



## CITY OF HOPEWELL

Hopewell, Virginia 23860

### AGENDA

PHONE: 541-2249

FAX: 541-2248

e-mail: [info@hopewellva.gov](mailto:info@hopewellva.gov)

[rkearney@hopewellva.gov](mailto:rkearney@hopewellva.gov)

[www.hopewellva.gov](http://www.hopewellva.gov)

### CITY COUNCIL

Jackie M. Shornak, Mayor, Ward #7  
Jasmine E. Gore, Vice Mayor, Ward #4  
Christina J. Luman-Bailey, Ward #1  
Arlene Holloway, Councilor, Ward #2  
Anthony J. Zevgolis, Councilor, Ward #3  
Janice B. Denton, Councilor, Ward #5  
Brenda S. Pelham, Councilor, Ward #6

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

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Date: March 21, 2017

MUNICIPAL BUILDING

TIME: Closed Session 6:30 p.m.  
Regular Meeting 7:30 p.m.

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### OPEN MEETING

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

**MOTION:** To go into closed meeting for (I) discussion of performance or appointment of specific appointees (City Clerk and Keep Hopewell Beautiful); (II) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1) and (7) respectively.

Roll Call

### CLOSED MEETING

### RECONVENE OPEN MEETING

**CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): WERE ONLY PUBLIC BUSINESS MATTERS (I) LAWFULLY EXEMPTED FROM OPEN-MEETING REQUIREMENTS AND (II) 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 Mr. Vodricka L. Epps of Mount Calvary Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MOTION:** To amend/adopt agenda.

## 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 7, 14, 21, 23, 2017
- C-2            **Pending List:** Provided February 28, 2017
- C-3            **Routine Approval of Work Sessions:** None
- C-4            **Personnel Change Report & Financial Report:** Personnel Change Report & Financial Report.
- C-5            **Ordinances on Second & Final Reading:** None
- C-6            **Routine Grant Approval:** None
- C-7            **Public Hearing Announcement:** March 28, 2017 - Requests to amend the Hopewell Zoning Ordinances in accordance with section 15. 2-2285 of the Code of Virginia.
- C-8            **Information for Council Review:** 2017 VML Policy Committee Nominations, VML is taking nominations for the 2017 policy committees.
- C-9            **Resolutions/Proclamations/Presentations:** John Tyler Community College Presentation;

## COMMUNICATIONS FROM CITIZENS

*Communications from Citizens – A Communications from Citizens period, limited in total time to 30 minutes, shall be part of the Order of Business at each regular Council meeting. **Each speaker** will be limited to **three (3) minutes**. No citizen will be permitted to speak on any item scheduled for consideration on the regular agenda of the meeting (see Council Rule 405).*

## REGULAR BUSINESS

### **Reports of City Manager:**

- R-1.    **Approval of the FY 17-18 City Budget Calendar.**

### **Reports of the City Attorney:**

#### **Reports of the City Clerk:**

Accepting Talent Bank Resumes (TBR) for the Youth Commission, Architectural Review Board (Architectural Review Board - ARB) **(1) Vacancy**; Board of Equalization (BOE) **(1) Vacancy**; Crater District Area Agency on Aging **(1) Vacancy**; District 19 Community Service Board **(2) Vacancies**; Dock Commission **(3) Vacancies**; Downtown Design Review Committee (DDRC) **(2) Vacancies**; Recreation Commission **(1) Hopewell H.S. Senior Class Representative**; Social Services Advisory Board **(2) Vacancies**; Hopewell School Board **(2) Terms expire on June 30, 2017**. Applications can be found at [www.hopewellva.gov](http://www.hopewellva.gov) under Boards and Commissions.

**Reports of City Council:**

**Committees**

**Individual Requests**

**Any Other Councilor**

**CITIZEN/COUNCILOR REQUESTS**

**OTHER COUNCIL COMMUNICATIONS**

**ADJOURNMENT**

**CLOSED  
MEETING**

# **REGULAR MEETING**

# CONSENT AGENDA

# MINUTES

**February 7, 2017**  
**Special Works Session Meeting**  
**DRAFT**  
**MINUTES OF THE SPECIAL WORK SESSION MEETING OF CITY COUNCIL HELD**  
**FEBRUARY 7, 2017**

A Special Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 7, 2017, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie M. Shornak, Mayor  
Jasmine E. Gore, Vice Mayor  
Christina Luman-Bailey, Councilor  
Arlene Holloway, Councilor  
Anthony J. Zevgolis, Councilor  
Janice B. Denton, Councilor  
Brenda S. Pelham, Councilor

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

**ROLL CALL**

Mayor Shornak opened the meeting at 6:31 p.m. Roll call was taken as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
*Councilor Pelham	-	absent

\*(Councilor Pelham arrived at 6:42 p.m. and called and informed the Mayor and Clerk she would be late)

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

Prayer was performed by Pastor Marcus Campbell of Abundant Life Church of Hopewell, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MOTION: T amend or adopt agenda**

Motion was made by Councilor Luman-Bailey, and seconded by Councilor Denton, to adopt the agenda. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	absent
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**February 7, 2017  
Special Works Session Meeting  
DRAFT**

**Vote Result: 6-0 Agenda Adopted**

**CLOSED MEETING**

Motion was made by Councilor Holloway, and seconded by Councilor Luman-Bailey, to resolve to convene into closed meeting for (I) discussion of performance or appointment of specific appointees of City Council (City Clerk, Hopewell Redevelopment & Housing Authority); and (II) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1) and (7), respectively. Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	absent
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**Vote Result: 6-0 YES**

**OPEN SESSION**

Council convened into Open Session. Councilors responded to the question: pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the vote resulted:

Vice Mayor Gore	-	yes
Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

**Vote Result: 7-0 YES**

**WORK SESSION**

**WS-1. Briefing and Short Work Session with the Planning Commission**

Mrs. Tevya Griffin, Director of Development, introduced the members of the Planning Commission who were in attendance and then introduced the Chairman of the Planning Commission Peter Eliades. Mr. Eliades addresses Council and commented that the Planning Commission has excellent communications with City staff but would like to see improved communications in-house and within the community. The Planning Commission and EDA meet regularly but would like for the Downtown Hopewell Partnership to join them on a regular basis. Councilor Luman-Bailey requested that the DDRC be added to the group when meeting. Vice Mayor Gore requested that the Planning Commission weigh in

**February 7, 2017**  
**Special Works Session Meeting**  
**DRAFT**

on what they think when projects are being presented to Council. Mayor Shornak agreed with Vice Mayor Gore but added that she wanted to see all City Departments and Boards communicating. Mayor Shornak also requested that all members of Council need to start attending the City Boards and Commissions meetings on a regular basis. Mr. Eliades requested that Council appoint a member to serve on the UDA (Urban Development Area) committee as required by the agreement. Mr. Eliades stated that the Planning Commission had submitted to Council a resolution of which council passed however, the Mayor informed Mr. Eliades that funding was not going to be granted for any projects until the CAFR was completed. Mr. Eliades presented to Council the Planning Commissions proposed development sites throughout the City. Councilor Luman-Bailey commented that she wanted the Planning Commission to review the Cultural Resource Plan prepared by William & Mary that the City paid for in 2004. Councilor Luman-Bailey requested that the Planning Commission and the Development Department look at the 2004 plan for grants that were listed that the City could apply for and receive. Councilor Pelham asked if it would be possible for the Planning Commission and the EDA to meet before presenting any proposals to Council? Mr. Eliades replied yes and said that they have and currently still meet and that he also serves on the EDA therefore both the Planning Commission and EDA are always communicating. Vice Mayor Gore stated that she is in favor of small area plans/developments and that a vision is needed to address these types of ventures that have been presented to Council in the past and that we need to revisit these plans and receive comments back from the necessary commissions and boards. Councilor Zevgolis stated that he holds the position that the Planning Commission is the leader and that the EDA not push the Planning Commission and only act as an advisor. Councilor Denton praised the Planning Commission for all their work and encouraged them to keep up the excellent work. Mayor Shornak and the City Council asked when was the Comp Plan going to be ready? Mrs. Griffin stated by late summer 2017.

**WS-2. City Council Pending List**

City Council reviewed the "Council Pending List" and updated, removed and added items. Council requested that the updated pending list be placed on the February 21, 2017 Work Session Agenda for further review.

**Reports of the City Clerk:**

City Clerk announced that he and Council were accepting Talent Bank Resumes (TBR) for the Youth Commission, Architectural Review Board (ARB) **(1) Vacancy**, Crater District Area Agency on Aging **(1) Vacancy**, District 19 Community Service Board **(2) Vacancies**, Dock Commission **(3) Vacancies**, Downtown Design Review Committee **(2) Vacancies**, (DDRC), Recreation Commission **(1) Hopewell H.S. Senior Class Representative**, Social Services Advisory Board **(2) Vacancies**. Applications can be found @ [www.hopewellva.gov](http://www.hopewellva.gov).

**ADJOURN**

At 10:45 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Denton to adjourn. Upon the roll call, the vote resulted:

Councilor Gore	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes

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**Special Works Session Meeting**  
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**Vote Result: 7-0 Yes-Adjourn**

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Jackie M. Shornak, Mayor

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Ross A. Kearney III, City Clerk

**February 14, 2017  
Regular Meeting  
DRAFT**

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD FEBRUARY 14, 2017**

A Special Meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 14, 2017, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie M. Shornak, Mayor  
Jasmine E. Gore, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Arlene Holloway, Councilor  
Anthony J. Zevgolis, Councilor  
Janice B. Denton, Councilor  
Brenda S. Pelham, Councilor

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

**ROLL CALL**

Mayor Shornak opened the meeting at 6:00 p.m. Roll call was taken as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

**MOTION: To amend or adopt agenda**

A motion was made by Councilor Luman-Bailey, and seconded by Councilor Pelham, to adopt the agenda. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Agenda Adopted**

**February 14, 2017  
Regular Meeting  
DRAFT**

**WORK SESSION**

**WS-1 - Preparation/Discussion for three upcoming public hearings to amend sections of the Zoning Ordinance.**

Mrs. Tevya Griffin, Director of Development and Mr. Horace Wade, City Developer represented to City Council that they requested Development Staff and members of the Architectural Review Board and Downtown Design Review Committee to apply to become a Certified Local Government (CLG). Most importantly, Mr. Wade explained two (2) amendments must be made to the Zoning Ordinances, per the VA Department of Historic Resources, in order to be eligible for CLG status and that the City is initiating a zoning ordinance amendment to allow accessory structures that cannot be seen from the public right-of-way in the B-3 Zoning District with a Conditional Use Permit approved by City Council. The City cannot apply for CLG status until the Zoning Ordinance amendments are approved by City Council. The public hearing regarding these ordinances will be held by City Council on March 28, 2017.

**CLOSED MEETING**

Motion was made at 6:42 p.m. by Councilor Zevgolis, ad seconded by Councilor Pelham, to amend the Closed Meeting motion to add City Council Standing Committees, UDA, Hopewell Redevelopment and Housing Authority and for (I) discussion of performance or appointment of specific appointees of City Council (City Clerk, Board of Zoning Appeals, Hopewell Water Renewal Commission); (II) discussion or consideration of the acquisition of real property for a public purpose (eminent domain), where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and (III) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1), (3) and (7), respectively.. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Motion Amended and Adopted to go into Closed Meeting**

**REGULAR MEETING**

Mayor Shornak opened the regular meeting at 7:47 p.m. Roll call was take as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

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Regular Meeting  
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**PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Prayer was led by Pastor Marcus Campbell of Abundant Life Church of Hopewell, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CONSENT AGENDA**

A motion was made by Councilor Denton, and seconded by Councilor Luman-Bailey, to approve the consent agenda: Minutes: October 25, 2016 and January 24, 2017; Pending List: Will be emailed to Council & Available at the February 21, 2017; Routine Approval of Work Sessions: City Council Work Session on February 21, 2017 with the EDA; February 23, 2017 a Joint Work Session with Hopewell School Board @ Hopewell High School Library 6:30 PM; Personnel Change Report & Financial Report: Personnel Report provided; Ordinances on Second & Final Reading: None; Routine Grant Approval: None; Public Hearing Announcement: February 28, 2017 – Request to vacate a portion of right-of-way; Information for Council Review: None; Resolutions/Proclamations/Presentations: None. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	no
Vice Mayor Gore	-	no

**Vote Result: 5-2 Yes Consent Agenda Approved**

**COMMUNICATIONS FROM CITIZENS**

**Johnny Partin: Ward 3:** Mr. Partin represented to Council how much clean-up has been done by the Keep Hopewell Beautiful Committee and that on March 4<sup>th</sup>, 2017 they will be conducting another clean-up and invited the members of council and the public to join.

**REGULAR BUSINESS**

**Reports of City Manager:**

**R-1. - City Event Announcements**

Mr. Aaron Reidmiller, Director of Parks and Recreation presented to Council the 2017 City Schedule of Events. He stated that the list of events can be found on our web site [www.hopewellva.gov](http://www.hopewellva.gov). Ms. Shanelle Ebanks, City Youth Coordinator also represented to Council that in March they will be holding a “Bowling for Big Brother Big Sisters” and that she encouraged the members of Council and staff to participate.

**February 14, 2017  
Regular Meeting  
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**Reports of the City Attorney**

Mr. Stefan Calos, Hopewell City Attorney wanted to thank the members of staff who helped during the recent General Assembly session.

**Reports of the City Clerk**

Motion was made by Vice Mayor Gore, and seconded by Councilor Holloway, to appoint John P. Partin to fill an unexpired term on the Board of Zoning Appeals and to appoint Ashley Epps for a term of five (5) years to the Board of Zoning Appeals. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
*Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
*Vice Mayor Gore	-	abstained

**Vote Result: 6-0 Yes Mr. Partin and Ms. Epps Appointed**

\*(City Attorney per Vice Mayor Gore advised her to abstain from this vote. A conflict of interest form was not filled out and submitted to the Clerk)

\*(Councilor Pelham provided her conflict of interest form to the Clerk and was eligible to vote for the nominee Ashley Epps)

A motion was made by Councilor Denton, and seconded by Councilor Luman-Bailey, to appoint Daniel Rowling, General Manager of WestRock, Mark Haley Hopewell City Manager, Paul Tuck – Ashland, Dough Woodhouse – Virginia American Water and Stefan Calos Hopewell City Attorney to the Hopewell Water Renewal Commission. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Yes Appointed**

A motion was made by Councilor Pelham, and seconded by Councilor Gore, to appoint Herbert Townes to fill the unexpired term of Ed Henry who resigned from the Hopewell Redevelopment and Housing Authority. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes

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Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Yes Appointed**

**Reports of City Council:**

**Councilor Pelham:** requested from the City Manager the Rental Inspection Program (RIP) Reports.

**Vice Mayor Gore:** Announced in March she will be holding a Ward meeting here in Council Chambers and will be getting in touch with the City Clerk for available dates and then notices will go out.

**Councilor Luman-Bailey:** reported the that the Water Renewal Commission was going very well And that the M&T Tax was saved with the hard work of staff and the Commissioner of Revenue. The City Charter Change request passed the State Senate today.

**Councilor Holloway:** thanked Mr. Aaron Reidmiller and his staff for the recent parks tour he provided to Council.

**Mayor Shornak:** announced this past weekend she had worked in her Ward with the Keep Hopewell Beautiful Committee and the New Hope Academy also assisted along with the Ward 7 Neighborhood Watch. They collected 750 of trash. Mayor also announced she had attended last week's EDA meeting and encouraged all members of Council to attend the Boards and Commissions meetings. Mayor also participated at Woodlawn School recognizing and supporting the students for competing their 100<sup>th</sup> day.

**Councilor Zevgolis:** also thanked Mr. Reidmiller for the parks tour he provided and clarified his remarks he had made at the February 7<sup>th</sup> work session with regards to the Planning Commission.

**CLOSED MEETING**

At 8:18 Council then returned back their Closed Meeting.

**RECONVENE OPEN MEETING**

Council convened into Open Session at 10:42 p.m. and responded to the question Certification pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes

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Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Yes**

**ADJOURN**

At 10:42 p.m., motion was made by Councilor Pelham, and seconded by Councilor Zevgolis. Upon the roll call, the vote resulted:

Councilor Denton	-	yes
Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes

**Vote Result: 7-0 Meeting Adjourned at 10:43 p.m.**

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Jackie M. Shornak, Mayor

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Ross A. Kearney III, City Clerk

**February 21, 2017**  
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**DRAFT**

**MINUTES OF THE SPECIAL WORK SESSION MEETING OF CITY COUNCIL HELD**  
**FEBRUARY 21, 2017**

A Special Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 21, 2017, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie M. Shornak, Mayor  
Jasmine E. Gore, Vice Mayor  
Christina Luman-Bailey, Councilor  
Arlene Holloway, Councilor  
Anthony J. Zevgolis, Councilor  
Janice B. Denton, Councilor  
Brenda S. Pelham, Councilor

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

**ROLL CALL**

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

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Denton	-	present
Councilor Pelham	-	present

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

Prayer was performed by Pastor Jeff Butler of OC3, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MOTION: To amend or adopt agenda**

Motion was made by Councilor Luman-Bailey, and seconded by Councilor Denton, to adopt the agenda. Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes

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**Vote Result: 7-0 Agenda Adopted**

**WORK SESSION**

**WS-1 - Work Session - Public Safety Buildings Presentation**

City Manager Mark Haley and Public Works Director Mr. Ed Watson presented to council an updated briefing on the Public Safety Buildings. Mr. Haley started by representing that the two current Fire Stations are in very bad shape and are continuously blocked by train activity which impedes the response time. The facilities sleeping quarters are not adequate and continue to have plumbing, heating and air problems. As stated in previous presentations the Police Department needed to be built downtown which is why the property was secured. The current Police Station has numerous problems as well such as, plumbing, leaks, rodents and the current lack of parking. Mr. Watson informed council that the new Police Station renderings is 13,000 square feet and has been approved by the Downtown Design Review Committee (DDRC) of which includes the additional parking and upon Councils request the station is a one story building instead of a two story building of which reduced the cost. The new Fire Station will be located at the corner of Arlington and Winston Church Hill and include a six bay station of which will be two stories with living quarters, weight room, laundry room, offices for the command units and staff. The new station will also house the Emergency Management Operations.

Mr. Haley informed Council that the City has the money in-hand now to build the Police Station and would have a \$1 million dollars left over to do the site and sewer preparation on the new Fire Station property until the time was right to borrow the additional money to complete the new Fire Station. Mr. Watson stated that to build the new Police Station it would cost \$5.4 million dollars and to build the new Fire Station it would cost \$7.8 million dollars.

Councilor Pelham requested from the City Manager a cost breakdown of both buildings. Councilor Zevgolis asked what would be done to the basement of the Municipal Building/City Hall once the Police Department had moved out of the basement. Mr. Watson explained that they would remodel the basement and upgrade the bathrooms and would create new office space of which the City Manager would decide on who would occupy the basement. The current cost to upgrade the basement at this time would be \$300,000. Councilor Luman-Bailey asked how much would we save by building both buildings now? Mr. Haley and Watson stated it would save the City \$150,000. Councilor Denton when could we start the Police Department? Mr. Watson stated in 4 to 6 weeks we could break ground and we could get the cost down if council would decide on the direction in which to proceed however, the longer we wait on what direction to go the chances are great that the costs will go up. Councilor Holloway asked if we have a tentative date of when the Fire Department project could start. Mr. Haley stated that once the CAFR is done and Mr. Sanderson from Davenport has looked at the market, a report could be presented to council on how to proceed with the next phase of the project. Mayor Shornak stated we cannot do one project without the other. The condition of all three buildings is poor. The Mayor requested that the Councilors inform the City Manager as to when this item is to be placed on an upcoming meeting agenda.

**WS-2. – Work Session - Hopewell Fire Department Call Volume/Merger**

Chief Donny Hunter addressed Council and explained that over the years the volunteer EMS crew has been the primary responders to medical emergencies with the Hopewell Fire Department being the secondary responders however now it appears that the volunteer EMS crew will be ending at the end of March 2017 therefore, the Hopewell Fire Department EMS will become the only responders and because of this action the their calls will not increase tremendously and may have a significant effect in the event there are multiple EMS calls at one time. Chief Hunter proposed to council as a possible solution to add

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two additional firefighters to each shift and if he is unable to add then the City would need the assistance of Prince George and Chesterfield Counties Fire Departments. Chief Hunter said the cost of adding the additional manpower would be \$300,000. Council agreed to appoint Vice Mayor Gore and Councilor Luman-Bailey to meet with the volunteers to see if the situation could be rectified so that the EMS services would not be interrupted. The Mayor asked for Vice Mayor Gore and Councilor Luman-Bailey to report back once they have had a chance to meet.

**WS-3. – Work Session - Discussion and Planning for the City Council Retreat March 17<sup>th</sup> & 18<sup>th</sup>**

City Manager Mark Haley reminded the councilors that on March 8<sup>th</sup> Ms. Tyler Sinclair will be here to interview all Councilors for the upcoming retreat. Also, the Beacon has been reserved for these two days as council had requested. Councilor Gore asked that a “Draft Agenda” be provided ahead of time, Mr. Haley explained that this would be up to the facilitator however, he did pass along and speak to Ms. Sinclair about the items the councilors would like to have discussed during the retreat. The retreat will start on Friday March 17<sup>th</sup> at 12N and continue on Saturday March 18<sup>th</sup> beginning at 8:30 AM.

**WS-4. – Work Session - New Pending List Items**

City Council reviewed the Pending List items from the previous meeting and made minor tweaks and adjustments.

**CLOSED MEETING**

Motion was made at 8:10 p.m. by Councilor Denton, and seconded by Councilor Luman-Bailey, to resolve to convene into closed meeting for (I) discussion of performance or appointment of specific appointees of City Council (City Manager, City Attorney, City Clerk, Legislative Committee); (II) discussions concerning prospective businesses or industries or the expansion of existing businesses or industries where no previous announcement has been made of the businesses’ or industries’ interests in locating or expanding their facilities in the community; (III) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; and (IV) consultation related thereto and other specific legal matters requiring the provision of legal advice by counsel retained by City Council, in accordance with Virginia Code § 2.2-3711 (A) (1), (5), (6) and (7), respectively. Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes

**Vote Result: 7-0 YES**

**February 21, 2017**  
**Special Work Session Meeting**  
**DRAFT**

**OPEN SESSION**

Council convened into Open Session. Councilors responded to the question: pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the vote resulted:

Councilor Pelham	-	yes
Mayor Shornak	-	yes
Councilor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Vice Mayor Gore	-	yes
Councilor Denton	-	yes

**Vote Result: 7-0 YES**

**ADJOURN**

At 10:10 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Denton to adjourn. Upon the roll call, the vote resulted by all voting aye:

**Vote Result: 7-0 Aye - Adjourn**

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Jackie M. Shornak, Mayor

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Ross A. Kearney III, City Clerk

**February 23, 2017**  
**Special Joint Works Session Meeting**

**---DRAFT---**

**MINUTES OF THE SPECIAL JOINT WORK SESSION MEETING OF CITY COUNCIL AND  
THE HOPEWELL SCHOOL BOARD HELD FEBRUARY 23, 2017**

A Special Joint Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Thursday, February 23, 2017, at 6:00 p.m. in the Hopewell High School Library, 400 S Mesa Drive, Hopewell, Virginia.

PRESENT: Jackie M. Shornak, Mayor  
Jasmine E. Gore, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Arlene Holloway, Councilor  
Janice B. Denton, Councilor  
Brenda S. Pelham, Councilor

Charles Dane, Assistant City Manager  
Stefan M. Calos, City Attorney  
Ross A. Kearney III, City Clerk  
Lance Wolff, Interim Finance Director

ABSENT: Anthony J. Zevgolis

**TOUR OF THE CTE CLASSROOMS AT HOPEWELL HIGH SCHOOL**

A tour of Hopewell High School's Career and Technical Education wing began at 6:00 p.m. prior to convening the meeting.

**ROLL CALL**

Mayor Shornak called the joint meeting to order at 7:00 p.m. Roll call was taken as follows:

Mayor Shornak	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	absent
Councilor Denton	-	present
Councilor Pelham	-	present

Chairman Reber called the School Board to order and delivered the opening prayer and then roll call was taken:

Mr. Reber, Chairman	-	present
Ms. Hyslop, Vice-Chairman	-	present
Mr. Cuffey	-	present.
Mrs. Jefferson	-	absent
Dr. Marks	-	absent

**February 23, 2017**  
**Special Joint Works Session Meeting**  
**---DRAFT---**

Dr. Hackney	-	Superintendent
Dr. Evans	-	Assistant Superintendent
Mrs. Barnes	-	Director of Finance

**Motion to Adopt Agenda**

Upon motion of School board member N. Greg Cuffey, and seconded by Vice Chairman Linda Hyslop, the School board adopted the agenda as they presented by all voting aye.

**SPECIAL MEETING**

**FY 2018 Budget:**

Mrs. Barnes presented a PowerPoint presentation outlining the Division's specific budget initiatives. She shared that based on the Governor's proposed budget and the Division's 2018 priority funding areas, \$515,179 thousand would be needed in additional funds.

Mrs. Barnes explained the money that will be required for additional mandated programs. She shared the budget request including expansion of Summer school, adjusting the custodian salaries based on recommendations from the Classification and Compensation Study and an estimated increase in Healthcare costs.

Dr. Hackney explained that the research is clear about the need to decrease the amount of time children spend away from the classroom. She also noted in comparing the salary groups, the custodian's salaries are the furthest below market average. The Councilors asked questions and made comments as the presentation progressed. Mr. Reber reminded those present that with Amazon moving to the Tri Cities area, salary competition increased. Ms. Hyslop mentioned that we are in competition with three larger school divisions. Dr. Hackney reassured the Councilors that a great deal of time had been spent looking over the existing budget, reorganizing and reallocating lines to see where money could be adjusted. She explained that this really is new money that is needed. Mayor Shornak suggested that once the State's budget was finalized that the School Board and City Council have another work session. Vice Mayor Gore expressed her gratitude in our proactive efforts to address the custodian salary needs. She thanked the division for working towards its strategic plan. Councilor Luman-Bailey asked about CodeRVA. Dr. Evans responded that it was a four year program where the student would finish high school in two years and be working on an Associates Degree the final two years, and that during those last two years the student would be employed in their field of study. Mr. Cuffey expressed how proud he was of the CTE program and how we are creating career paths for students early in life. Mr. Cuffey also noted how impressed he was with New Hope Academy. Vice Mayor Gore asked about the status of the Education Foundation. Dr. Hackney shared that it was in transition and they are focusing on real fundraising. Dr. Hackney explained that some of the purchases we have made around curriculum and assessment are showing results. She extended her thanks to City Council for their support. Mayor Shornak thanked all present for allowing the meeting and shared that it helps to know that we are all working together for the betterment of our kids. No additional comments were made with regard to the division's budget presentation.

February 23, 2017  
Special Joint Works Session Meeting  
---DRAFT---

ADJOURN

Motion was made at 7:50 p.m. by Councilor Pelham, seconded by Councilor Denton, and unanimously passed to adjourn the meeting.

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Jackie M. Shornak Mayor

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Ross A. Kearney III, City Clerk

**PERSONNEL  
CHANGE  
REPORT**

**DATE:** March 6, 2017  
**TO:** The Honorable City Council  
**FROM:** Jennifer Sears, HR Supervisor  
**SUBJECT:** Personnel Change Report – February 2017

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**ADDITIONS (Regular FT and PT positions only)**

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NAME	DEPARTMENT	POSITION	DATE
MCCURRY, ANTHONY C	POLICE	POLICE OFFICER	2/1/2017
REDAVID, MICHAEL J	POLICE	POLICE OFFICER	2/1/2017
UPDIKE, CHRISTIAN J	RECREATION	ATHLET SITE ASST	2/15/2017
ALBUS, BENJAMIN T	RENEWAL	LAB TECH	2/15/2017
BANKS-REESE, LINDA A	SOCIAL SERVICES	BEN PROG SPC I	2/15/2017

**PROMOTIONS**

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NAME	DEPARTMENT	POSITION	DATE

**SEPARATIONS**

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NAME	DEPARTMENT	POSITION	DATE
BELLO, ELVIS R	SHERIFF	SHERIFF DEPUTY PT	2/6/2017
HOUTSMA, RYAN H	FIRE	FIRE FIGHTER	2/10/2017
DEANE, LAYTON T	FIRE	FIRE FIGHTER	2/11/2017
ZUBAN, MILDRED G	SHERIFF	SHERIFF DISP P/T	2/14/2017

**CC:** Mark Haley, City Manager  
Charles Dane, Assistant City Manager  
Renia Coles, Human Resources Director  
Debbie Pershing, Senior Executive Assistant  
Lance Wolff, Interim Finance Director  
Dipo Muritala, Accounting Manager  
Kim Hunter, Payroll  
Jay Rezin, IT  
Dave Harless, Risk/Safety Coordinator  
Carol Scarbrough, Parks & Recreation  
Terry Burd, IT Manager

**PUBLIC  
HEARING  
ANNOUNCEMENTS**

**PUBLIC NOTICE**

Hopewell City Council will conduct a public hearing at a meeting on Tuesday, March 28, 2017, at 7:30 p.m. in City Council Chambers in the Municipal Building, 300 North Main Street, Hopewell, Virginia 23860, for the purpose of receiving comments regarding the following requests by the City of Hopewell to amend and reenact the Hopewell Zoning Ordinance in accordance with section 15.2-2285 of the Code of Virginia, as follows:

1. Article XI, Highway Commercial District (B-3), section A. Use Regulations, to allow accessory structures, by issuance of a Conditional Use Permit, to include metal carports that are not visible from primary streets, and other conditions the City Council may deem necessary.
2. Article XIV-B, Tourist/Historic District (TH-1), section J. Architectural Review Board; section M. Issuance of Certificate of Appropriateness; section P. Violations; section U. Exclusion; and section X. Protective Maintenance.
3. Article IX, Downtown Central Business District (B-1), section H. Architectural Treatment – Rehabilitation; section M. Downtown Design Review Committee; section O. Criteria for granting a Certificate of Appropriateness; section T. Exclusion; and section U. Protective Maintenance.

Information regarding the above-referenced matters may be examined at the Department of Development, Room 321, Municipal Building, Hopewell, Virginia during normal business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday. Additionally, information can be obtained by telephone at (804) 541-2220.

**EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER**



**Zoning Ordinance Amendment  
 Article X. Highway Commercial District  
 Section A. Accessory Structure  
 Applicant: City of Hopewell**

Staff Report prepared for the Hopewell  
 Commission  
 Regular Meeting- January 5, 2017

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

**I. PUBLIC HEARINGS**

Planning Commission	January 8, 2017	Recommended Approval
City Council	February 14, 2017	Work Session
City Council	March 28, 2017	Proposed Public Hearing

**II. EXECUTIVE SUMMARY**

The City of Hopewell is requesting a Zoning Ordinance Amendment to Article , Highway Commercial District (B-3), Section A, Use Regulations, to allow accessory structures to include metal carports as long as they are not visible from primary streets and any other conditions the Council of the City of Hopewell deems necessary.

**III. STAFF ANALYSIS**

On May 1, 2010 the City Council adopted an amendment to all business districts in the City, to include B-1, Downtown Central Business District, the B-2, Limited Commercial District, the B-3 District, Highway Commercial District and the B-4 District, Corridor Development District. By recommendation of the Planning Commission and Staff, uses were either removed from these districts or expanded.

The purpose of deleting accessory uses from the list of allowable uses was to improve the professional appearance of business establishments in the City. It was concluded that such uses were not compatible with business establishments and that owners should add square footage to their current structure in order to expand.

In accordance with Article I, Definitions of the Zoning Ordinance, an accessory use is defined as 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.

Accessory uses include sheds, carports, detached garages, pools, pool houses, and the like.

Additionally, on January 11, 2011, Article XVIII, Development Standards, Section 6, Architectural Treatment, subsection d. prohibited the construction of metal buildings within any business district without providing an acceptable façade where the structure is visible from any adjoining residential and business districts or any other public right-of-way. The section reads as follows:

“d. 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 that are representative of good architectural design but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development resulting in the depreciation of property values. No portion of a building constructed of cinder block or corrugated and/or sheet metal that is not completely covered with an acceptable façade shall be visible from any adjoining residential and business districts or any public right-of-way. Further, buildings shall be designed with harmonious proportions and shall not have monotonous facades or large bulky masses. Buildings shall possess architectural variety but shall be compatible with existing structures, especially nearby structures of historic interest. New or remodeled buildings shall be consistent with the overall cohesive character of the area in which they are situated as reflected in existing structures. This character shall be achieved through the use of design elements, including, but not limited to, materials, balconies and/or terraces, 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 landscaping, all as may be more particularly described in any applicable adopted plans and guidelines. “

#### **IV. APPLICANT’S POSITION:**

In January 2015 the City received an application to amend the Zoning Ordinance to allow accessory structures in the B-2 District. The City has not processed a request since that time. In December 2016, a property owner filed a building permit to construct an accessory structure in the rear of a commercial building. Since this request was similar to the one received in 2015, the City is requesting the ordinance to be changed to allow for an accessory structure in the B-3 District if it cannot be seen from public right of way if a Conditional Use Permit is granted from the Council.



Attachments:

1. Current B-3 Zoning District Provisions

**Ordinance No. 2017-XX**

**An Ordinance amending and reenacting Article XIV-B, Tourist/Historic District, Section J., Architectural Review Board; Section M. Issuance of Certificate of Appropriateness; Section P. Violations; Section U. Exclusion; and Section X. Protective Maintenance, of the Zoning Ordinance of the City of Hopewell**

**ARTICLE XIV-B  
TOURIST/HISTORIC DISTRICT (TH-1)**

**STATEMENT OF INTENT**

The Tourist/Historic District is intended to create an attractive surrounding to tourists who are interested in the historic significance of the area and to reflect in a 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 those 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 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) 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.
  - g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
  - h. Municipal owned recreational facilities which enhance the historic nature of the district.
  - i. 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 I Review Board.
- a. Dwelling units in non-commercial areas of any otherwise permitted 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 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 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.

## **B. AREA REGULATIONS**

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

### **C. LOT WIDTH**

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

### **D. SETBACK REGULATIONS**

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

### **E. YARD REGULATIONS**

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

### **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 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.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

### **H. REQUIREMENT FOR PERMITTED USES**

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or

alterations shall be reviewed for appropriateness by the Review Board before a building permit or business license shall be issued or construction commenced on any permitted use in this district.

#### **I. CERTIFICATION OF APPROPRIATENESS, GENERALLY**

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

#### **J. 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) ~~three (3)~~ nor more than seven (7) members who shall be appointed by City Council. Each member of the 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 may be an registered architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. ~~and the remainder shall be residents of the City of Hopewell with knowledge and demonstrated interest in the historic character of the city.~~ These members shall serve a term of four (4) years. The City Planner ~~One (1) member of the city administration~~ 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 and secretary, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The City Planner ~~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 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 board 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.

#### **K. 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.

#### **L. 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 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.

#### **M. 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.

**N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:**

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

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- 1) Necessary final approval by the Hopewell Building Official has been given (if required); and
- 2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable; and
- 3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
- 4) Any work remaining on the project is minor or "punch list" in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

**O. 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.

**P. VIOLATIONS**

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

**Q. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:**

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

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

Less Than \$25,000

**Minimum Offer to Sell Period:**

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

**R. 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 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 a 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 relate o 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 an 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 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.

**S. YARD VARIANCES:**

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

#### **T. 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.

#### **U. 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 ~~Board of~~ Architectural Review Board are: repainting an existing window, door, porch, porch rail, etc.; ~~re-roofing a building with the same type/color of shingles; replacing same color asbestos shingles on a house now containing asbestos shingles.~~ replacing same type/color of shingles on a building.
4. For the purpose of this section, examples of work requiring approval of the ~~Board of~~ 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.

#### **V. DEFINING HISTORIC BUILDINGS AND AREAS:**

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

## **W. 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.

## **X. 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)
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.

## ORDINANCE 2017-XX

**An Ordinance amending and reenacting Article IX, Section H. Architectural Treatment-Rehabilitation; Section M. Downtown Design Review Committee, Section O. Criteria for Granting A Certificate of Appropriateness; Section T. Exclusion; and Section U. Protective Maintenance, of the Zoning Ordinance of the City of Hopewell,**

### ARTICLE IX

#### DOWNTOWN CENTRAL BUSINESS DISTRICT (B-1)

##### STATEMENT OF INTENT

The district is intended to provide for 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 road, pedestrian in scale, and having street trees and limited off-street parking. The history of the area will be retained by promoting cultural heritage, with the preservation of preserving historic structures, and keeping architectural character sensitive to the environment with new construction. ~~the replication of historic styles in additions and expansions.~~ The core of the downtown district should exude the vitality of the interaction of people and activities.

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

##### A. USE REGULATIONS

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

1. Accounting Services.
2. Advertising and Public Relations Agencies.
3. Antiques.
4. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.
5. Apartments on second and subsequent floors of commercial and office buildings/uses provided that each unit contain a minimum of nine hundred (900) gross square feet.

6. Apartments on second and subsequent floors of commercial and office buildings/uses containing average square footage below nine hundred (900) gross square feet, with a Conditional Use Permit.
7. Appliance Stores.
8. Architectural and Engineering Services.
9. Art Galleries, Framing and Supplies.
10. Bakeries.
11. Barber and Beauty Shops.
12. Bed and Breakfast Establishments.
13. Bookstores, except Adult bookstores.
14. Camera and Photo Supply Stores.
15. Casual and Formal Apparel Stores.
16. Child Care Services.
17. Churches.
18. Coffee Shops.
19. Commercial Banks and Financial Institutions, not to include check cashing establishments.
20. Computer Sales and Service.
21. Convenience Store.
22. Credit Unions.
23. Dance Studios.
24. Delicatessen.
25. Dry Cleaners.
26. Florist.
27. Gift, Stationary, and Card Shops.
28. Grocery Store.

29. Home Decorating Center and Interior Design Services.
30. Home Health Care Services.
31. Hotels.
32. Individual and Family Consulting Services.
33. Insurance Agencies.
34. Jewelry Stores.
35. Law Offices.
36. Marinas, Public or Private.
37. Medical and Dental Offices.
38. Motion pictures theaters, excluding drive-in theaters
39. Multi-family dwellings, with Conditional Use Permit.
40. Municipal and Government Agencies and Offices.
41. Municipal and Private Utilities.
42. Museums.
43. Music Stores.
43. Offices, including business, professional and administrative.
44. Off-street parking is not required in this district.
45. Parking Decks and Garages, Public.
46. Performing Arts Center.
47. Pet Shops.
48. Pharmacy.
49. Philanthropic and charitable institutions.
50. Photographic Studios.
51. Post Office
52. Print Shops.

53. Public Libraries.
54. Public Open Spaces and Uses owned and operated by a governmental agency.
55. Real Estate Agencies.
56. Recreation and Fitness Centers.
57. Research, development and laboratory facilities related to medical, biotechnology, life sciences and other product applications.
58. Restaurants
59. Security brokers and dealers.
60. Sporting goods.
61. Tailor Shops.
62. Tanning Salons.
63. Tax preparation services.
64. Title Abstract and Insurance Offices.
65. Townhouses, with Conditional Use Permit..
66. Toys, Games, and Crafts.
67. Upholstery shops.
68. Video Rental Stores, not to include adult video establishments.

**B. AREA REGULATIONS:**

1. Multi-family uses - For permitted multi-family and second story apartment unit uses, other than assisted housing for the elderly and physically handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
2. Group housing for the elderly and handicapped - For group housing for the elderly and handicapped, there shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.
3. Business uses - None.

**C. LOT WIDTH REGULATIONS:**

None.

D. SETBACK REGULATIONS:

None.

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:

Buildings may be erected up to one hundred twenty five (125) feet from grade, except that 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:

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.

H. ARCHITECTURAL TREATMENT – REHABILITATION:

- a. The rehabilitation of any existing 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 I below.

I. ARCHITECTURAL TREATMENT – NEW CONSTRUCTION/DEVELOPMENT GUIDELINES:

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

1. New development 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 insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles. Nothing herein shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials found within the downtown and consistent with the guidelines and criteria contained herein and in the Downtown Master Plan.
2. 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 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.
3. Buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural variety, but 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.
4. 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. At locations where the existing buildings do not conform, the Review Committee 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.

#### J. SIGNAGE:

##### I. Sign Placement.

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

- b. Flat wall signs shall be located either above the storefront, within the frieze of the cornice, on covered transoms, or on the pier that frames display windows or generally on flat, unadorned surfaces of the façade or in other areas 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.
  - 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.
  - f. 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. The average height of lettering and symbols shall be no more than nine (9) inches.
  - g. Freestanding signs shall not be permitted in this district.
  - h. Roof signs shall not be permitted in this district.
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. Quantity of Permanent Signs.

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

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

4. Sign Design and Shape.

- a. All signs shall be readable and convey an image for the business and historic downtown area that is compatible with, and appropriate under, the Downtown Master Plan.
- 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.

5. Materials.

- a. Signs shall be made only of traditional sign materials such as wood, glass, gold leaf, raised individual metal or painted wood letters, or painted letters on wood, metal, or glass.
- 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 be painted or have flat decal letters and shall not be three-dimensional (3-D).
- e. Non-professionally painted signs shall not be permitted.

6. Color.

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

7. Illumination.

Signs shall be indirectly lit with a shielded incandescent light source. Internally lit plastic molded signs shall not be permitted in the district.

8. Buildings with Multiple Tenants.

A master sign plan shall be submitted for any building having more than one tenant. Upper-floor tenants shall be identified at each primary entrance by a flat, wall-mounted directory sign.

9. Other Signs.

Wall murals shall be compatible with the district character and subject to approval of the Review Committee.

K. AWNINGS AND CANOPIES:

1. Types.

a. Standard Slope Fabric Awnings may be used on most historic buildings and may be either fixed or retractable.

b. Boxed or Curved Fabric Awnings may be used on non-historical buildings.

2. Design and Placement.

a. Awnings shall be placed within the storefront, porch, door or window openings so as to not obscure architectural elements of the building or damage the building façade.

b. Awning designs shall not conflict or interfere with existing signs, distinctive architectural features of the building, street trees or other streetscape features.

c. Awnings shall be shaped to fit the opening in which they are installed.

d. The bottom of any awning shall be a minimum of seven (7) feet above the sidewalk.

e. Plastic or Aluminum Awnings shall not be permitted in the district.

f. The color scheme of the awning shall coordinate with the overall colors of the building. Solid colors, wide and narrow stripes may be used if compatible with building colors.

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, **structure**, or area which has been designated as a historical building, **structure**, 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 more than seven (7) or less than three (3) ~~nor more than~~ five (5) members who shall be appointed by City Council to serve staggered terms. Each member of the of the Review Committee must have a demonstrated interest, competence, or knowledge in historic preservation. At least one (1) member shall be an architect or an architectural historian, meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61, 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 shall be a majority of the membership. A quorum shall 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 **or structure** 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.
  - c. The adherence to the Urban Design Guidelines set forth in the Downtown Master Plan that addresses building rhythm, building height, materials, and building character.
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 **or structure** of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
  - b. Is the building **or structure** of such interest or significance that it could be made into a national, state or local historic landmark?
  - c. Is the building **or structure** 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 **or structure** help preserve the historic character of the district?
  - e. Would retention of the building **or structure** help preserve a historic interest in a place or an area of the city?
  - f. Would retention of the building **or structure** 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.

S. VIOLATIONS:

Violators of the Downtown Central Business District section of the Zoning Ordinance are subject to Article XX. Violations and Penalties.

T. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal offers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure as long as there is no change in design and/or materials.
3. For the purpose of this section, examples of work not requiring approval of the Downtown Design Review Committee 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 Downtown Design Review Committee 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. PROTECTIVE MAINTENANCE:

1. All buildings and structures within the Downtown Central Business 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 committee (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 committee shall be subject to the appeal in accordance with Section R of this Article.
  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 committee 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.
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