

August 18, 2015
Regular Meeting

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD AUGUST 18, 2015

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, August 18, 2015, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
Anthony J. Zevgolis, Councilor
Jasmine E. Gore, Councilor
K. Wayne Walton, Councilor
Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
Stefan S. Calos, City Attorney
Ross A. Kearney III, City Clerk

Absent: Vice Mayor Luman-Bailey
Absent: Councilor Holloway

ROLL CALL

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

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (sick)
Councilor Holloway	-	absent (sick)
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

CLOSED MEETING

Motion was made by Councilor Zevgolis, and seconded by Councilor Gore, to resolve to go into closed meeting for discussion or consideration of specific appointees of city council; discussion concerning the expansion of an existing industry where no previous announcement has been made of the industry's interest in expanding its facilities in the community; and consultation with legal counsel employed by city council regarding specific legal matters requiring the provision of legal advice by such counsel; in accordance with Virginia Code section 2.2-3711 (A) (1) (5) & (7), respectively.

Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes

**August 18, 2015
Regular Meeting**

OPEN SESSION

Council convened into Open Session. Councilors responded to the question: “Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?” Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes

REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:30 p.m. Roll call was take as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	absent (sick)
Councilor Holloway	-	absent (sick)
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Prayer was led by Chaplain Michael Wyche, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Gore, and seconded by Councilor Zevgolis, to approve the Consent Agenda, Minutes: none; Pending and Action List: none; Information for Council Review: none; Personnel Change Report and Financial Report; HR Report & No Financial Report Provided; Public Hearing Announcements: September 8, 2015: Rezoning of 1100 & 1102 Maplewood Avenue from TH-1 to R-1; Portion of 7th Ave. alley vacation; Zoning Ordinance Amendment to amend and reenact Article IX, Downtown Design Review Committee, Section M, Article XIV-B, Tourist/Historic District, Section J, and Article XIX, Provisions for Appeal, Sections A and C to consider the number of members and the number of members that constitute a quorum. Ordinances on Second and Final Reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Edward Watson Director of Public Works – Central Virginia Waste Management Authority (CVWMA) 25th Anniversary Resolution. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
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**August 18, 2015
Regular Meeting**

Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes/Approved

RESOLUTION

WHEREAS, the Central Virginia Waste Management Authority will celebrate 25 years of regional solid waste management and recycling initiatives in December 2015; and

WHEREAS, the Central Virginia Waste Management Authority was formed in 1990 by thirteen localities in the central Virginia region including the Cities of Colonial Heights, Hopewell, Petersburg and Richmond, the Town of Ashland and the Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan and Prince George, which still comprise the Authority; and

WHEREAS, the Central Virginia Waste Management Authority, since its creation has endeavored to provide efficient and economical waste management and recycling solutions for its members and the over one million citizens in the region, and

WHEREAS, the Central Virginia Waste Management Authority developed, amended and updated in accordance with the Commonwealth's Solid Waste Management Plan requirements a comprehensive and integrated solid waste management plan; and

WHEREAS, the Central Virginia Waste Management Authority has reported the region's recycling rate 58% in 2014, which has consistently exceeded the Commonwealth's requirements imposed on each locality to recycle 25 percent of the solid waste generated; and

WHEREAS, the Central Virginia Waste Management Authority, has successfully developed a menu of recycling and solid waste programs through cost effective and efficient contracts with the private sector to meet the recycling and solid waste needs of the urban, suburban and rural communities in the region; and

WHEREAS, the City of Hopewell and its citizens have benefited and continue to benefit from the regional approach to solid waste management and recycling making the region and Hopewell a better place to live, work and visit; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hopewell, Virginia that Hopewell commends and congratulates the Central Virginia Waste Management Authority and the 13 localities that comprise the Authority on the occasion of its 25th anniversary.

RESOLUTION PRESENTED THIS 18TH DAY OF AUGUST, 2015

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Public Hearing

PH-1- FOR THE CONSIDERATION OF A LOT SALE PRICE MODIFICATION FOR NON-CITIZENS AND THE ESTABLISHMENT OF ADMINISTRATIVE FEES OF THE CITY AT THE APPOMATTOX CEMETERY:

**August 18, 2015
Regular Meeting**

The Mayor opened the Public Hearing and having no one signed up to speak then closed the Public Hearing. A motion was then made by Councilor Shornak, and seconded by Councilor Walton, to adopt **Ordinance 2015-8-18** on 1st Reading with Council dispensing with the second reading for a lot sale price modification for non-citizens and the establishment of administrative fees of the City at the Appomattox Cemetery. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes/Adopted

Ordinance 2015-8-18

FEE STRUCTURE		
	Current	Proposed
Resident-Single Grave Cremains/Infant	\$ 127.50	\$250
Resident-Single Grave Adult	\$ 500	\$500
Non-Resident-Single Grave Cremains/Infant	\$ 127.50	\$500
Non-Resident-Single Grave Adult	\$ 1,000	\$2,000
Administrative Fee (per activity)	N/A	\$100

COMMUNICATIONS FROM CITIZENS

Mr. Steve Barnes – Owner of Hopewell Body Shop – Supports Portable Outside Signs to Promote Small Businesses.

Motion was made by Councilor Gore, and seconded by Councilor Shornak, to waive the Council Rules and allow the public to speak on Inoperable Motor Vehicles. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes/Rules Waived

Charles Lewis – Ward 4 – Supports the Inoperable Vehicles Ordinance.

Jim LuPori – Ward 4 – Supports the Inoperable Vehicles Ordinance and wants the Portable Outside Signs to be taken down.

**August 18, 2015
Regular Meeting**

Eric Camerun – Ward 5 - Supports Portable Outside Signs to Promote Small Businesses.

Debbie Randolph – Ward 1 - Supports the Inoperable Vehicles Ordinance.

Reports of Boards & Commissions

Interim Superintendent Melody D. Hackney, Ed.D. – Hopewell Public Schools

Friends of the Lower Appomattox River (FOLAR) Johnny Partin– Progress Update presentation to Council

Regular Business

R-1 - Authorize the City Manager to execute the Consent Agreement and Final Order with the Environmental Protection Agency (EPA) settling Clean Water Act and Virginia Pollutant Discharge Elimination System (VPDES) Permit Number VA006630 violations that occurred between December 2008 and April 2015.

Motion was made by Councilor Zevgolis, and seconded by Councilor Shornak, to resolve to authorize the city manager to execute the consent agreement and final order with the environmental protection agency settling clean water act and VPDES permit #va0066630 violations that occurred between December 2008 and April 2015, in the amount of \$50,000.00. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolis	-	yes

Vote Resulted: 5-0 Yes/Authorized

R-2 – Approve Ordinance 2015-8-18A - Amending The Code of the City of Hopewell, Virginia, 1981, As Amended, Chapter 2 (Administration), Article 1 (In General), By Adding Section 2-14 (Assessment for electronic summons system) Providing for the Assessment of Costs in Criminal and Traffic Cases.

Motion was made by Councilor Gore, and seconded by Councilor Shornak, to table approving Ordinance 2015-8-18A until Sheriff Sodat can report back to Council regarding this ordinance. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	no
Councilor Shornak	-	yes
Councilor Zevgolis	-	no

Vote Resulted: 3-2 Yes/Ordinance Tabled

R-3 – Downtown Design Review Committee - Police Station Design Review.

August 18, 2015
Regular Meeting

Mrs. Tevya Griffin, Director of Development, reported that the Downtown Design Review Committee (DDRC) met on August 5, 2015, and recommended and also some outstanding issues that we will be addressing. And then other questions raised by the DDRC and then staff also gave their comments and that was something that was asked of staff to do at this meeting to present what we thought about the design of the building. To give you an overview, the police station if located in this area is in the B1 district; that is a zoning district and it is required that any new construction in downtown go through the downtown design review committee through a certificate of appropriateness process. This is the same process that's used in the City Point Historical District. The architect looked at the plans and looked at exactly what the police station was proposing to look like and he had five recommendations. Those five things were approved by the DDRC. The first was the continuation of a cornice. There's already a cornice on the building but he's recommending that that cornice be smaller. The architects agreed with that. The other thing was streetscape lighting. In the downtown plan it requires streetscape lighting like you see in the downtown now. That was not on the plan. We have since provided Timmons Group with the renderings of those lights that will be added to the plan. The other thing that the architect felt, he felt the architectural style and compatibility and context of the building was right on. He really had no issues with the architecture presented. He thought it met the current architectural design guidelines. They also approved the brick color. If you remember from the last presentation, the rendering that had this coloring, there was a lighter color, then there was a middle color and then there was the darkest color. They approved the darker color, not the lighter and the mid-light. They also had a comment about the landscaping in the parking lot. If you look in the information that you were given, they were provided just a preliminary site plan. And they do not approve the preliminary site plan. That is done administratively through the staff but they do have some purview in looking at elements that improve the overall look of the building. And so they recommended that landscaping be provided in the parking lot. That's something that will happen anyway because that's a part of the site plan review process but they just wanted to make sure that was added in their comments. Outstanding issues that could not be answered that night but that they are looking into is transitional or traditional light fixtures. If you look on the building, the light fixtures, the architect did not feel that it met the historical architectural style and so he wanted those changed. The other is he thought that they should consider a lighter pre-cast at the building base. So if you look at the color of the building, the base of the building is the same color. He thinks that should be lighter to bring some pop to the building. The other thing is a decorative fence. If you look on the site plan, the fence says a chain link fence. And of course, they recommended it not be a chain link fence, maybe a wrought iron or aluminum black fence with I guess you'd call them pediments or pedestals throughout that are brick. And those things are going to get back to us. They've already given us the fence design and they're working on items one and two. Other concerns the DDRC was the building set back and that the façade of the building visible from the street. And just to give you kind of some background, in the downtown area you'll know and notice that most of the buildings have a zero lot line setback. They are right up to the sidewalk. If you look in your preliminary site plan, the building is moved back. So the DDRC is recommending the building actually be closer to West Carlson and closer to Route 10. The engineers were at the DDRC meeting and there is some concern with that because there are light poles, there are utilities in the current roadway and so that may be a problem. And that's something that we're going to address during the site plan review process. The other thing is the façade that's visible from Route 10. If you look at the overall view from Route 10, what they recommend is that that façade look more pronounced coming into the gateway. And because the building is turned where the entrance of the building, normally the entrance of the building is a more pronounced, they want it not to look like the entrance but to have more decorative features on this portion of Route 10. Now staff has some of the same comments. Building setback, façade visible to street, parking lot landscaping and the building scale. Our understanding that when the building was first proposed it was proposed as two stories and because of costs it was reduced to one story. The architectural treatment guidelines in the downtown plan really wants you to look at the width of the adjacent street in order to make a recommendation on how high the building should be. So based on the downtown plan, the building should be a minimum of two stories and a maximum of seven and a half stories. Of course, seven and a half is very high but it does call for a minimum of two stories. These are the guidelines.

**August 18, 2015
Regular Meeting**

R-4 - Inoperable Vehicle Ordinance (City Manager Status Update).

Mr. Mark Haley, City Manager, wanted to give Council a walk you through where they are with the in-op ordinance. When we began this process, we were essentially were at second reading where we had made some changes to strengthen some of the requirements, language in the towing section. At that point, a new attorney was brought in, fresh eyes, and we presented additional changes but they were more clarifications at a work session at your last Council meeting. Council had instructed me to find a way to properly communicate that and it was suggested to do that to use the sewer, garbage billing process. My research into that in my opinion won't render what you really want. There are only about just under 9,000 sewer accounts and not every person who may or may not have an in-op vehicle necessarily has a sewer account and receives a sewer bill. Moreover, mailing something to every sewer account will cost just under \$5,000 first class. In addition to that, it will take over five weeks to do it. I don't know if all of you are aware but not everybody in the City gets their sewer garbage bill on the first or the fifteenth of the month for the preceding months. It's a five week cycle. So the communication of by mailing something using that mechanism would take time. A special mailing would be about double that, would be close to about \$8,000 to mail it as its own mailing and not included in a sewer water bill as a stuffer. If you would like, because the ordinance hasn't been widely distributed, I will figure out ways to do that through public service, the website, an ad in the papers, et cetera. And we have ample time to have a public hearing on the September 8th. I can still advertise that. I think I have ample time to do that. So you could have a bona fide public hearing. In addition, so no one is caught off guard and to give even more time to communicate it, I would suggest that we could work with the police department on a grace period after approval of the ordinance where it would go into effect thirty or 45 days hence. Or you may say no, put it into effect tomorrow morning. That would be at your pleasure. But that's what I wanted to bring to your attention tonight, and that would be my recommendation is that you try to knock this thing out on September the 8th

Reports of the City Clerk

Board of Building Code & Fire Prevention Code of Appeals – 1 Vacancy - No TBR's on file; District 19 Community Service Board – 1 vacancy – 1 TBR on file; John Tyler Community College Board – 1 vacancy – 2 TBR's on file; Recreation Commission - 1 vacancy – No TBR's on file and MUST be a Junior Student; Senior Citizen Advisory Commission – 1 vacancy – No TBR's on file.

Motion to Extend Meeting

Motion was made by Councilor Gore, and seconded by Councilor Shornak to extend the meeting past 10:30 P.M. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	no
Councilor Shornak	-	yes
Councilor Zevgolis	-	no

Vote Resulted: 3-2 Yes/Meeting Extended

**August 18, 2015
Regular Meeting**

CITIZENS/COUNCILOR REQUESTS

CCR-1. **Citizens/Councilor Requests** – Councilor Gore - Review topics and agenda for City Council Advance on August 28th and 29th. The Goal of the Advance is to review/revise City Council's Strategic Plan adopted June 2014. Other goals include revising City Council Pending Action list and to receive department updates on current city progress. The mission of the City Council Advance is to provide the blueprint for staff to fulfill the vision for the City; moreover, to address issues/ideas of City Council in order to build consensus and to be on one accord moving forward.

CCR-2. **Citizens/Councilor Requests** – Councilor Gore - Request for staff to submit web tree information to Mr. Bragg and the Website ad-hoc committee of which is to include the IT Department with Broadband Grant/Access by the September 22, 2015 Council Meeting.

ADJOURN

At 10:57 P.M., motion was made by Councilor Gore, and seconded by Councilor Shornak. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Zevgolts	-	yes

/s/ Brenda S. Pelham

Brenda S. Pelham, Mayor

/s/ Ross A. Kearney III

Ross A. Kearney III, City Clerk