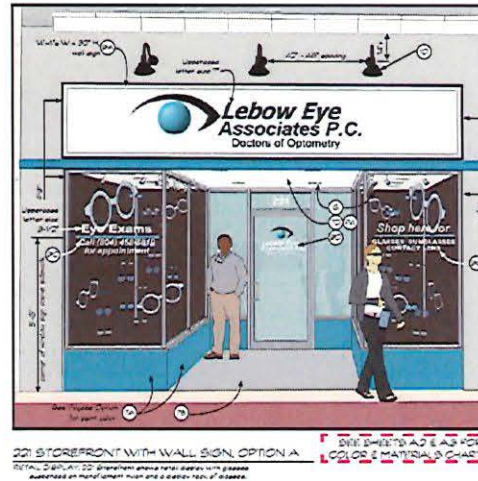
- Eliminate/reduce stringent requirements like letter height
- Allow modern materials
- Enable temporary (e.g., grand openings) and freestanding signs

Addresses Common Complaints

- Add transparency requirements
- Allow LED or incandescent hue

Updates Design Standards

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





Art. XIV-B - Tourist/Historic District

Eliminates Conflicting and Unenforceable Text

Primarily related to uses and setbacks

Eliminates Minor/Major Violation Language

Language was vague and creates challenges for enforcement

Adds Option for Administrative Review of Minor Actions

Paint from approved color palette

Minor landscaping structures

Mechanical equipment visible from alley only





Art. I - Definitions

Artisan Workshop

Assembly Hall

Commercial Kitchen, Shared

Farmer's Market

Flag

Home Furnishings Store

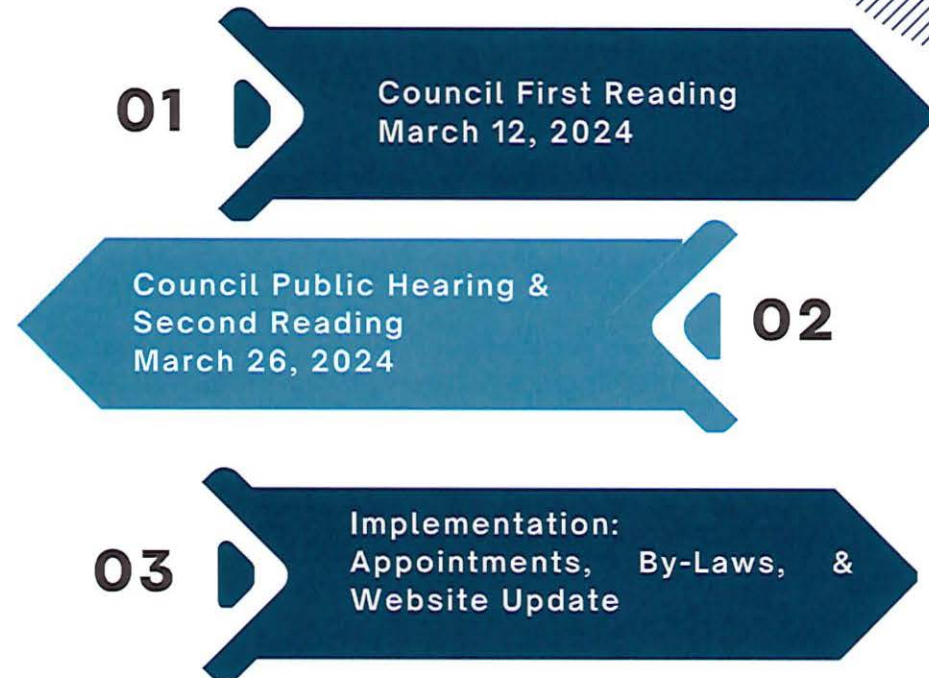
Sign, Small Illuminated

Sign, Small Permanent

Sign, Small Temporary

Recommendation & Next Steps

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





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

WEBSITE

Historic Districts

OVERVIEW

DOWNTOWN (B-1)

CITY POINT (TH-1)

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

Meetings

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

Façade Improvement Drawings

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

Application Forms & Resources

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





THANK YOU

Kelly Davis, AICP

-  (804) 541-2269
-  kdavis@hopewellva.gov
-  www.hopewellva.gov/historicdistricts
-  300 N. Main Street
Hopewell, VA 23860





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

Staff Report prepared for the Hopewell City Council March 12, 2024 meeting

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

I. TENTATIVE MEETING SCHEDULE:

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

II. PUBLIC NOTIFICATION

Legal ads ran in the Progress-Index on February 28 and March 6, 2024, for the Planning Commission public hearing.

III. IDENTIFICATION AND LOCATIONAL INFORMATION:

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

IV. EXECUTIVE SUMMARY:

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

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

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

V. RELEVANT ZONING ORDINANCE LANGUAGE:

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

Article XXI, Amendments (Excerpts)

Section A

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

Section B

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

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

VI. STAFF ANALYSIS:

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

New Historic Preservation Article XXIII (See Attachment A)

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

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

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

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

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

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

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

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

Amendment to Article I, Definitions (See Attachment D)

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

VII. RELATIONSHIP TO COMPREHENSIVE PLAN

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

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

VIII. STAFF RECOMMENDATION:

Staff recommends approval of the amendments as proposed.

IX. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission will hear this proposed zoning ordinance amendment on March 7, 2024. The update from that meeting will be provided at the March 12, 2024, City Council meeting for the first reading of the ordinance.

X. OPTIONS FOR PROPOSED ACTION:

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

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

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

ARTICLE XXIII. – Historic Preservation.¹

A. GENERAL.²

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

B. ARCHITECTURAL REVIEW BOARD.³

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

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

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

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

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

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

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

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

⁷ Modified existing requirement to allow reapplication for modified proposals.

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

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

C. ESTABLISHMENT OF HISTORIC DISTRICTS.⁹

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

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

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

D. INDIVIDUALLY-PROTECTED LANDMARK PROPERTIES.¹⁰

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

E. ESTABLISHMENT OF HISTORIC PLAQUE.¹¹

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

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

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

F. CERTIFICATES OF APPROPRIATENESS.¹²

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

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

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

¹⁴ This is a new addition.

¹⁵ This is a new section added for administration purposes.

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

4. **Standards of Review.**¹⁶

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

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

into a national, state, or local historic landmark.

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

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

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

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not been substantially completed within eighteen (18) months of issuance. "Substantial Completion" shall be defined as the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

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

7. Denial.

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

8. Appeals.¹⁹

a. Appeal to City Council.

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

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

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

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

G. PROTECTIVE MAINTENANCE.²¹

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

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

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

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

H. RIGHT TO DEMOLISH A HISTORIC STRUCTURE.²³

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

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

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

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

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

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

STATEMENT OF INTENT

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

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

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

A. USE REGULATIONS

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

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than five (5) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Architectural Review Board (ARB) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article ~~XVIII (L)~~ XXIII of this ordinance.
 - f. ~~Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.~~ Minor utility facilities serving local distribution needs, including underground power lines, water distribution lines, sewer lift stations, and storm

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water conveyance pipes, fiber optic cable, pump stations and hydrants, switching boxes, and other structures normally found in a street right-of-way to serve adjacent properties.¹

~~g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.~~

~~h.g.~~ Municipal owned recreational facilities ~~which~~that enhance the historic nature of the district.

~~i.h.~~ Home occupation, as defined, to be located in the main building or an appropriate historic out-building.

2. Uses by Conditional Use Permit by City Council ~~by Special Exception by the Board of Zoning Appeals, after review and recommendation by the Review Board.~~²

a. Dwelling units in non-commercial areas of any otherwise permitted nonresidential use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.

b. Banks and financial institutions.

c. Bed and Breakfast establishments.

d. Museums and art galleries.

e. Professional offices, ~~as defined.~~

f. Restaurants, excluding drive-in and fast food establishments.

g. Retail stores and businesses ~~that~~which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.

h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.

~~i.~~ Cottage industries ~~that~~which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

~~i.~~

j. Major utility facilities, such as electrical substations, transmission lines, water wells, water towers, and cellular towers for wireless transmission above the frequency of 20,000 hertz.³

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

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

³ Provides modernized definition to eliminate conflicts in existing text.

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B. AREA REGULATIONS

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

~~2.1.~~

C. MINIMUM LOT WIDTH

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

~~1.~~

~~D.~~ SETBACK YARD REGULATIONS, MAIN BUILDING.⁴

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

~~2.~~

~~E.D.~~ YARD REGULATIONS

- ~~1.~~ Front⁵: Structures shall be located at least twenty-five (25) feet from any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

- ~~1.2.~~ Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet. On a corner lot, the minimum side yard facing on the side street shall be twenty (20) feet.

- ~~2.3.~~ Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

~~F.~~ YARD REGULATIONS, ACCESSORY BUILDING.⁶

~~E.~~

- ~~1.~~ No accessory building shall be located between the setback line and the front property line.

⁴ Existing sections D, E, and G have been consolidated under this heading to maintain consistency with other residential articles and correct inconsistency relating to the corner lot setback line adjacent to streets.

⁵ Removed exception that "front" may be modified based on traffic volume. VDOT online traffic volume application does not provide traffic volume data for streets in the TH-1 district making this difficult to verify and administer.

⁶ This is a new section to provide clarity of administration and interpretation for accessory buildings. This section is

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

G.F. HEIGHT REGULATIONS.

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

H.G. SPECIAL PROVISIONS FOR CORNER LOTS.

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, ~~except that, for existing buildings, the zoning administrator shall determine the front based on the orientation and principal entrance of the main building. ,except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.~~
- ~~1. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.~~

H.H. REQUIREMENT FOR PERMITTED USES.⁷

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

based on the existing setback provided under section A and existing accessory building regulations in the other residential zoning districts.

⁷ Updated language to eliminate conflicts with the site plan article and reflect current practice.

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~~construction commenced on any permitted use in this district~~

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

I. CERTIFICATE OF APPROPRIATENESS REQUIRED.⁸

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

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

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

J. CERTIFICATION OF APPROPRIATENESS, GENERALLY

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Architectural Review Board.

⁸ This section adds an option for administrative review of certain minor actions.

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

~~K. ARCHITECTURAL REVIEW BOARD~~

- ~~1. An Architectural Review Board is hereby established and shall be known as the Architectural Review Board, hereafter referred to as the review board. The review board membership shall consist of no less than five (5) nor more than seven (7) members who shall be appointed by City Council. Each member of the Review Board must have a demonstrated interest, competence, or knowledge in historic preservation. One (1) shall be a resident of the City Point Historic District, one (1) shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. These members shall serve a term of four (4) years. The Senior Planner shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)~~
- ~~2. The review board shall elect from its own membership a chairman and a vice chairman, who shall serve annual terms as such and may succeed themselves.~~
- ~~3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum shall be a majority of the membership. A quorum is required before the review board may take any official action. The review board shall meet monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)~~
- ~~4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a~~

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

- ~~5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.~~
- ~~6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.~~
- ~~7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.~~

~~L. NOTICE OF PUBLIC HEARING:~~

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

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

- ~~1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - ~~a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.~~
 - ~~b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.~~~~
- ~~2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
 - ~~a. Is the building of such architectural or historic interest that its removal or disturbance~~~~

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~~would be to the detriment of the public interest?~~

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

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

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

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

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

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

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

~~Upon approval by the review board of any erection, reconstruction, alteration, restoration and/or rehabilitation, or demolition, a certificate of appropriateness, signed by the Zoning Administrator or his/her designee and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.~~

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

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

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~~pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.~~

~~"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:~~

- ~~1) Necessary final approval by the Hopewell Building Official has been given (if required); and~~
- ~~2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and~~
- ~~3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and~~
- ~~4) Any work remaining on the project is minor or "punch list" in nature.~~

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

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

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

~~_____
_____~~

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

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

~~— When a Historic Structure is not permitted to be demolished under the requirements of [cross-reference ARB standards of review], the property owner shall, as a matter of right, be entitled to raze or demolish it in accordance with the requirements of the Code of Virginia §15.2-2306 A.3., second paragraph, as amended. The owner shall submit evidence to support such claim of right to the City, and the City shall determine whether the evidence establishes such a right.~~

~~— In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:~~

- ~~1. He has applied to the board of review for such right.~~
- ~~2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.~~
- ~~3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:~~

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

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

- ~~1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article minimum offer to sell period outlined in the Code of Virginia §15.2-2306 A.3., second paragraph, as amended, shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.~~
- ~~2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make an appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this section Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.~~

~~R.J. YARD VARIANCES:~~

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's

⁹ Deleted language regarding minor versus major violations. Language was vague and has created enforcement and compliance challenges.

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historic appearance by granting variance to normal yard requirements. Where it is deemed that such a variance will not adversely affect neighboring properties, the ~~Architectural Review Board~~ ARB may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be made.

~~S. PERMITTED USES:~~

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

~~T. EXCLUSION:~~

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

~~U. DEFINING HISTORIC BUILDINGS AND AREAS:~~

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

~~Prior to the establishment or expansion of a historic district, the Director of Development shall prepare, in writing, a report containing: (i) an inventory of all landmarks, buildings and other structures, sites and~~

~~ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)~~

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~~objects being considered for inclusion within the proposed district, (ii) recommendations, if any, for detailed zoning and other regulations to be applied within the district, and (iii) a listing of the criteria to be used to determine which properties shall be included within the district. The Director of Development shall seek the advice and guidance of the Architectural Review Board in preparing such report and shall give due consideration to the views of property owners being considered for inclusion in such a new or expanded district.~~

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

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

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

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

~~The City Council may, by ordinance, establish or expand an historic district if it finds that the proposed district or expansion thereof meets the requirements of this section, and may adopt such zoning or other regulations pertaining to property within the district, consistent with general law, as it may deem appropriate. The City Council shall give due consideration to the views of property owners being considered for inclusion in such new or expanded district. Upon City Council approval of a new or expanded historic district, the official zoning map shall be amended accordingly.~~

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

ARTICLE XIV-B: TOURIST/HISTORIC DISTRICT (TH-1)

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~~V. HISTORIC MARKERS:~~

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

~~W. PROTECTIVE MAINTENANCE:~~

- ~~1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an “endangered structure”:~~
 - ~~a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;~~
 - ~~b. The deterioration of roofs or horizontal members;~~
 - ~~c. The deterioration of exterior chimneys;~~
 - ~~d. The deterioration or crumbling of exterior plaster or mortar;~~
 - ~~e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;~~
 - ~~f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.~~
- ~~2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner’s notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)~~

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- ~~3. The one hundred twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.~~
- ~~4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.~~
- ~~5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.~~
- ~~6. Alternatively, if the owner fails to act, the review board may order the zoning administrator after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure. The reasonable costs thereof shall be placed as a lien against the property.~~

DRAFT

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

STATEMENT OF INTENT

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

A. USE REGULATIONS

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

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

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

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

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- a. Dwelling units in non-commercial areas of any otherwise permitted nonresidential use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
- b. Banks and financial institutions.
- c. Bed and Breakfast establishments.
- d. Museums and art galleries.
- e. Professional offices.
- f. Restaurants, excluding drive-in and fast food establishments.
- g. Retail stores and businesses that sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
- h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
- i. Cottage industries that manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.
- j. Major utility facilities, such as electrical substations, transmission lines, water wells, water towers, and cellular towers for wireless transmission above the frequency of 20,000 hertz³.

B. AREA REGULATIONS

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

C. MINIMUM LOT WIDTH

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

D. YARD REGULATIONS, MAIN BUILDING.⁴

1. Front⁵: Structures shall be located at least twenty-five (25) feet from any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

³ Provides modernized definition to eliminate conflicts in existing text.

⁴ Existing sections D, E, and G have been consolidated under this heading to maintain consistency with other residential articles and correct inconsistency relating to the corner lot setback line adjacent to streets.

⁵ Removed exception that "front" may be modified based on traffic volume. VDOT online traffic volume application does not provide traffic volume data for streets in the TH-1 district making this difficult to verify and administer.

2. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet. On a corner lot, the minimum side yard facing on the side street shall be twenty (20) feet.
3. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

E. YARD REGULATIONS, ACCESSORY BUILDING.⁶

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

F. HEIGHT REGULATIONS.

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

G. SPECIAL PROVISIONS FOR CORNER LOTS.

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that for existing buildings the zoning administrator shall determine the front based on the orientation and principal entrance of the main building.

H. REQUIREMENT FOR PERMITTED USES.⁷

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

I. CERTIFICATE OF APPROPRIATENESS REQUIRED.⁸

1. A certificate of appropriateness shall be required for all changes in the TH-1 district in accordance with Article XXIII, Historic Preservation, unless otherwise exempt by this section.
2. Certain minor actions in the TH-1 district may be approved administratively if the Zoning Administrator finds that such action will not permanently affect the character of the historic

⁶ This is a new section to provide clarity of administration and interpretation for accessory buildings. This section is based on the existing setback provided under section A and existing accessory building regulations in the other residential zoning districts.

⁷ Updated language to eliminate conflicts with the site plan article.

⁸ This section adds an option for administrative review of certain minor actions.

2. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet. On a corner lot, the minimum side yard facing on the side street shall be twenty (20) feet.
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H. REQUIREMENT FOR PERMITTED USES.⁷

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

I. CERTIFICATE OF APPROPRIATENESS REQUIRED.⁸

1. A certificate of appropriateness shall be required for all changes in the TH-1 district in accordance with Article XXIII, Historic Preservation, unless otherwise exempt by this section.
2. Certain minor actions in the TH-1 district may be approved administratively if the Zoning Administrator finds that such action will not permanently affect the character of the historic

⁶ This is a new section to provide clarity of administration and interpretation for accessory buildings. This section is based on the existing setback provided under section A and existing accessory building regulations in the other residential zoning districts.

⁷ Updated language to eliminate conflicts with the site plan article.

⁸ This section adds an option for administrative review of certain minor actions.

property or district. Such minor actions shall include the following and any similar actions which, in the opinion of the Zoning Administrator, will have no more effect on the character of the district than those listed:

- a. Changing the color of structure to a color selected from a color palette of historically accurate paint colors adopted by the Architectural Review Board (ARB) or to a color found by the Zoning Administrator to be compatible with a color included in an adopted color palette.
- b. Minor landscaping structures, such as walks, low retaining walls, small fountains, ponds and the like which will not substantially affect the character of the property and its surroundings.
- c. Addition or deletion of mechanical equipment, antennas, skylights, or solar collectors in locations visible from a public alley but not from any other public street or public place.

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

J. ⁹YARD VARIANCES.

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

⁹ Deleted language regarding minor versus major violations. Language was vague and has created enforcement and compliance challenges.

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

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

STATEMENT OF INTENT¹

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

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

A. USE REGULATIONS.²

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

1. Accessory Uses and Structures.

~~1.2.~~ Accounting Services.

~~2.3.~~ Advertising and Public Relations Agencies.

~~3.4.~~ Antiques.

~~4.5.~~ Apartments on the first floor of mixed-use buildings with ~~a~~ Conditional Use Permit.

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

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

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~~5.6.~~ Apartments on second and subsequent floors of commercial and office buildings/uses containing ~~a minimum an average unit size-~~ of ~~nine hundred (900) seven- hundred (700)~~ gross square feet ~~or greater~~.³

~~6.7.~~ Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below ~~nine hundred (900) seven hundred (700)~~ gross square feet, with a Conditional Use Permit.

~~7.8.~~ Appliance Stores.

~~8.9.~~ Architectural and Engineering Services.

~~10.~~ Art Galleries, Framing and Supplies.

~~9.11.~~ Artisan Workshop.⁴

~~12.~~ Assembly Hall with Conditional Use Permit.⁵

~~10.13.~~ Bakeries.

~~11.14.~~ Barber and Beauty Shops.

~~12.15.~~ Bed and Breakfast Establishments.

~~13.16.~~ Bookstores, except Adult bookstores.

~~14.17.~~ Camera and Photo Supply Stores.

~~15.18.~~ Casual and Formal Apparel Stores.

~~16.19.~~ Child Care Services.

~~17.20.~~ Churches.

~~18.21.~~ Coffee Shops.

~~19.22.~~ Commercial Banks and Financial Institutions, not to include check cashing establishments.

~~23.~~ Commercial Kitchen, Shared.⁶

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

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

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

⁶ New use to support economic development. The following associated definition will be added to Article 1: A food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products that includes related services such as on-site consumption, delivery, small-scale distribution, as well as

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- ~~20.24.~~ Computer Sales and Service.
- ~~21.25.~~ Convenience Store.
- ~~22.26.~~ Craftbeer/Tap Room.
- ~~23.27.~~ Credit Unions.
- ~~24.28.~~ Dance Studios.
- ~~25.29.~~ Delicatessen.
- ~~26.30.~~ Dry Cleaners.
- ~~31.~~ Farmer's Market.⁷
- ~~27.32.~~ Florist.
- ~~28.33.~~ Gift, Stationary, and Card Shops.
- ~~29.34.~~ Grocery Store.
- ~~35.~~ Home Decorating Center and Interior Design Services.
- ~~30.36.~~ Home Furnishings Store.⁸
- ~~37.~~ Home Health Care Services.
- ~~31.38.~~ Home Occupation.
- ~~32.39.~~ Hotels.
- ~~33.40.~~ Individual and Family Consulting Services.
- ~~34.41.~~ Insurance Agencies.
- ~~35.42.~~ Jewelry Stores.
- ~~36.43.~~ Law Offices.
- ~~37.44.~~ Marinas, Public or Private.
- ~~38.45.~~ Medical and Dental Offices.
- ~~39.46.~~ Microbrewery.⁹ ~~with Conditional Use Permit~~
- ~~40.47.~~ Microbrewery/Restaurant.

additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services.

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

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

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

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- ~~41.48.~~ Micro-Cidery.¹⁰ ~~with Conditional Use Permit~~
- ~~42.49.~~ Micro-Distillery.¹¹ ~~with Conditional Use Permit~~
- ~~43.50.~~ Micro-Winery.¹² ~~with Conditional Use Permit~~
- ~~44.51.~~ Motion Pictures ~~and~~ Theaters, excluding drive-in theaters and adult uses.
- ~~45.52.~~ Multi-family dwellings, with Conditional Use Permit.
- ~~46.53.~~ Municipal and Government Agencies and Offices.
- ~~47.54.~~ Municipal and Private Utilities.
- ~~48.55.~~ Museums.
- ~~49.56.~~ Music Stores.
- ~~50.57.~~ Offices, including business, professional and administrative.
- ~~51.58.~~ Off-street parking is not required in this district.
- ~~52.59.~~ Parking Decks and Garages, Public.
- ~~53.60.~~ Performing Arts Center.
- ~~54.61.~~ Pet Shops.
- ~~55.62.~~ Pet Shops with incidental Boarding Kennel, with Conditional Use Permit.
- ~~56.63.~~ Pharmacy.
- ~~57.64.~~ Philanthropic and charitable institutions.
- ~~58.65.~~ Photographic Studios.
- ~~59.66.~~ Post Office
- ~~60.67.~~ Print Shops.
- ~~61.68.~~ Public Libraries.
- ~~62.69.~~ Public Open Spaces and Uses owned and operated by a governmental agency
- ~~63.70.~~ ¹³Real Estate Agencies.
- ~~64.71.~~ Recreation and Fitness Centers.
- ~~65.72.~~ Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
- ~~66.73.~~ Restaurants, consumer.

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

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

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

¹³ Deleted as duplicate of item above.

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~~67.74.~~ Schools, public or private with ~~a~~ Conditional Use Permit.

~~68.75.~~ Security ~~B~~rokers and ~~D~~dealers.

~~69.76.~~ Sporting ~~g~~Goods.

~~70.77.~~ Tailor Shops.

~~71.78.~~ Tanning Salons.

~~72.79.~~ Tax preparation services.

~~73.80.~~ Title Abstract and Insurance Offices.

~~74.81.~~ Townhouses, with Conditional Use Permit.

~~75.82.~~ Toys, Games, and Crafts.

~~76.83.~~ Upholstery shops.

~~77.84.~~ Video Rental Stores, not to include adult video establishments.

B. AREA REGULATIONS:¹⁴

~~1. Multi family uses — For permitted multi family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.~~

~~2. Group housing for the elderly and handicapped — For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.~~

~~1. 3. Business uses — None. When permitted by Conditional Use Permit under Section A. above, area and density requirements shall be set as a condition of approval of the Conditional Use Permit.~~

~~2. All other uses — None.~~

C. LOT WIDTH REGULATIONS.

None.

D. SETBACK REGULATIONS.¹⁵

~~None.~~

~~1. Minimum front setback: From any street right-of-way or alley: None.~~

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

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

2. Maximum front setback: No building wall shall be setback more than the average of the two (2) adjacent structures on either side or more than 18 feet from the back of curb of any the street, not including alleys, whichever is less.

a. Up to 33 percent of a building's frontage may be exempt from this requirement when a park, courtyard, or similar common open space is provided adjacent to the street.

E. YARD REGULATIONS.

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

F. HEIGHT REGULATIONS.¹⁶

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

G. REQUIREMENTS FOR PERMITTED USES.

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

H. CERTIFICATE OF APPROPRIATENESS REQUIRED.¹⁷

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

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

¹⁷ This section combines existing sections H and I.

1.

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

~~**H. ARCHITECTURAL TREATMENT—REHABILITATION:**~~

~~a. The rehabilitation of any existing historic structure within the National Register Historic Downtown District shall comply with the Secretary of Interior’s Standards for Rehabilitation, ~~except to the extent specific deviations from such standards are expressly approved by the Downtown Design Review Committee (the “Review Committee”) established under Article IX, M hereafter.~~~~

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

~~**I. ARCHITECTURAL TREATMENT—NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:**~~

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

~~e.b.~~ New development and alterations shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape), and materials with existing structures in the Downtown. The intent of this is to ensure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of ~~imitation or artificial~~ substitute materials or elements, so long as such materials and elements are similar in appearance, style, detail, design, and durability ~~to the materials found within the downtown~~ of historic materials and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan, as amended.

~~d.c.~~ No building exterior (whether front, side, or rear) shall consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors if representative of good architectural design but shall preclude the use of inferior materials on sides that face adjoining property. ~~-No portion of a building~~ or structure constructed of cinder block, vinyl siding, or corrugated and/or sheet metal shall be permitted; provided, however, that cinder block that is covered by an acceptable façade so that the block is not visible, shall be permitted.

e.d. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety and shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive downtown character as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances, such as lighting fixtures and/or planting as described in these guidelines and the Downtown Master Plan, as amended.

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

I. BUILDING FENESTRATION STOREFRONTS & WINDOWS.¹⁸

1. Ground-Floor Stories.

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

2. Upper Stories.

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

3. Transparency.

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

b. The placement or construction of items that block the visibility through windows from the street and sidewalk, including but not limited to walls, paper products, storage cabinets,

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

~~carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. Blinds and/or draperies are acceptable but shall be open during regular business hours.¹⁹~~

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

J. SIGNAGE.

1. ~~Sign Placement.~~

- ~~a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.²⁰~~
- ~~b. Flat wall signs shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.~~
- ~~c. Projecting signs shall be located at least ten (10) feet above the sidewalk, project no more than three (3) feet from the façade of the building, and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than ten (10) feet below such cornice line to the sidewalk.²¹~~
- ~~d. Window signs, both interior and exterior, shall be located approximately five and one-half (5 ½) feet above the sidewalk at the center point of the window and the window sign for good pedestrian visibility, except that such signs may be located eighteen (18) inches from the top or bottom of the display window glass.~~
- ~~e. Window signs may be placed on the glazing of doors and on upper floor windows for separate building tenants.~~

~~e. Awning and canopy signs shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1 ½) inches.²²~~

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

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

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

2.1. Sign Dimensional Standards Permitted Signs.²³

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

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Average Height of Letters/Symbols Additional Requirements
a. <u>Combined Building Signage, excluding Window and Small Signs</u> ²⁴	<u>50 SF total per building.</u>	<u>3 total signs per building.</u> ²⁵	<u>N/A None.</u>
b. <u>Flat Wall Sign</u>	<u>1 SF for each 1 linear foot of building width, or portion thereof for a multi-tenant building, facing a street, alley, or parking area; not to exceed 32 SF per sign.</u>	<u>1 per business storefront for each building frontage, or portion thereof, adjoining a street frontage, alley, or parking area.</u>	<u>Shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.</u> <u>N/A</u>
c. <u>Projecting Sign</u>	<u>6 SF per sign face.</u>	<u>1 per business storefront.</u>	<u>Shall provide a minimum of seven (7) feet</u> ²⁶ <u>clearance from the sidewalk; and shall project no more than three (3) feet from the building; and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than seven (7) feet below such cornice line to the sidewalk.</u> <u>N/A</u>

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

²⁴ Excluded window signage based on historical practices.

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

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

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Average Height of Letters/Symbols Additional Requirements
<u>d. Awning and Canopy Sign</u>	<u>0.5 SF for each 1 linear foot of awning or canopy.</u>	<u>1 per awning or canopy</u>	<u>Shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1.5) inches.</u>
<u>e. Window Sign²⁷</u>	<u>20% of window glass area.²⁸</u>	<u>N/A</u>	<u>Shall be located in first floor windows, except that upper-floor windows are permitted for separate, upper-floor building tenants. Signs shall be centered within the window unless otherwise approved by the ARB. Permitted sign area may be transferred between first floor windows but shall not exceed 50% of the window area upon which the sign is placed.</u>
<u>f. Flag</u>	<u>8 SF</u>	<u>1 per business storefront</u>	<u>If placed adjacent to a public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained.</u>
<u>g. Freestanding Sign</u>	<u>20 SF</u>	<u>1 per parcel</u>	<u>Shall be set back from any street right-of-way at distance of at least half the height of the sign; Shall comply with Article XVIII.F.10, Development Standards for freestanding signs.</u>
<u>h. Small Sign, Permanent²⁹</u>	<u>3 SF</u>	<u>3 per parcel</u>	<u>None.</u>
<u>i. Roof Sign</u>	<u>Not Permitted.</u>		
<u>SF = square feet; ft = feet</u>			

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

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

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

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

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. <u>Portable (Sandwich Board) Sign</u>	<u>4 ft in height by 2 ft in width.</u>	<u>1 per business storefront</u>	<u>Shall be placed immediately in front of the associated storefront. If placed on any public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained. All portable signs shall be removed and stored inside when the place of business is closed.</u>
b. <u>Small Sign, Illuminated³⁰</u>	<u>1.5 SF</u>	<u>1 per business storefront</u>	<u>Shall be located inside the storefront window; may be internally illuminated.</u>
c. <u>Small Sign, Temporary³¹</u>	<u>1.5 SF</u>	<u>4 per business storefront</u>	<u>Shall be located inside the storefront window.</u>
d. <u>Temporary Banner Sign</u>	<u>16 SF</u>	<u>1 per parcel</u>	<u>Each sign shall be permitted for a period not to exceed 10 consecutive days. Each parcel shall be permitted a maximum of three (3) temporary signs per calendar year.</u>

2. ~~Sign Size~~

- ~~a. All combined building signage shall not exceed fifty (50) square feet.~~
- ~~b. Flat wall signs shall not exceed eighteen (18) inches in height and shall not extend more than six (6) inches from the building façade.~~
- ~~c. Projecting signs shall be a maximum of six (6) square feet per sign face.~~
- ~~d. The average height of letters and symbols shall be no more than twelve (12) inches on wall signs, nine (9) inches on awning and canopy signs, and six (6) inches on window signs.~~
- ~~e. Window signs shall not obscure more than twenty percent (20%) of the window glass.~~

~~3.~~

3. ~~Quantity of Permanent Signs~~

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

- ~~a. Signs shall be limited to two (2) total per building and each shall be of a different type. No building shall have more than one (1) wall sign on any street frontage.~~

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

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

~~b. Small directory signs may be located near entries or inside a common lobby area.~~

4.

~~5.3. Sign Placement and Design and Shape.~~³²

~~a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.~~³³

~~a.~~

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

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

~~d.~~ Any sign located within 15 inches of a window shall be counted toward the permissible window sign area, whether or not such sign is permanently affixed to the window.³⁴

~~6.4. Materials.~~³⁵

a. Sign materials shall consist of wood, metal, medium density overlay (MDO) signboard, glass, gold leaf, or raised individual metal or wood letters. Alternative materials may be permitted subject to ARB approval provided that Ppplastic, reflective material, or unfinished surfaces ~~are~~ shall not permitted.³⁶

b. Form letters shall not be permitted.

c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.

d. Window signs shall ~~consist of~~ have flat decals attached to the window ~~letters~~ and shall not be three-dimensional (3-D).

e. Non-professionally painted signs shall not be permitted.

~~7.5. Color.~~³⁷

³² Retained from existing ordinance.

³³ Addition of doors and windows per best practices.

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

³⁵ Retained from existing ordinance except as noted below.

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

³⁷ Retained from existing ordinance.

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

8.6. Illumination.³⁸

~~a. a-~~ Sign illuminations shall be indirect and consist of reverse lit channel "halo" letters ~~be indirectly lit or a~~ with a full cut-off or directionally shielded light source. ~~so that the directed illumination~~ shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.

~~a.~~ Internally-illuminated ~~signs~~ shall not be permitted in the district, except as specifically provided in this Article.

~~b.~~

~~b.~~ Sign illumination shall be fixed and shall not have blinking, flashing, fluttering lights, or any other illumination that has a changing light intensity, brightness, or color.

~~c.~~

~~d. e-~~ Light color temperature for sign illumination shall not exceed 3000 Kelvin unless otherwise approved by the ARB.³⁹

9.7. Buildings with Multiple Tenants.⁴⁰

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

K. Other Signs-Public Art.⁴¹

1. ~~Wall m~~ Murals and public art located on private property shall be compatible with the district character and subject to approval of the ARB.

2. Murals shall not include trademarks or service marks associated with a business, profession, trade, occupation, or calling.⁴²

~~2.3.~~ Locations for seasonal or other semi-permanent window murals shall be subject to approval of the ARB. Any such approval shall identify conditions of approval, including but not limited to the location, size, and duration of the approval.⁴³

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

³⁹ This replaces the incandescent light requirement based on temperature

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

⁴¹ Relocated to standalone section with additional requirements.

⁴² New addition to mural requirements.

⁴³ New addition to mural requirements.

L. AWNINGS AND CANOPIES.⁴⁴

1. Types.

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

2. Design and Placement.

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

M. B-1 Development Standards.⁴⁵

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

1. Useable open space.

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

2. Fences and Walls.⁴⁶

⁴⁴ Retained from existing ordinance.

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

- a. Fence and wall design shall take clues from nearby existing historic designs and the aesthetic of the streetscape. Typical materials include brick, black powder-coated metal, and wood.
- b. The structural members of any fence shall face inward to the property being fenced. Fences where the structural members are an integral part of an overall design, and where both sides of the proposed fence are identical, are appropriate.
- c. Chain link, vinyl, split rail, or unpainted pressure-treated wood fences, or walls of concrete block or horizontal wood landscaping timbers where visible from public rights-of-way, are not permitted.

3. Lighting.

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

4. Off-street Parking.

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

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

5. Sidewalks

- a. Public sidewalks shall be provided along public street frontage adjacent to any new development or redevelopment.
- ~~e.~~b. Sidewalks shall conform to the applicable design guidelines for the street according to the Downtown Master Plan, as amended, East Poythress Streetscape Design Guide, or other design guidelines as may be approved by the City. When not specified in the applicable design guidelines, sidewalks shall have a minimum width of 10 feet, including street tree planting areas, unless otherwise determined by the Director of Development.

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

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

~~M. DOWNTOWN DESIGN REVIEW COMMITTEE:~~

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

~~four (4) year terms. A member may be re-appointed to additional terms after being out of office for at least one four (4) year term.~~

~~2. — The Review Committee shall elect from its own membership a chairman and a vice chairman who shall serve annual terms as such and may succeed themselves.~~

~~3. — The chairman shall conduct the meetings of the Review Committee. All members of the Review Committee, except for advisory members, shall be entitled to vote, and the decisions of the Review Committee shall be determined by a majority vote. A quorum of shall be a majority of the membership. A quorum shall be present for official business to be conducted at any meeting and for any action to be taken. The Review Committee shall meet monthly after notification by the Director of Development of an application for a Certificate of Appropriateness or permit requiring action by the Review Committee. The Review Committee shall take action on any matter properly before it no later than sixty (60) days after its first meeting to discuss such matter, unless the time is extended with the written consent of the applicant. The Review Committee shall not reconsider any decision made by it, or entertain any application or request that it deems to be substantially similar to an application or request that has previously been denied, for a period of one (1) year from the date of denial, except in cases where an applicant resubmits his application amended as provided in this Article within ninety (90) days after the date of denial of the initial application.~~

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

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

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

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

~~**N. NOTICE OF PUBLIC HEARING:**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF INTENT¹

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

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

A. USE REGULATIONS.²

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹³ Deleted as duplicate of item above.

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

B. AREA REGULATIONS:¹⁴

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

C. LOT WIDTH REGULATIONS.

None.

D. SETBACK REGULATIONS.¹⁵

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

E. YARD REGULATIONS.

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

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

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

F. HEIGHT REGULATIONS.¹⁶

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

G. REQUIREMENTS FOR PERMITTED USES.

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

H. CERTIFICATE OF APPROPRIATENESS REQUIRED.¹⁷

1. A certificate of appropriateness shall be required for all changes in the B-1 district in accordance with Article XXIII, Historic Preservation, except as otherwise provided herein.
2. The following guidelines shall be considered by the Architectural Review Board (ARB) in approving or denying any application for a Certificate of Appropriateness in addition to the criteria set forth in Article XXIII and the guidelines set forth in the Downtown Master Plan, as amended.
 - a. The rehabilitation of any existing historic structure within the National Register Historic Downtown District shall comply with the Secretary of Interior's Standards for Rehabilitation.
 - b. New development and alterations shall be compatible with the pedestrian scale and historic character of the Downtown. New or altered buildings should be generally consistent in height, scale, massing (shape), and materials with existing structures in the Downtown. The intent of this is to ensure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of substitute materials or elements, so long as such materials and elements are similar in appearance, style, detail, design, and durability of historic materials and

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

¹⁷ This section combines existing sections H and I.

consistent with the guidelines and criteria contained herein and in the Downtown Master Plan, as amended.

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

I. STOREFRONTS & WINDOWS.¹⁸

1. Ground-Floor Stories.

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

2. Upper Stories.

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

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

3. Transparency.

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

J. SIGNAGE.

1. Permitted Signs.²⁴

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

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Combined Building Signage, excluding Window and Small Signs ²⁵	50 SF total per building.	3 total signs per building. ²⁶	None.

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

²⁴ This section combines existing sections into a table; table clarifies and modifies existing standards to increase consistency, clarity, and flexibility for sign design.

²⁵ Excluded window signage based on historical practices.

²⁶ Increased from 2 to 3 to allow greater flexibility and consistency with Hopewell Downtown Vision Plan Urban Design Guidelines.

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
b. Flat Wall Sign	1 SF for each 1 linear foot of building width, or portion thereof for a multi-tenant building, facing a street, alley, or parking area; not to exceed 32 SF per sign.	1 per business storefront for each building frontage, or portion thereof, adjoining a street frontage, alley, or parking area.	Shall be located above the storefront, within the frieze of the cornice, on covered transoms, on the pier that frames display windows, or on other flat, unadorned surfaces of the façade clearly suitable as sign locations.
c. Projecting Sign	6 SF per sign face.	1 per business storefront	Shall provide a minimum of seven (7) feet ²⁷ clearance from the sidewalk; and shall project no more than three (3) feet from the building; and shall not be placed above the cornice line of the first floor level unless there is a clearance of less than seven (7) feet below such cornice line to the sidewalk.
d. Awning and Canopy Sign	0.5 SF for each 1 linear foot of awning or canopy.	1 per awning or canopy	Shall be placed on the valance area only. The minimum space between the edge of the letter and the top and the bottom of the valance shall be one and one-half (1.5) inches.
e. Window Sign ²⁸	20% of window glass area. ²⁹	N/A	Shall be located in first floor windows, except that upper-floor windows are permitted for separate, upper-floor building tenants. Signs shall be centered within the window unless otherwise approved by the ARB. Permitted sign area may be transferred between first floor windows but shall not exceed 50% of the window area upon which the sign is placed.
f. Flag	8 SF	1 per business storefront	If placed adjacent to a public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained.

²⁷ Reduced to seven (7) feet per best practices and consistency with City sidewalk ordinance.

²⁸ Removed specific window sign location details to allow greater flexibility as recommended by Frazier Associates. Added provision for doors.

²⁹ Retaining existing 20% window coverage while allowing transfer between windows; Hopewell Downtown Vision Plan Urban Design Guidelines recommend 10%.

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Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
g. Freestanding Sign	20 SF	1 per parcel	Shall be set back from any street right-of-way at distance of at least half the height of the sign; Shall comply with Article XVIII.F.10, Development Standards for freestanding signs.
h. Small Sign, Permanent ³⁰	3 SF	3 per parcel	None.
i. Roof Sign	Not Permitted.		
SF = square feet; ft = feet			

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

Sign Type	Maximum Sign Area Dimensions	Maximum Quantity	Additional Requirements
a. Portable (Sandwich Board) Sign	4 ft in height by 2 ft in width.	1 per business storefront	Shall be placed immediately in front of the associated storefront. If placed on any public pedestrian right-of-way, a minimum five-foot wide unobstructed pedestrian travelway shall be maintained. All portable signs shall be removed and stored inside when the place of business is closed.
b. Small Sign, Illuminated ³¹	1.5 SF	1 per business storefront	Shall be located inside the storefront window; may be internally illuminated.
c. Small Sign, Temporary ³²	1.5 SF	4 per business storefront	Shall be located inside the storefront window.
d. Temporary Banner Sign	16 SF	1 per parcel	Each sign shall be permitted for a period not to exceed 10 consecutive days. Each parcel shall be permitted a maximum of three (3) temporary signs per calendar year.

³⁰ Added to allow directional, menu, and other small signs.

³¹ Added to allow small illuminated signs, such as "OPEN" and hours of operation signs.

³² Added to allow small paper signs for menus, store hours, special events, etc.

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3. **Sign Placement and Design.**³³

- a. Signs shall be placed so that they do not obstruct operable doors, windows, architectural elements and details that define the design of the building, or the signage of adjacent businesses.³⁴
- b. All signs shall be professionally printed, readable, and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan, as amended.
- c. Signs shall conform to the shape of the area where the sign is to be located, except when a sign is to take on the shape of a product or a service, such as a coffee mug for a coffee shop or a shoe for a shoe store. Such shapes shall not obscure the architectural elements of the building and shall be counted toward the overall sign area.
- d. Any sign located within 15 inches of a window shall be counted toward the permissible window sign area, whether or not such sign is permanently affixed to the window.³⁵

4. **Materials.**³⁶

- a. Sign materials shall consist of wood, metal, medium density overlay (MDO) signboard, glass, gold leaf, or raised individual metal or wood letters. Alternative materials may be permitted subject to ARB approval provided that plastic, reflective material, or unfinished surfaces shall not be permitted.³⁷
- b. Form letters shall not be permitted.
- c. Wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted.
- d. Window signs shall consist of flat decals attached to the window and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

5. **Color.**³⁸

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

³³ Retained from existing ordinance.

³⁴ Addition of doors and windows per best practices.

³⁵ Removed specific window sign location details to allow greater flexibility as recommended by Frazier Associates. Added provision for doors.

³⁶ Retained from existing ordinance except as noted below.

³⁷ Expanded to allow for medium density overlay (MDO) signboard as a modern sign material that can mimic traditional materials.

³⁸ Retained from existing ordinance.

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6. Illumination.³⁹

- a. Sign illumination shall be indirect and consist of reverse lit channel “halo” letters or a full cut-off or directionally shielded light source. Illumination shall be substantially confined to the sign to minimize glare, sky glow, and light trespass.
- b. Internally-illuminated signs shall not be permitted in the district, except as specifically provided in this Article.
- c. Sign illumination shall be fixed and shall not have blinking, flashing, fluttering lights, or any other illumination that has a changing light intensity, brightness, or color.
- d. Light color temperature for sign illumination shall not exceed 3000 Kelvin unless otherwise approved by the ARB.⁴⁰

7. Buildings with Multiple Tenants.⁴¹

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

K. Public Art.⁴²

1. Murals and public art located on private property shall be compatible with the district character and subject to approval of the ARB.
2. Murals shall not include trademarks or service marks associated with a business, profession, trade, occupation, or calling.⁴³
3. Locations for seasonal or other semi-permanent window murals shall be subject to approval of the ARB. Any such approval shall identify conditions of approval, including but not limited to the location, size, and duration of the approval.⁴⁴

L. AWNINGS AND CANOPIES.⁴⁵

1. Types.

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

2. Design and Placement.

³⁹ Added additional clarification on illumination to prohibit blinking, flashing, or overly-illuminated signage.

⁴⁰ This replaces the incandescent light requirement based on temperature

⁴¹ Retained from existing ordinance with added clarification that multi-tenant signage shall count toward combined permissible total.

⁴² Relocated to standalone section with additional requirements.

⁴³ New addition to mural requirements.

⁴⁴ New addition to mural requirements.

⁴⁵ Retained from existing ordinance.

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

M. B-1 Development Standards.⁴⁶

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

1. Useable open space.

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

2. Fences and Walls.⁴⁷

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

⁴⁶ This is a new section to provide additional requirements and guidelines for various site improvements where provisions in the design guidelines or development standards are lacking.

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

3. Lighting.

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

4. Off-street Parking.

- a. Parking areas within the B-1 district shall be exempt from the vehicle overhang requirements of Article XVIII.E.3.f, provided that a landscaping buffer or minimum four (4) foot high masonry wall and concrete wheelstop, curb, or other barrier are provided.⁴⁸
- b. Surface parking lots shall be designed to be located behind the mass of the building in order to screen parking from view of the public street to the extent practicable.
- c. Where off-street parking is visible from a street right-of-way, the off-street parking shall be fully screened within an enclosed courtyard, landscaped hedge, or by a masonry wall or decorative fence no less than four (4) feet in height, and supplemented by landscaping.

5. Sidewalks

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

⁴⁸ The existing ordinance requires a 4' setback from property, wall, sidewalk, vegetation other than ground cover, or any other obstruction. This proposed provision exempts this requirement where appropriate mitigation is provided in recognition of area and design limitations in the B-1 district.

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



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A. GENERAL USAGE:

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

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

B. DEFINITIONS:

1. **ABANDONED SIGN(S):** A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive for period of ninety (90) consecutive days or longer; and/or a sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.
2. **ABUTTING/ADJACENT PROPERTY:** Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a free way or principal arterial) from the subject property.
3. **ACCESSORY USE:** A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise specifically provided on the same premises. Where a building is attached to the principal building, it shall be considered part thereof, and not an accessory building.
4. **ACCOUNTING SERVICES:** A business office that provides financial counseling, tax preparation, bookkeeping, financial planning services, and any similar service to the public. This shall not include gambling, betting or gaming services.
5. **ACRE, GROSS:** A measure of land equating to 43,560 square feet.

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6. ACRE, NET: That part of the 43,560 square feet which exists after deducting land dedicated or conveyed for any public facility, easement or any right-of-way for any proposed streets or street widening.
7. ACREAGE: A parcel of land, regardless of area, described by metes and bounds and which is not a numbered lot or any recorded subdivision plat.
8. ADMINISTRATOR, THE: The official charged with the enforcement of this zoning ordinance.
9. ADULT BOOKSTORE: An establishment having as more than 25 percent of its stock and grade in books, films, videocassettes (whether for viewing off premises or on premises) or magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities and/or male or female anatomical areas.
10. ADULT CABARET: A cabaret that features seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
11. ADULT DAY CARE CENTER : A facility which provides supplementary care and protection during a part of the day only to four or more aged, infirmed or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the Virginia State Board of Health or Department of Behavioral Health and Developmental Services.
12. ADULT ENTERTAINMENT: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of sexual activities or exhibition and viewing of specific male or female anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or similar entertainment service offered customers.
13. ADULT MOTION PICTURE THEATER: An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specific male or female anatomical areas for observation by patrons therein.
14. ADVERTISING & PUBLIC RELATIONS AGENCIES: A business office that provides expertise in marketing to include but not be limited to advertising, public relations, and public speaking
15. AGRICULTURAL ANIMALS: Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or rhea.

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16. **AGRICULTURE:** The tilling of the soil, the raising of crops, the practicing of horticulture, forestry and gardening, including the keeping of animals and fowl.
17. **AIRPORT:** A facility for the landing and takeoff of aircraft, together with servicing facilities including service to patrons, from which revenue is derived.
18. **ALLEY:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.
19. **ALTERATIONS, STRUCTURAL:** Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete floor slabs (except those of fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors, or other structural materials used in a building that supports the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs, or structural materials used in the building or structure.
20. **AMUSEMENT ENTERPRISE:** A building or structure used to provide or stage public entertainment for which a charge is imposed in the form of an entrance fee or separate fees for the use of amusement devices therein.
21. **ANTENNAS:** TV dish antenna in excess of three (3) feet in diameter and/or more than 54 inches in height, antenna tower, microwave antenna. A receiving or transmitting antenna for private, public, commercial or industrial use which for all practical purposes is considered an accessory structure as pertains to the Zoning Ordinance. Requires a Building Permit.
22. **ANIMAL SHELTER:** Any facility designated by the City of Hopewell for the purpose of impounding and caring for cats and dogs found running at large or otherwise subject to impoundment in accordance with the provision found in the City Code
23. **ANTIQUE STORE:** A premises used for the sale or trading of articles of which 80% or more are over 50 years old or have collectable value. An antique for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past as defined above. An antique store does not include a thrift store, a second hand store or a consignment store. All articles for sale shall be within a fully enclosed building, not unless otherwise authorized in the ordinance.
24. **APARTMENTS:** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple.
25. **APPLIANCE STORES:** A store that sells equipment used for domestic functions, included but not limited to, televisions, washers, dryers, refrigerators, and stoves/ovens, and dishwashers, and other appliances not easily carried without assistance
26. **APPLICANT:** A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.
27. **ARCHITECT:** A person who, by reason of his/her knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design,

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acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the State regulatory board.

28. ARCHITECTURAL TREATMENT: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material, and the type, design, and character of all windows, doors, and appurtenant elements.
- ~~29.~~ ART GALLERIES, FRAMING & SUPPLIES: An establishment engaged in the sale, loan or display of art; paintings, sculptures, or other works of art. This classification does not include libraries, museums, or non-commercial art galleries.
- ~~29.~~30. ARTISAN WORKSHOP: Workshop, studio and/or retail spaces for artisans, craftspeople, and small-scale makers to work in an individual or collaborative setting, including training and educational programming; such spaces may include, but are not limited to, wood and metal working tools, digital media, laser cutters, 3-D printers, electronics, robotics, sewing machines, etc.
- ~~31.~~ ASSEMBLY HALL: Any establishment where the facilities are leased on an event-specific basis for private wedding receptions, meetings, banquets, and other similar events. This use may include facilities for preparing food and areas for dining and entertainment activities typically found in association with banquets or receptions.
- ~~30.~~32. ASSEMBLY PLANT: A structure used for the fitting together of parts or components to form a complete unit.
- ~~31.~~33. ASSISTED LIVING FACILITY: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
- ~~32.~~34. AUTOMOBILE AND TRUCK SALES AND SERVICE ESTABLISHMENTS: The use of any building or land area, for the display, sale, or lease of new or used automobiles, panel trucks or vans and including any warranty repair work and other repair services conducted as an accessory use.
- ~~33.~~35. AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which there are more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative.
- ~~34.~~36. AUTOMOBILE RENTAL AGENCIES: Rental of automobiles, light trucks, and vans, including incidental parking of vehicles for rent or lease.
- ~~35.~~37. AUTOMOBILE REPAIR: The use of a site for the repair of automobiles, noncommercial trucks, motorcycles. This includes muffler shops, wheel and brake shops, oil change and lubrication, tire service and sales, installation of CB radios,

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

- ~~36.~~38. **BAKERY:** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site . Such use may include incidental food service.
- ~~37.~~39. **BARBER SHOP:** Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers as established by the State Board.
- ~~38.~~40. **BEAUTY PARLOR:** Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. It may include the training of apprentices under regulations of the State Board.
- ~~39.~~41. **BED & BREAKFAST:** A private, owner-occupied business with four to six rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.
- ~~40.~~42. **BERM:** A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, provide visual interest on a site, screen undesirable views, reduce noise or to control the direction of surface water flow.
- ~~41.~~43. **BIG BOX RETAIL:** A singular retail or wholesale- user who occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.
- ~~42.~~44. **BLACKSMITH SHOP:** A building usually equipped with a forge, used for the shaping and repair of iron and other metals.
- ~~43.~~45. **BOARD OF ARCHITECTURAL REVIEW:** A board authorized and appointed by the Hopewell City Council. The purpose of the Board is to study proposals and grant Certificates of Appropriateness for the erection, construction, alternation, restoration, demolition or removal of any structure within the City Point Historic District. It may also investigate and provide recommendations regarding other buildings, structures, places, or areas in the City having historic interest or value.
- ~~44.~~46. **BOARD OF ZONING APPEALS:** The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- ~~45.~~47. **BOARDING HOUSE:** A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen persons.
- ~~46.~~48. **BOAT DOCK, PRIVATE:** A dock or wharf for private use to which a boat house or other structure is not attached.

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- ~~47.~~49. **BOAT HOUSE:** A structure for not more than five (5) boats, designed and intended for use by boat owners in the general neighborhood, but with no commercial facilities.
- ~~48.~~50. **BOOKSTORE:** A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videos, music compact discs, computer software, or any other printed or electronically conveyed information or media, excluding “adult bookstore”, “adult theater” or any other sexually oriented business.
- ~~49.~~51. **BUILDING:** A structure having one (1) or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.
- ~~50.~~52. **BUILDING CAPACITY:** The seating capacity of a structure or the total number of employees for which the structure was designed shall be the maximum which can be accommodated on the premises.
- ~~51.~~53. **BUILDING INSPECTOR:** An appointed official of the City of Hopewell, Virginia, who is responsible for certifying building inspections.
- ~~52.~~54. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.
- ~~53.~~55. **BUILDING PERMIT:** A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.
- ~~54.~~56. **BUILDING OFFICIAL:** The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in the City of Hopewell.
- ~~55.~~57. **BUILDING SITE:** A piece of land consisting of the minimum areas of required square footage of the zoning district where it is located where a permitted use or structure may be placed.
- ~~56.~~58. **BULK STORAGE:** A structure and/or structures designed for and used as storage facilities for oil, fuel oil, gas, grain, etc. usually stored in large quantities.
- ~~57.~~59. **CAMERA AND PHOTO SUPPLY STORE:** A facility primarily engaged in the retail, sale, lease, and service of photography equipment and supplies, including on-site processing or development.
- ~~58.~~60. **CAMPER:** A rigid dwelling unit, whether or not equipped with wheels, so designed as to be intermittently movable from place to place over the highway whether towed, self-propelled, or carried upon another vehicle; and which is not susceptible to permanent human habitation and which lacks permanent cooking, toilet or bathing facilities.

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- ~~59-61.~~ 60-61. CAMPGROUND: An area upon which are located sites for two (2) or more trailers, campers and other camping facilities for seasonal or temporary recreational occupancy.
- ~~60-62.~~ 61-62. CAMPING TRAILER: A vehicular, portable structure mounted on wheels; constructed with collapsible, partial sidewalls of fabric, plastic or other pliable materials for folding compactly while being transported.
- ~~61-63.~~ 62-63. CANNERY: A structure used for the processing and canning of foods.
- ~~62-64.~~ 63-64. CAR WASH: A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.
- ~~63-65.~~ 64-65. CARPORT: A roofed space having one (1) or more sides open to the weather, primarily designed or used to park motor vehicles. In no case shall a carport be located in any required front yard. A carport cannot be used as storage.
- ~~64-66.~~ 65-66. CASUAL AND FORMAL APPAREL STORES: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
- ~~65-67.~~ 66-67. CELLAR: The portion of a building partly underground, which has one-half (1/2) or more of its clear height below the average grade of the adjoining ground.
- ~~66-68.~~ 67-68. CERTIFICATE OF APPROPRIATENESS: A permit issued by the Board of Architectural Review granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.
- ~~67-69.~~ 68-69. CERTIFICATE OF OCCUPANCY: A document issued by the Building Official allowing the occupancy or use of a structure and certifying that the structure and /or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.
- ~~68-70.~~ 69-70. CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
- ~~69-71.~~ 70-71. CIRCUIT COURT: The circuit court for the City of Hopewell, Virginia.
- ~~70-72.~~ 71-72. CLUB, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

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- ~~71.~~73. CLUSTER DEVELOPMENT: A type of development that allows the reduction of lot sizes below the zoning ordinances minimum requirements if the land thereby gained is preserved as a permanent open space for the community.
- ~~72.~~74. COFFEE SHOP: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
- ~~73.~~75. COMMERCIAL: Any wholesale, retail or service business activity established to carry on trade for a profit.
- ~~76.~~ COMMERCIAL BANKS AND FINANCIAL INSTITUTIONS: A financial institution that is open to the public and engaged in fiduciary activities such as making loans, investments, deposit banking and is regulated by the Federal Deposit Insurance Corporation (FDIC)/federal. This shall not include pay day loan centers.
- ~~77.~~ COMMERCIAL KITCHEN, SHARED: A food establishment with two or more operators for preparing, processing, canning, or packaging food and beverage products that includes related services such as on-site consumption, delivery, small-scale distribution, as well as additional services including but not limited to retail sales, culinary instruction, and/or culinary business incubator and educational support services.
- ~~74.~~ —
- ~~75.~~78. COMMISSION, THE: The Planning Commission of Hopewell, Virginia.
- ~~76.~~79. COMMON OPEN SPACE: All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designed portion of the planned development and not dedicated as public lands.
- ~~77.~~80. COMMUNITY GARDENS: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
- ~~78.~~81. COMPREHENSIVE PLAN: The Comprehensive Plan for Hopewell, Virginia.
- ~~79.~~82. COMPUTER SALES AND SERVICE: An establishment engaged in the sale, and repair of computers, lap tops, and their accessory parts such as, but not limited to, adapters, monitors, computer bags.
- ~~80.~~83. CONDITIONAL USE: A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. These uses which are described in this ordinance may be allowed to locate within a given designated district under the controls, limitations and regulations of a Conditional Use Permit.
- ~~81.~~84. CONDITIONAL USE PERMIT: A permit issued by the City Council for a use allowed as a conditional use in a designated district after evaluation of the impact and comparability of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will insure the use being compatible with the neighborhood in which it is to be located; or, where

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that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.

- ~~82.~~85. **CONCRETE WORKS:** A structure or area used for the manufacture of concrete and concrete products.
- ~~83.~~86. **CONDOMINIUM:** Ownership of single units of a multiple-unit structure with common elements.
- ~~84.~~87. **CONSIGNMENT SHOP:** An enclosed facility in which used personal items such as clothes, jewelry, or artifacts, or small furniture is resold through a broker for the owner at an agreed-upon price.
- ~~85.~~88. **CONVENIENCE STORE:** A single store with a floor area of four thousand (4,000) square feet, or less, which offers for sale general merchandise needed as a means of convenience to persons living or working nearby or persons passing by. Gasoline and oil may also be offered for sale but only as a secondary activity of the store.
- ~~86.~~89. **COURT:** An open, unoccupied space, other than a yard, with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.
- ~~87.~~90. **CRAFTBEER/TAP ROOM:** a business where the persons can purchase craft beers pre-packaged, on tap or in a growler to take off premises. Very limited seating is provided. Eating a meal is not a main purpose of business.
- ~~88.~~91. **CREDIT UNION:** A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds and is regulated by the National Credit Union Administration (NCUA). This does not include pay day loan/lending establishments.
- ~~89.~~92. **DAIRY:** A commercial establishment for the manufacture, processing, and/or sale of dairy products.
- ~~90.~~93. **DANCE HALL:** Any place open to the general public where dancing is permitted; provided, however, that a restaurant located in the city licensed under the Code of Virginia to serve food and beverages having a dance floor with an area not exceeding ten percent of the total floor area of the establishment shall not be considered a public dance hall.
- ~~91.~~94. **DANCE STUDIOS:** A school where classes in dance are taught to four persons or more at a time.

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- ~~92.~~95. **DAY NURSERIES & CHILD CARE CENTER:** An institution intended primarily for the daytime care of children of preschool age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a “school” within the meaning of this chapter.
- ~~93.~~96. **DELICATESSEN:** An establishment where food is sold for consumption off premises and no counters or tables for on premises consumption of food are provided, but excludes groceries and supermarkets.
- ~~94.~~97. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.
- ~~95.~~98. **DISTRICT:** A portion of the territory of the City of Hopewell, Virginia, in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the adopted zoning ordinance.
- ~~96.~~99. **DUMP HEAP (TRASH PILE):** Any area where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary landfill.
- ~~97.~~100. **DWELLING:** A building or portion thereof, but not a manufactured home, designed or used for residential occupancy. The term dwelling shall not be construed to mean motel, rooming house, hospital or other accommodations used for more or less transient occupancy.
- ~~98.~~101. **DWELLING, MULTIPLE-FAMILY:** A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.
- ~~99.~~102. **DWELLING, TWO-FAMILY (DUPLEX):** A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- ~~100.~~103. **DWELLING, SINGLE-FAMILY:** A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- ~~101.~~104. **DWELLING, SINGLE-FAMILY:** A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.
- ~~102.~~105. **EQUIPMENT, PENTHOUSE:** A structure on the roof of a building containing necessary mechanical equipment, elevator equipment and/or stairways.
- ~~103.~~106. **FACTORY OUTLET SHOPPING MALL:** A building of at least 125,000 square feet in size, wherein there occurs the sale of merchandise and food and associated commercial structures in conjunction with the mall.
- ~~104.~~107. **FAMILY:** (1) One person; (2) Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit; (3) a group of not more than four persons not related by blood, marriage, adoption or guardianship living

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

108. **FAMILY DAY HOME:** A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Family day homes serving six through 12 children, exclusive of the providers' own children and any children who reside in the home, shall be licensed. No family day home shall care for more than four children under the age of two, including However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Caring for five (5) or less children shall be considered babysitting as a home occupation.

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

~~105.~~110. **FENCE:** A free-standing structure of metal, masonry, composition, or wood, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

~~106.~~111. **FIRE & RESCUE SQUAD STATIONS:** A government facility that houses fire and rescue personnel and equipment.

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

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

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

~~108.~~115. **FLOOD, ONE HUNDRED YEAR:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

~~109.~~116. **FLOODPLAIN:** A relatively flat or low land area, adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

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

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

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

- ~~112.119.~~ 112.119. FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.
- ~~113.120.~~ 113.120. FLORIST: Retail business whose principal activity is the sale of non-illegal plants which may or may not be grown on the site and conducting business within an enclosed building.
- ~~114.121.~~ 114.121. FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident.
- ~~115.122.~~ 115.122. GARAGE APARTMENT: A second subsidiary dwelling unit located in an accessory building.
- ~~116.123.~~ 116.123. GARAGE, PRIVATE: Accessory building designed or used for the storage of private automobiles owned and used by the occupant of the building to which it is accessory.
- ~~117.124.~~ 117.124. GARAGE, PARKING: A building or portion thereof, other than a private garage, designed or used for storing of motor vehicles.
- ~~118.125.~~ 118.125. GASOLINE FILLING STATION: An area of land, including structures thereon, or any building or part thereof that is used solely for the retail sale and direct delivery of fuel, lubricating oil, and minor accessories for such vehicles, and the sale of cigarettes, candy, soft drinks, and other related items for the convenience of the motoring public, where establishment may or may not include facilities for lubricating, washing, minor repairs, or otherwise servicing motor vehicles, but not including auto body work, welding, painting, or major repair work.
- ~~119.126.~~ 119.126. GENERAL STORE: A single store, the ground floor of which is four thousand (4,000) square feet or less, which offers for sale general merchandise. Gasoline and oil may also be offered for sale but only as a secondary activity of a general store.
- ~~120.127.~~ 120.127. GIFT, STATIONARY, AND CARD SHOPS: Retail store where items such as stationary, novelty items, jewelry, and notions are sold. This does not include antique shops, consignment shops, pawn shops or thrift stores.
- ~~121.128.~~ 121.128. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- ~~122.129.~~ 122.129. GOLF DRIVING RANGE: A limited area on which golf players do not walk but into which they drive golf balls from a central driving tee.
- ~~123.130.~~ 123.130. GOLF, MINIATURE: A limited area on which a shorter version of the game of golf is played. This area is usually lighted and creates a large traffic flow.

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- ~~+24,131.~~ 131. **GOVERNING BODY:** The City Council of the City of Hopewell, Virginia.
- ~~+25,132.~~ 132. **GROCERY STORE:** Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.
- ~~+26,133.~~ 133. **GROUP HOUSING:** For the purpose of this ordinance, group housing is defined as publicly-funded housing which is provided by a public authority, limited partnership, or non-profit sponsors, and is designed and used as a dwelling for the elderly and/or handicapped, whether it is one (1) dwelling or a series of dwelling units in one (1) structure.
- ~~+27,134.~~ 134. **HEALTH OFFICIAL:** The legally-designated health authority of the Department of Health, Commonwealth of Virginia, for the City of Hopewell, or his authorized representative.
- ~~+28,135.~~ 135. **HEIGHT:** The vertical distance measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; to the deck line of a mansard; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. Where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade along the front of the building.
- ~~+29,136.~~ 136. **HISTORIC AREA:** An area containing buildings or places in which historic events occurred or having special public value because of noticeable architectural or other features relating to the cultural or artistic heritage of the community, or of such significance as to warrant conservation and preservation, and which has been so designated by the Virginia Historic Landmarks Commission or some other local, state or federal government agency.
137. **HOME DECORATING CENTER AND INTERIOR DESIGN SERVICES:** A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered; however, cloth, wallpaper, tiles, carpet and paint samples may be provided, and or sold.
- ~~+30,138.~~ 138. **HOME FURNISHINGS STORE:** Retail establishments, completely enclosed within a building, engaged in display and retail sales of home furnishings and accessible to the general public from the premises. This use may include incidental stocking of goods but shall not include warehousing, wholesale, distribution, auction houses, second-hand stores, or thrift stores.
- ~~+31,139.~~ 139. **HOME HEALTH CARE SERVICES:** An office establishment that schedules nurses and practitioners to make visits to patients that call in for health care services.

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- ~~132.~~140. **HOME OCCUPATION:** Any occupation, profession, enterprise or activity carried on by the resident of the dwelling, with no one employed other than members of the family; who are also residing on the premises which is incidental and secondary to the use of the premises including but not limited to handicrafts, dressmaking, millinery, laundering, preserving, home cooking, personal service of beauty culture offered in a limited way by appointment and not to the general public, the home office of a member of a recognized or licensed profession such as attorney-at-law, physician, dentist, musician, artist, professional engineer, or real estate salesman; provided that such occupation shall not require external alterations or the use of equipment or machinery which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises; and provided that no traffic shall be generated by such home occupation in greater volume that would normally be expected in a residential neighborhood. Home occupations shall not be interpreted to include: massage parlors, nursing homes, convalescent homes, rest homes, motels, motor courts, tourist homes, animal hospitals or kennels, day care centers, motor vehicle repairs and maintenance, or similar establishments offering services to the general public.
- ~~133.~~141. **HOSPITAL:** An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged, and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes and homes for the aged may be "home occupation" if they comply with the definitions herein.)
- ~~134.~~142. **HOTEL:** A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
- ~~135.~~143. **INDIVIDUAL AND FAMILY CONSULTING SERVICE:** An establishment where professionals trained in counseling, psychology, or any other similar science offers counseling to individuals or groups. This shall not include psychic or fortune-telling businesses.
- ~~136.~~144. **INN:** An establishment, consisting of one or more buildings and associated grounds, for the temporary/permanent lodging of people, with or without meals and with or without private cooking facilities in the lodging rooms; and the establishment may provide customary private open-to-the-public accessory services of an inn, such as meeting facilities, dining rooms, banquet rooms, ballroom, the sale of incidental items, etc.
- ~~137.~~145. **INSTITUTIONS OF HIGHER EDUCATION:** Any institution accredited by the State Department of Education and/or authorized by the State Council of Higher Education to award degrees; and including all uses customarily associated with an institution of higher education, such as dormitories, classrooms buildings, athletic fields, libraries, etc.

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- ~~138.~~146. INSURANCE AGENCY: An office establishment that sells, advises persons on insurance whether for home, rental, automobiles, businesses, etc.
- ~~139.~~147. INTERNET CAFÉ: An establishment where patrons participate in gaming or gambling activities on-line through a computer or arcade game. On-line time or air time is purchased and can be placed into an account or a debit type card. Winners are awarded with more air time or a cash prize. Also referred to as internet sweepstakes.
- ~~140.~~148. JEWELRY SALES AND REPAIR: A retail establishment that sells jewelry and, repair jewelry, within an enclosed building. This does not include a pawn shop.
- ~~141.~~149. JUNK YARD: An establishment or place of business, or an area which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard. The term shall include dump heaps and sanitary landfills.
- ~~142.~~150. KENNEL: A place prepared to house, board, breed, handle or otherwise keep or care for dogs and cats for sale or in return for compensation.
- ~~143.~~151. KINDERGARTENS AND DAY CARE CENTERS: Any institution maintained for the purpose of received children for full-time care, maintenance, protection and guidance separated from their parents or guardians. This shall not include primary or secondary educational facilities or summer camps.
- ~~144.~~152. LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- ~~145.~~153. LAUNDRY AND DRY CLEANING/DRY CLEANERS: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or were articles are dropped off, sorted, and picked up by but where laundering or cleaning is done elsewhere.
- ~~146.~~154. LIMITED (LIGHT) INDUSTRY: Includes warehousing and light manufacturing uses which produce some noise, traffic congestion, or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise, or odors. Examples are lumber yards, warehouses, research laboratories, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication plants.
- ~~147.~~155. LOADING SPACE: A space or a portion of any area designated, required, or by its nature used as an area for the temporary parking of motor vehicles while transferring, loading, or unloading goods, merchandise, or products or while performing services. Such space shall be a minimum of ten (10) feet in width, twenty-five (25) feet in length and fifteen (15) feet in height.

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- ~~148.~~156. LODGE, PRIVATE: Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as businesses.
- ~~149.~~157. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open space, lot width and lot areas as are required by this ordinance, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- ~~150.~~158. LOT, CORNER: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.
- ~~151.~~159. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- ~~152.~~160. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- ~~153.~~161. LOT, INTERIOR: Any lot other than a corner lot.
- ~~154.~~162. LOT, WIDTH OF: The horizontal distance between side lot lines at the setback line.
- ~~155.~~163. LOT OF RECORD: A lot, a plat, or description of such which has been recorded in the clerk's office of the circuit court.
- ~~156.~~164. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials or products, or both of them into articles or substances of different character, or for use for a different purpose.
- ~~157.~~165. MANUFACTURED HOME PARK/SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more lots for rent or sale.
- ~~158.~~166. MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins
- ~~159.~~167. MARINA, COMMERCIAL OR CLUB TYPE: Boating facilities designed and operated for profit, or operated by any club or organized group, where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal service, fueling facilities, storage and overnight guest facilities or any combination of these are provided.
- ~~160.~~168. MARINA, PRIVATE NONCOMMERCIAL: A marina designed and intended to be used for mooring of boats by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs
- ~~161.~~169. MASTER PLAN: A long-term, general outline for projected development.

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- ~~+62.~~170. MARQUEE: A roof-like structure or awning projecting over an entrance, for example, a theater.
- ~~+63.~~171. MANUFACTURED HOME: A vehicular, portable dwelling structure, designed as a permanent residence, fully equipped with living quarters, equipment, and appurtenances; double, expandable, or non-expandable, or non-expandable in accordance with USA - A110.1 Standard for manufactured Homes 1972 currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. It shall be further defined as a dwelling designed for transportation, after fabrication, on streets and highways on its own wheels, or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for minor and incidental unpacking and assembling operation, location on jacks or permanent foundations, connections to utilities and the like. Its design and type shall be clearly identified by the manufacturer, by visible identifiable seal or plate of a permanent nature, as a manufactured home. Its requirements for transit from site to site shall be in accordance with the Motor Vehicle Code of Virginia. This definition shall not apply to travel trailers used for recreational camping purposes.
- ~~+64.~~172. MANUFACTURED HOME LOT: Any area or tract of land used by design to accommodate one (1) manufactured home.
- ~~+65.~~173. MANUFACTURED HOME PARK: A parcel of land divided into two (2) or more lots for rent for which the facilities for servicing the manufactured home have been constructed, and which is completed before the effective date of this ordinance.
- ~~+66.~~174. MEDICAL WASTE: Waste produced as a routine result of medical or veterinary treatment, excluding any radioactive material.
- ~~+67.~~175. MEMBER OWNED RECREATIONAL FACILITY: Permanent, headquarters-type, and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social, and fraternal organizations; country clubs (golf courses separately defined); labor unions and similar organizations; political organizations; professional membership organizations; other membership organizations.
- ~~+68.~~176. MICROBREWERY: a facility that manufacturers craft beer on site. This is the main function of the facility. Provides tours and tastings. Food distribution is not a main function of the facility but can be provided. Food distribution can be a small percentage of the business or provided by outside patrons such as food trucks.
- ~~+69.~~177. MICROBREWERY/RESTAURANT - a sit down/dine in/or take out restaurant that provides an array of craft beers for consumption on site. A tour of facility could be provided with minor manufacturing on site. Small distribution is allowed from patrons of the restaurant.
- ~~+70.~~178. MIXED USE/STRUCTURE: A building containing a combination of two or more uses different principal uses.

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- ~~171.~~179. **MODULAR HOME:** A dwelling unit constructed on-site in accordance with the [state or municipal] code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
- ~~172.~~180. **MONUMENTAL STONE WORKS:** a facility that processes stone to be used for various uses for consumers.
- ~~173.~~181. **MOTEL:** One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- ~~174.~~182. **MOTION PICTURES THEATER, EXCLUDING DRIVE-IN THEATERS:** Complex: structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities. These structures first started appearing in shopping centers and malls, sometimes integrated with the layout of the mall.
- ~~175.~~183. **MUNICIPAL UTILITIES:** Utilities that are subject to city acceptance for operation and maintenance. For purposes of this code, public utilities include water lines, sanitary sewer lines, storm sewer lines, and their appurtenances and any component part(s) thereof.
- ~~176.~~184. **MUNICIPAL WASTE:** Waste which is normally composed of residential, commercial and institutional solid waste, excluding any waste which is otherwise regulated, such as infectious waste, hazardous waste, nuclear waste, etc.
- ~~177.~~185. **MUSEUM:** A building servicing as a repository for a collection of natural, scientific, or literary curiosities or objects or interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.
- ~~178.~~186. **MUSIC STORE:** An establishment set aside for the sell of musical instruments, disco jock equipment, speakers, sheet music, accessory equipment, lessons and music software.
- ~~179.~~187. **NEIGHBORHOOD STORE:** A single store with a floor area of four thousand (4,000) square feet or less, which offers for sale general merchandise to the people of the area for their day-to-day needs.
- ~~180.~~188. **NEWSPAPER OF GENERAL CIRCULATION:** A publication published at least on a weekly basis and printed in the language most commonly spoken in

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the area within which it circulates, but does not include a newspaper intended for primarily members of a particular professional or occupation group, a newspaper whose primary function it to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

~~181.~~189. NIGHT CLUB: See “Dance Hall”

~~182.~~190. NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

~~183.~~191. NONCONFORMING LOT: A lot, the area, dimensions or location of which were lawful prior to the adoption, revision or amendment of this ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements for the district in which it is located.

~~184.~~192. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform to the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

~~185.~~193. OFFICE BUILDING: A structure wherein are employed a greater number of people than that allowed in professional offices and where there are no goods offered for sale.

~~186.~~194. OFFICAL ZONING MAP: The map or maps, together with all subsequent amendments thereto, which are adopted by reference as part of this ordinance and which delineate the zoning district boundaries in the City of Hopewell,

~~187.~~195. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right-of-way.

~~188.~~196. OPEN SPACE: Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

~~189.~~197. PARKING LOT: An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted.

~~190.~~198. PARKING SPACE: A space used as an area for temporary storage of passenger vehicles. Such space shall be a minimum of nine (9) feet in width and

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twenty (20) feet in length, except that off-street parking facilities containing any parking spaces may use twenty (20) percent of the total spaces as "compact car" spaces with a minimum size of seven and one-half (7 1/2) feet in width and fifteen (15) feet in length. Such spaces shall be indicated by the posting of signs reading "small cars only".

~~191.199.~~ PAWNSHOP: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated prices. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and transitional screening and landscaping requirements.

~~192.200.~~ PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each large animal shall not be regarded as a pen.

~~193.201.~~ PERFORMING ARTS CENTER: A facility used to view and practice the performing arts such as dance, acting, and music.

~~194.202.~~ PET SHOP: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

~~195.203.~~ PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, personal hygiene items and related supplies

~~196.204.~~ PHILANTHROPIC & CHARITABLE INSTITUTIONS: Any entity which: (1) has been certified as a not-for-profit organization under Section 501(c)(3) of the Internal Revenue code, and (2) has religious or charitable or is a religious or charitable organization. As used in this definition, a charitable organization is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons, and which thereby lessens the burdens of government.

~~197.205.~~ PHOTOGRAPHIC STUDIO: A building used exclusively by a professional photographer to take photos for persons for a fee.

~~198.206.~~ PLANNED UNIT DEVELOPMENT: An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial

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

- ~~199.207.~~ 200.207. **PLAYGROUND:** A small area developed especially for preschool or elementary school aged children. It may contain such facilities as sandboxes, slides, teeters, swings, climbing apparatus, and the like.
- ~~200.208.~~ 201.208. **PORCH:** The term "porch" shall include any porch, veranda, gallery, terrace, or similar projection from a main wall of a building and covered by a roof, other than a carport as defined in this Article. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.
- ~~201.209.~~ 202.209. **PORTABLE STORAGE UNIT:** Also known as a POD, a portable on demand storage unit. A large container used for temporary storage. It is hauled to a property, loaded with items, hauled from the property and either stored in a storage yard or unloaded.
- ~~202.210.~~ 203.210. **POST OFFICE:** A facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
- ~~203.211.~~ 204.211. **PRINT SHOP:** A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.
- ~~204.212.~~ 205.212. **PRIVATE UTILITIES:** Utilities that are not subject to city acceptance for operation or maintenance. For purposes of this code, private utilities include natural gas lines, power lines, telephone lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.
- ~~205.213.~~ 206.213. **PROFESSIONAL OFFICE:** The office, studio or professional room of a doctor, architect, artist, musician, lawyer or similar professional person, excepting any funeral home, or any establishment where goods are offered for sale.
- ~~206.214.~~ 207.214. **PUBLIC LIBRARIES:** A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
- ~~207.215.~~ 208.215. **PUBLIC PARK :** A publically owned recreational area with play apparatus and/or fields.
- ~~208.216.~~ 209.216. **PUBLIC WATER AND SEWER SYSTEMS:** A water or sewer system owned and operated for public use by a municipality, or county, or by a private individual, corporation or association.
- ~~209.217.~~ 210.217. **RECREATION AND FITNESS CENTER:** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit

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or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

- ~~210-218.~~ 210-218. RECREATIONAL EQUIPMENT, MAJOR: Travel trailers, pickup campers, motorized trailers, houseboats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.
- ~~211-219.~~ 211-219. REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.
- ~~212-220.~~ 212-220. RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.
- ~~213-221.~~ 213-221. REST HOME, CONVALESCENT HOME: Any place containing beds for two (2) or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the cure of feeble-minded mental, epileptic, alcoholic patients, or drug addicts.
- ~~214-222.~~ 214-222. RETAIL SPACE: Space within a building designated by the Building Official as retail used for the sell of goods, wares, or merchandise directly to the consumer.
- ~~215-223.~~ 215-223. REZONING: A request to City Council to change the zoning of land from one zoning district to a different zoning district.
- ~~216-224.~~ 216-224. ROOMING HOUSE: A dwelling in which, for compensation, lodging is furnished to three (3) or more, but not exceeding nine (9) guests; a boarding house.
- ~~217-225.~~ 217-225. SAWMILL: A sawmill, located on public or private property, for the processing of timber.
- ~~218-226.~~ 218-226. SAWMILL, PORTABLE: A portable sawmill for cutting timber grown primarily on the premises.
- ~~219-227.~~ 219-227. SCHOOL: A public, parochial, or private school or college, or a school for the mentally or physically handicapped, giving regular instruction at least five (5) days a week, except holidays, for a normal school year of not less than seven (7) months, it may also include a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, terpsichorean, linguistic, scientific, religious or other special subjects.
- ~~220-228.~~ 220-228. SCRAP YARD: Any land or building used for the abandonment, storage, keeping, collection, or bailing of paper, rags, scrap metals, other scrap, or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles, or other vehicles not in running condition, or parts thereof.
- ~~221-229.~~ 221-229. SCREENING: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

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- ~~222~~~~230~~. SECURITY BROKERS AND DEALERS: An office facility whose function is to provide clients with security services. Detective services may also be provided.
- ~~223~~~~231~~. SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet temporary storage needs.
- ~~224~~~~232~~. SETBACK: The minimum distance by which any building or structure must be separated from the front, side or rear lot line.
- ~~225~~~~233~~. SEXUALLY ORIENTED BUSINESS: Any premises which the public patronizes or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, directly or indirectly. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult cabarets, adult entertainment studios or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. No sexually oriented business shall be located within 1,000 feet of certain places. No person shall operate or cause to be operated a sexually oriented business within 1,000 feet of a preexisting: 1) Public or private school; 2) Licensed day care; 3) Public Park; 4) Religious institution; 5) Boundary of a residential district; 6) Another sexually oriented business.
- ~~226~~~~234~~. SITE PLAN: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and manmade-and, depending on requirements, the location of proposed utility lines.
- ~~227~~~~235~~. SITE TRIANGLE: The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines.
- ~~228~~~~236~~. SHOPPING CENTER: Five (5) or more buildings or establishments located on the same lot or parcel of ground or two (2) or more buildings or establishments located on the same lot or parcel of ground with a combined floor area of forty thousand (40,000) square feet or more.
- ~~229~~~~237~~. SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, but any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

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- 230-238. SIGN, AREA: The entire area within a circle, triangle, rectangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports, or uprights on which the sign is placed. On double-faced signs, whose sign faces are parallel and are at no point more than two (2) feet from one another, only one (1) display face shall be measured in computing total sign area.
- 231-239. SIGN, BUSINESS: A sign which directs attention to a product, commodity or service available on the premises.
- 232-240. SIGN, DIRECTIONAL: A sign (one end of which may be pointed, or on which an arrow may be pointed, indicating the direction to which attention is called) giving the name and approximate location only of the farm, or business, responsible for the erection of same.
- 233-241. SIGN, FREESTANDING: Any sign supported by an upright structural member or by braces on or in the ground and not attached to a building.
- 234-242. SIGN, GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.
- 235-243. SIGN, GRAND OPENING: A sign which is used for the introduction, promotion, or announcement of a new business, store, shopping center, office, or the announcement, introduction, or promotion of a new establishment.
- 236-244. SIGN, IDENTIFICATION: A sign which carries only the name of the firm, the major enterprise, or the principal product offered for sale on the premises, or a combination of these.
- 237-245. SIGN MAINTENANCE: The replacing of a part or portion of a sign, made unusable by ordinary wear and tear, or the reprinting of existing copy without changing the wording.
- 238-246. SIGN, OUTDOOR ADVERTISING: A freestanding or building-mounted sign bearing a message which is not appurtenant to the use of the property where the sign is located, and which does not identify the place of business where the sign is located as the purveyor of merchandise or service upon the sign. Such signs may also be referred to as billboards or poster panels.
- 239-247. SIGN, PROJECTING: A sign attached to the building wall or suspended from roof overhang in such fashion as to extend perpendicular from the building wall.
- 240-248. SIGN, ROOF: A sign erected on the roof of a structure.
249. SIGN, ROOF LINE: A sign erected either on the edge of the roof or on top of the parapet wall, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

ARTICLE I: DEFINITIONS

250. SIGN, SMALL ILLUMINATED: A small sign that is internally illuminated in which the message is stationary and does not fluctuate in size or brightness. Common examples include operating hours and “Open” signs.
251. SIGN, SMALL PERMANENT: A small sign permanently affixed to the building, ground, or other structure. Common examples include directional signs and menu displays.
252. SIGN, SMALL TEMPORARY: A small sign intended for a limited duration. Common examples include special events, sales, and promotional flyers.
- 241-253. SIGN STRUCTURE: Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.
- 242-254. SIGN, TEMPORARY: A sign, either a banner, pennant, poster or advertising display constructed of cloth, plastic sheet, cardboard wall board, etc., applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.
- 243-255. SIGN, WALL: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall or parapet and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.
- 244-256. SITE AREA: A plat of land intended or suitable for development, the ground or area on which a use or structure is placed.
- 245-257. SPECIAL EXCEPTION: A use that is permitted by right when authorized by this ordinance, after the Board of Zoning Appeals has issued a permit stating under what conditions the use may operate.
- 246-258. SPECIAL USE PERMIT: A permit issued by the Board of Zoning Appeals, for selective specified reasons; used only for that particular reason and only under the conditions specified in the ordinance.
- 247-259. SPORTING GOODS: The sale of goods, equipment, and uniforms used during sports activities.
- 248-260. STANDING SPACE: A space by its nature used as an area for the temporary stopping of a motor vehicle, while under the control of its driver, for the purpose of embarking or discharging passengers, baggage, or merchandise, or for the purpose of utilizing special motor vehicle-oriented service including, but not limited to, drive-in banks, car washes, and gasoline filling stations. Such spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length.
- 249-261. STORY: That portion of a building, other than the cellar, including between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 250-262. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the

ARTICLE I: DEFINITIONS

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

~~251-263.~~ STREET, ROAD: A public thoroughfare.

~~252-264.~~ STREET LINE: The dividing line between a street or road right of way and the contiguous property.

~~253-265.~~ STRUCTURE: Anything constructed or erected, the use of which required location on the ground, or attachment to something having a permanent location on the ground, except utility poles.

~~254-266.~~ SUBSTANTIAL COMPLETION: The point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

(1) Necessary final approval by the Hopewell Code Enforcement Department has been given (if required);

(2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable;

(3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and

(4) Any work remaining on the project is minor or “punch list” in nature.

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

~~255-267.~~ TAILOR SHOP: An establishment that provides alteration and sewing of clothing for men’s and women’s apparel. This use is interchangeable with a seamstress shop.

~~256-268.~~ TANNING SALON: Any business that uses artificial lighting systems to produce a tan on an individual’s body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

~~257-269.~~ TAX PREPARATION SERVICES: An office use that primarily provides tax preparation and may provide book keeping services.

~~258-270.~~ TAXICAB BUSINESS: A service that offers transportation by means of any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, no operation on a regular route or between fixed terminals used in the transportation of passengers for hire or for compensation, and not a common carrier, restricted common carrier or nonemergency medical transportation carrier as defined by the Code of Virginia.

~~259-271.~~ THRIFT STORE: A nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated.

ARTICLE I: DEFINITIONS

- ~~260-272.~~ 260-272. **TOWNHOUSE:** A single family dwelling unit, being one (1) of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls, with lots, utilities, and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.
- ~~261-273.~~ 261-273. **TOYS, GAMES, AND CRAFTS SHOP:** Any business establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.
- ~~262-274.~~ 262-274. **TRAVEL TRAILER:** A vehicular, portable structure designed in accordance with USA Standards for Travel Trailers (A119-2) currently in use or as may be amended by the USA Committee on manufactured Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation or vacation uses; its design and type shall be clearly identified by the manufacturer by visible identification seal or plate of a permanent nature as a travel trailer; and its specification for travelling over the streets and highways of Virginia shall be in accordance with the Virginia Motor Vehicle Code, with a maximum width of eight (8) feet and a maximum length of thirty five (35) feet.
- ~~263-275.~~ 263-275. **TRAVEL TRAILER PARK - TRAVEL TRAILER CAMP:** Premises where travel trailers are parked temporarily in conjunction with travel, recreation or vacation.
- ~~264-276.~~ 264-276. **TRUCK CAMPER:** A portable structure designed to be loaded or fixed to the bed or chassis of a truck.
- ~~265-277.~~ 265-277. **UPHOLSTERY SHOP:** A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.
- ~~266-278.~~ 266-278. **VARIANCE:** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal endorsement of the ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.
- ~~267-279.~~ 267-279. **VETERINARY HOSPITAL:** A building or group of buildings providing surgical or medical treatment to animals, and dispensing and sales of veterinary-related products; provided that all work rooms, cages, pens, or kennels be maintained within a completely soundproof building and that such use be operated in such a way as to produce no objectionable noise or odors outside its walls.
- ~~268-280.~~ 268-280. **VIDEO RENTAL STORE:** An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs,

ARTICLE I: DEFINITIONS

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

~~269-281.~~ 269-281. WASTEWATER TREATMENT FACILITY: A public or private facility which treats wastewater from residences, businesses, institutions, industries and other sources with effluent to enter a public sewer in accordance with the City Code provisions for sewers and sewage disposal or to be discharged under an applicable state or federal permit.

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

~~271-283.~~ 271-283. WHOLESALE BUSINESS: A place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial or retail use.

~~272-284.~~ 272-284. YACHT CLUB: An area and/or structures established for the purpose of water oriented recreation to include only one wharf or dock, the sale of gas and oil, club houses, and other social facilities for club members and their guests; and shall exclude maintenance facilities and any commercial establishment for the sale of food and lodging.

~~273-285.~~ 273-285. YARD: An open space on a lot other than a court occupied and unobstructed from the ground upward by structures except as otherwise provided herein.

~~274-286.~~ 274-286. YARD, FRONT: An open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

~~275-287.~~ 275-287. YARD, REAR: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

~~276-288.~~ 276-288. YARD, SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excepting steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

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

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

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

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

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

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

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

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

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

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

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

R-7



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: City Employment of City Officials Ordinance

ISSUE: An ordinance which governs the terms under which a council member may seek employment with the City of Hopewell and which governs a COH employee may seek a seat on City Council.

RECOMMENDATION: Approval of the City Employment of City Officials on first reading.

TIMING: Ordinance to become effective on March 12, 2024

BACKGROUND: Virginia Code §2.2-3107 discusses the types of allowable contracts between municipalities and its employees. The purpose of the ordinance is define the relationship further and to create terms which don't conflict with competing interests or conflicts of interest. City Council had requested research and follow up on this issue from a previous city attorney. The drafted ordinance is in response to the original request.

ENCLOSED DOCUMENTS: Proposed ordinance.

STAFF: Danielle Ferguson Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor 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"/> | Councilor Dominic Holloway, Sr., Ward #7 |

ORDINANCE NO: _____

ORDINANCE PERTAINING TO FINANCIAL BENEFIT AND EMPLOYMENT OF CITY OFFICIALS AND MUNICIPAL EMPLOYEES

WHEREAS, Virginia Code §2.2-3107 governs the types of contracts by member of county boards of supervisors, city councils and town councils;

WHEREAS, Virginia Code §2.2-3107(A) of the Code of Virginia prohibits an elected or appointed member of City Council to have any personal interest in any contract with the governing body, any department of the governing body or any contract with any governmental agency where the governing body appoints a majority of the members of the governing body. A City Council member may not apply or be hired to the position as long as they are a member of City Council. Absent an ordinance to the contrary, the City Council member may resign and apply one year after their date of resignation despite appearance of impropriety considerations;

WHEREAS, the City of Hopewell's Charter Chapter 3 Section 3 provides the authority to create requirements for election nominations;

WHEREAS, The City of Hopewell's Charter Sec. 2-62 reiterates to Hopewell City Council's authority to adopt and amend the city's Human Resources Policies and Procedures Manual;

WHEREAS, The City of Hopewell also enforces the Hatch Act, which prohibits federal employees from engaging in a variety of political activities, including running for partisan political office.

BE IT ORDAINED, that the City of Hopewell Human Resources Policies and Procedures Manual is amended as set forth below:

Restrictions on activities of former officers and employees

(a) The terms "officer or employee" as used in this section, includes members of the City Council, City officers and employees, and individuals who receive monetary compensation for service on or employment by agencies, boards, authorities, boards, commissions, authorities, committees, and task forces appointed by the City Council.

(b) The term "Chief personnel officer" is used to refer to Sec. 2-63 of Hopewell's City Charter designating the City Manager to fulfill duties of this position.

(c) The term "Employee" is defined as any full-time, part-time, seasonal and/or occasional persons performing services for pay, by election, hire or employee contract, for the City of Hopewell and referred to in Sec. 2 of Hopewell's City Charter.

(d) It shall be unlawful for a former City Council member to apply for or be hired for any employment with the City of Hopewell for a period of one year after the cessation of the end of their term or the date of their resignation from Council or otherwise approved by state law.

(e) It shall be unlawful for any former, director, officer or employee, for one year after the cessation or termination of their employment with the City of Hopewell to run for the office of City Council. This prohibition shall be in addition to any other prohibition that may be provided by law.

(f) Councilmen shall receive as compensation for their services such amounts as the council may determine, as authorized by the general laws of the Commonwealth of Virginia. No member of the Council shall be appointed to any office of profit under the city government during the term for which elected and for one year thereafter.

VOTING NAY:

ABSTAINING:

ABSENT

DONE this day

Mayor Johnny Partin, Ward 3

Witness this signature and seal

ATTEST:

Brittani Williams, City Clerk

ADJOURNMENT