

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

(804) 541-2408

www.hopewellva.gov
info@hopewellva.gov
cmbrown@hopewellva.gov

CITY COUNCIL

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

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

June 09, 2020

ELECTRONIC MEETING

Closed Meeting: 5:30 PM
Regular Meeting: 7:30 PM

OPEN MEETING

5:30 p.m. Call to order, roll call, and welcome to visitors

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Sections 2.2-3711 (A)(1) to discuss and consider personnel matters, including the appointment, assignment, and performance of specific appointees and employees and consideration/discussion of prospective candidates for employment and appointment; (A)(3) and (A)(6) to discuss the investment of public funds for the acquisition of real property for a public purpose where bargaining is involved, and discussion in open meeting would adversely affect the City's bargaining position and financial interest; (A)(4) for the protection of the privacy of individuals in personal matters not related to public business.

Roll Call

CLOSED MEETING

RECONVENE OPEN MEETING

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

Roll Call

REGULAR MEETING

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

Prayer by Herbert Bragg, Director, Intergovernmental & Public Affairs, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Partin.

SUGGESTED MOTION: To amend/adopt Regular Meeting agenda

Roll Call

Consent Agenda

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

C-1 Minutes:

C-2 Pending List:

C-3 Routine Approval of Work Sessions:

C-4 Personnel Change Report & Financial Report:

1. May 26, 2020

C-5 Ordinances on Second & Final Reading:

C-6 Routine Grant Approval:

C-7 Public Hearing Announcement: School Board Appointment- June 23, 2020

C-8 Information for Council Review:

C-9 Resolutions/Proclamations/Presentations:

C-10 Public Hearing Announcement:

SUGGESTED MOTION: To amend/adopt consent agenda

Public Hearings

PH-1 Conditional Use Permit for 106 North Main Street

PH-2 Accessory Structure Use for 804 Kenwood Avenue

PH-3 Modification to Development Standards for 3616 Oaklawn Boulevard

Unfinished Business

UB-1 I.T. Policies

MOTION: _____

Roll Call

Regular Business

R-1 Colonial Corner (4100 Oaklawn Boulevard) Demolition Revisited

ISSUE: Provide an update to City Council regarding the demolition of Colonial Corner

MOTION: _____

Roll Call

R-2 Agenda Software and Agenda Template and Submission Process

MOTION: _____

Roll Call

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Reports of City Council:

Committees:

Individual Councilors

IR-1 Request for City Council to vote to establish a rule that supports the new practice to limit City Councilors ability to place items on future agendas, conduct research with staff and seek legal guidance for potential legislative items.

ISSUE: It has been common practice that City Councilors place items on the City Council Meeting agendas to obtain a vote from City Council to approve/deny the request. At some point in 2019, some members of City Council began to advocate for Councilors to be limited in their ability to place items on the agenda for City Council approval/denial. In turn, they began to limit the ability for a City Councilor to seek legal guidance to determine legality of any proposed legislation. As of now, some City Councilors are seeking to limit the ability to ask the City Manager to provide information so that one can make a determination about the feasibility of any proposed legislation.

MOTION: _____

Roll Call

IR-2 Request for City Council direct the City Manager review city owned space and rental properties to identify a location for the Office on Youth to offer programs. In addition, for the City Manager to provide an update as to the costs/needs to renovate Mallonee Gym to house the Office on Youth and the status of the \$250,000 previously allocated by City Council for renovation.

ISSUE: The Office on Youth is currently housed in the United Way Building. The City rentals an office, storage space and front desk reception space. The Office on Youth currently has no dedicated space to offer youth programming.

MOTION: _____

Roll Call

IR-3 Request for City Council direct the City Manager to delegate to staff to review non-developed city land to identify a location for a practice field for youth sports and free citizen usage.

ISSUE: Several groups and residents have shared the need for the City to establish a practice field for various youth supports. If the city can identify public land for the youth to practice during daylight and provide portable restrooms, we can immediate address the need. However, we will have to discuss long-term plans officially develop the field; install lighting; restroom amenities etc. for a permanent location space.

MOTION: _____

Roll Call

IR-4 Request for City Council to set a new date to deliver the “State of the City Address” in February to include the unveiling of the new City Council Strategic Plan.

ISSUE: City Council voted in 2019 to hold a “State of the City Address” in spring. However, the event never was organized or executed. Additionally, information was not compiled to provide an update to residents about the current state of the City, its affairs and City Council’s vision. Residents have complained about lack of City Communication and staff have complained about a lack of a Strategic Plan and collective vision from City Council.

MOTION: _____

Roll Call

IR-5 Request City Council to direct the City Manager to provide Council with the status of uncollected funds within the City of Hopewell

ISSUE: The Mayor requested the following information on December 19, 2019: Wastewater (Water Renewal) uncollected bill amounts (write offs) (individual/business); Data Integrators uncollected bill amounts (individual/business); Uncollected taxes (real estate/personal property); Trash uncollected bill amounts (write offs) (individual/business); Audit reports/schedules with write-offs; Industry payments for Wastewater (Water Renewal) for the last 3 years; Total value of funding that could not be reconciled for the audit - City Funds/Accounts; Total value of funding that did not have backup docs/not approved - City Funds/Accounts; Status of money approached to support Wastewater Grant when DEQ required the City to have a reserve of funding approx.. of \$575,000. *new

MOTION: _____

Roll Call

IR-6 Request for City Council to vote to direct the City Manager provide City Council with options to dissolve the Beacon Theater LLC. The prior City Council voted to support dissolving the LLC in order to create a Regional Performing Arts Center and/or improve community programs and access to the Beacon Theater. In the meantime, the City Council will support opening the Beacon Theater free on Sundays after the Beacon Church for groups to offer free services/programs to the public.

ISSUE: he City needs to address the status of the Beacon Theater’s management and finances. In the past, the City provided the Beacon Theater with approximately \$100,000 to provide community programs. City Council has not established guidelines for that money and support. Since the Beacon Theater is open on Sundays for the Beacon Church, members of the public that want to offer community services can utilize the space – as opposed to pay the high rental fees. The City Council needs to also discuss management of the theater to fully take advantage of the renovation and to provide cultural opportunities for the community. Currently concerts is the primary event type offered by the Beacon. The Theater can also be a space to routinely offer plays, dance, spoke word, classes etc. to the community.

MOTION: _____

Roll Call

IR-7 City of Hopewell Finance Policies

ISSUE: City Council discussed two finance policies during Fall Council meetings. Council’s last action was for the CM to prepare an alternative policy for submission for the November 12, 2019 agenda packet. The policy needed to be vetted by the City Attorney prior to submission. Council has not received the policy yet for discussion.

MOTION:_____

Roll Call

IR-8 Strategic Plan and Crime Meeting Transparency – Post Online Records for Public

ISSUE: City Council head three Town Hall Meetings in 2019 to develop a draft Strategic Plan. The resident feedback from those meetings is not posted online for the public to view. Additionally, City Council held several Advances to prepare the Strategic Plan. The first draft (skeleton) and the City Mangers’ feedback is not posted online. Each step to include the date should be made available to the public. The Crime Meeting resident feedback should also be posted online.

MOTION:_____

Roll Call

Citizen/Councilor Requests

Presentations from Boards and Commissions

Other Council Communications

Adjournment

REGULAR MEETING

CONSENT AGENDA

**PERSONNEL
CHANGE
REPORT
AND
FINANCIAL
REPORT**

DATE: May 26, 2020
TO: The Honorable City Council
FROM: Michelle Ingram, Human Resources Specialist
SUBJECT: Personnel Change Report – May 26, 2020

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
TYLER, BRANDON	POLICE	POLICE OFFICER	05/20/2020

SUSPENSIONS: 0

(Other information excluded under Va. Code § 2.2-3705.1(1) as personnel information concerning identifiable individuals)

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
ANTHONY, TYLER	POLICE	POLICE OFFICER	05/15/2020
RANSOM, BENJAMIN	POLICE	POLICE OFFICER II	05/15/2020

CC: March Altman, City Manager
Charles Dane, Assistant City Manager
Jennifer Sears, HR Director
Dave Harless, Risk & Safety Coordinator
Debbie Pershing, Administrative Services Manager
Michael Terry, Finance Director
Dipo Muritala, Assistant Finance Director

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

**PUBLIC
HEARING
ANNOUNCEMENT**

PUBLIC HEARINGS

PH-1



WRM LLC (Mark Mueller)
106 North Main Street
Conditional Use Permit

Staff Report prepared for the City Council Work Session

Last Revised February 4, 2020

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

I. MEETINGS AND WORKSESSIONS:

Commission and Governing Body	Date	Type of Meeting	Action
Planning Commission	September 5, 2019	Public Hearing	Tabled by Planning Commission
Planning Commission	October 10, 2019	Meeting	Tabled by Applicant
Planning Commission	November 18, 2019	Meeting	Tabled by Applicant
Planning Commission	December 5, 2019	Meeting	Tabled by Planning Commission
Planning Commission	January 16, 2020	Meeting	Denied request for apartments on the first floor. Approved apartments on second floor with average sq. ft. not less than 740
City Council	February 11, 2020	Work Session	No action needed
City Council	March 17, 2020	Public Hearing	Cancelled
City Council	June 9, 2020	Public Hearing	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	B-1, Downtown Central Business District
Acreage:	.123 acres
Owner:	WRM LLC
Location of Property:	North Main Street between West Cawson Street and West City Point Road
Election Ward:	Ward 1
Land Use Plan Recommendation:	The Downtown Commercial/Business Mixed Use
Strategic Plan Goal:	N/A
Map Location(s):	Sub Parcel #: 011-0040
Zoning of Surrounding Property:	North: B-1 South: B-1 East: B-1 West: B-1

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from WRM LLC, owner of 106 North Main Street, also identified as Sub-Parcel # 011-0040, to allow apartments in a mixed use building on the first floor and apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors.

IV. APPLICABLE CODE SECTIONS:

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

Article IX-B, Downtown Central Business District, Section A. Use Regulations

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

1. Apartments on the first floor of mixed-use buildings with a Conditional Use Permit.

- 2. 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.

Article XVIII, General Provisions, Section G, Conditional and Special Use Permits, Sub-Section c. 1-3:

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

Article XVIII, General Provisions, Section G, Sub-Section c.4.

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

Article XVIII, General Provisions, Section G, Sub-Section d.

- d. Approval Criteria

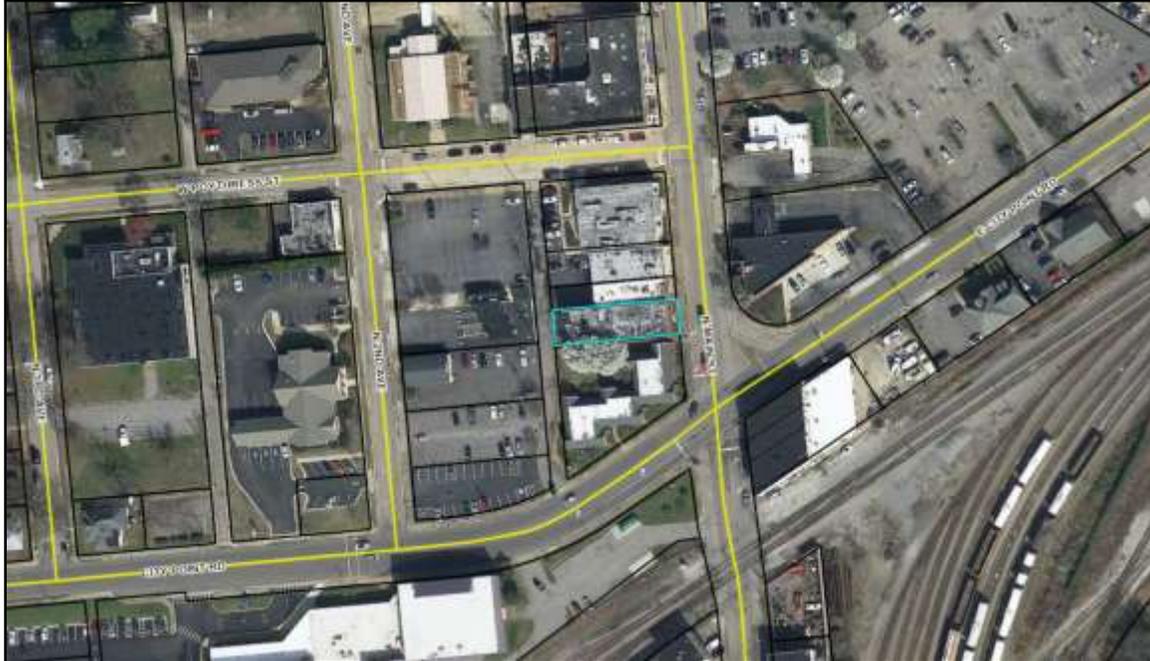
As may be specified within each zoning district, uses permitted subject to conditional use review criteria shall be permitted only after review by the Planning Commission and approval by the City Council only if the applicant demonstrates that:

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

V. SUBJECT PROPERTY:

The subject property is located in the 100 block of North Main Street between West City Point Road and West Cawson Street. The two story brick building was constructed in 1949 and is a contributing structure in the Downtown Historic District. It is approximately 9,216 square feet.

Aerial Map, Source: Hopewell GIS 2017



VI. OWNER’S POSITION:

The owner of the property is requesting a conditional use permit to provide five (5) apartments on the second floor and 2 apartments on the 1st floor with office space in the front of the building on North Main Street. See application provided by the applicant including floor elevations.

VII. ZONING/STAFF ANALYSIS:

The Zoning Ordinance requires a conditional use permit to have an apartment(s) on the first floor. The applicant is requesting two apartments on the first floor. The first floor will also have office space. The applicant is proposing five apartments on the second floor. A conditional use permit is required for apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors. The applicant is asking for a conditional use permit for two different items; first floor and second floor apartments at a certain square footage. The average square footage of apartments on the first floor is 809 square feet, and the second floor average is 753 square feet. (See table on the next page)

Title: Apartment Square Footage Calculation Table

1 st Floor	Square Feet		2 nd Floor	Square Feet
Apartment 1	871		Apartment 1	704
Apartment 2	742		Apartment 2	710
Average	809		Apartment 3	779
			Apartment 4	791
			Apartment 5	784
			Average	753

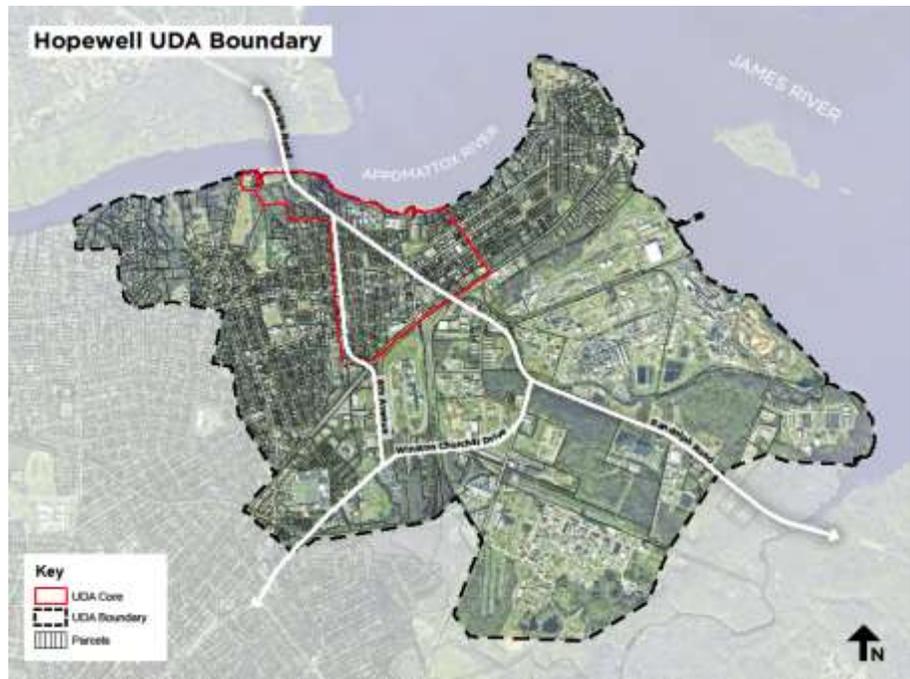
Table 1 Source: Floor Elevations provided by the applicant

Compatibility with the Comprehensive Plan

The subject property is located in the designated Urban Development Area (UDA) see map below. The UDA is addressed extensively in the 2028 Comprehensive Plan, Chapter 5.

Hopewell’s UDA Boundary and Context

Within the City of Hopewell, the UDA encompasses a land area that extends from the City’s eastern border along the Appomattox River to Cavalier Square Shopping Center. It includes Downtown Hopewell, City Point, the John Randolph Medical Center, the marina, and residential housing around the



Appomattox Cemetery. In total, the UDA area encompasses about 2,526 acres or 3.95 square miles.

Hopewell’s UDA should be addressed in terms of The Commonwealth’s Department of Rail and Public Transportation (DRPT) Multimodal Design Guidelines. The DRPT has developed statewide guidelines for multimodal planning and design.

This guideline system provides jurisdictions with a process of identifying centers of activity and developing connected networks for multiple modes of travel. These guidelines are applied where possible in developing UDA’s for Virginia’s cities and towns of varying sizes and densities.

Overall UDA Urban Design Framework

All development within the overall UDA boundary must, as a minimum, meet the Commonwealth’s mandated requirements for Urban Development Areas. These include:

- Densities per acre on the developable acreage of at least four single-family residences, six townhouses, or 12 apartment/condominium units
- A Floor Area Ratio (FAR) of at least 0.4 per acre for commercial development
- A mix of uses within the context of a Traditional Neighborhood Design concept, to include:
 - Road, street and building locations that create walkable neighborhood centers.
 - Interconnected local streets and roads, both existing and new, in order to form a walkable/bikeable street network.
 - A diversity of land uses as a mixed use concept.
 - Facilities that allow for, and encourage, multimodal access (public transit, biking, walking, jogging) to work, home, shops, and recreation.

The current interconnectedness of the roads and sidewalks in the downtown area is what made it ideal as the UDA. The subject property does not pose a threat to the character of the UDA.

The mixed use building will allow for office space and living quarters that could support a live to work scenario. Seven apartments have been provided with 7 offices that would make an artist live to work set-up possible.

Comprehensive Plan Land Use Category

The subject property is located within the Downtown Commercial/Business Mixed Use Land Use category. The Downtown Commercial/Business Mixed Use (DC/BMU) category is a companion to the Downtown Residential Mixed-Use category. The differences are subtle, but important. Both encourage mixed-use, however the Commercial/Business Mixed Use category prioritizes commercial activities over residential uses in the downtown core area, while the latter promotes higher density residential on the periphery of the core central business area (Chapter 5, 2028 Hopewell Comprehensive Plan).

The DC/BMU category emphasizes pedestrian oriented mixed retail, financial institutions, personal services, professional and general offices, entertainment and residential mixed use. The typical Floor Area Ratio would be 0.50-3.00, while the gross square footage of each establishment is between 800-20,000.

Regardless of the end user of the office, the creation of seven apartments provides a residential element on the west side of Route 10 within the historic downtown district that does not currently exist.

The B-1 Zoning District does not require uses to provide off street parking spaces as do the other business/commercial districts. There have been discussions of changing this but that has not happened at this time. If parking spaces were required to be provided the minimum would be 8 for the residential uses (1 for each 1 bedroom plus one for handicap accessibility). If required for the office space the minimum is 1 space for each 300 square feet and 2 for each 300 square feet. Staff has estimated the square footage of the office space is 2,000 square feet. Using the calculation of 1 parking space for each 300 square feet, the parking requirement is 6.6 or 7 parking spaces. The total parking spaces for the entire building, if required would be 15.

The parking agreement between the John Randolph Foundation and the applicant was not agreed upon. Therefore this project, can only provide parking for two compact vehicles in the rear of the building on the property. Parking for the remainder of spaces needed for the apartments and offices will be provided through parking along the street or in designated public parking lots.

Because the building in question is located within the B-1 Zoning District the exterior façade must be approved by the Downtown Design Review Committee. The owner/applicant will not present this information to the DDRC until the City Council has made a decision regarding the conditional use permit request.

VII. PLANNING COMMISSION RESOLUTION:

In accordance with Article XVIII, Section G, of the Hopewell Zoning Ordinance, at their meeting on January 16, 2020, the Hopewell Planning Commission recommended by a vote of 4 - 0 to deny the request submitted by WRM LL (Mark Mueller) for a Conditional Use Permit for 106 North Main Street, also identified as Sub-Parcel 011-0040, to allow apartments in mixed use buildings on the first floor.

At this same meeting, the Planning Commission voted 4-0 to recommend approval of apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors, with the condition that the average square footage is no less than 740 square feet.

The Planning Commission made this decision based on the availability of parking through the agreement with the John Randolph Foundation.

Attachment(s):

1. Application for Conditional Use Permit
2. Office/Residential Floor Plan
3. Affidavits of Mailing
4. Correspondence from neighbors

Picture of front of building





The City
of
Hopewell, Virginia

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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION #

APPLICANT: Mark Mueller

ADDRESS: 106 N. Main Street, Hopewell, VA

PHONE #: 804-586-3654 FAX #: _____

EMAIL ADDRESS: mark.mueller@muellerbuildersllc.com

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

OWNER: _____

ADDRESS: _____

PHONE #: _____ FAX #: _____

PROPERTY ADDRESS / LOCATION:

106 N. Main Street, Hopewell, VA

PARCEL #: 0110040 ACREAGE: .123 ZONING: B1

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

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

1. FLOOR PLANS OF THE PROPOSED BUILDINGS. X

2. THE PROPOSED DEVELOPMENT WITH FRONT, SIDE, AND REAR ELEVATIONS. X

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

PRESENT USE OF PROPERTY:
Presently vacant but previously used as office space

THE CONDITIONAL USE PERMIT WILL ALLOW:
The building to be redeveloped with 5 apartment units on the second floor and mixed-use on the first floor including office space and 2 apartments. Apartments will be between 700 and 900 s.f., all one bedroom units similar to what is currently being developed throughout the Petersburg-Richmond area.

PLEASE DEMONSTRATE THAT THE PROPOSAL AS SUBMITTED OR MODIFIED WILL NOT AFFECT ADVERSELY THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE.
The occupant load of the R-2 residential use will not create any impact greater than that imposed by a continued Business use. Work is limited to primarily interior renovations with some window modifications / additions.

PLEASE DEMONSTRATE THAT THE PROPOSAL WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD.
The project will help bring back an underutilized building to this portion of downtown and creates no detrimental effects on public welfare or other improvements to the neighborhood.

PLEASE DEMONSTRATE HOW THE PROPOSAL AS SUBMITTED OR MODIFIED WILL CONFORM TO THE COMPREHENSIVE PLAN AND THE PURPOSES AND THE EXPRESSED INTENT OF THE ZONING ORDINANCE.
The proposal helps continue the city's efforts to revitalize downtown and promote mixed commercial and residential development to increase the city's housing stock. (Hopewell Comprehensive Plan chapter II pg. 7, item 12, pg.9 item 6)

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

APPLICANT SIGNATURE

DATE

APPLICANT PRINTED NAME

OFFICE USE ONLY

DATE RECEIVED _____ DATE OF ACTION _____

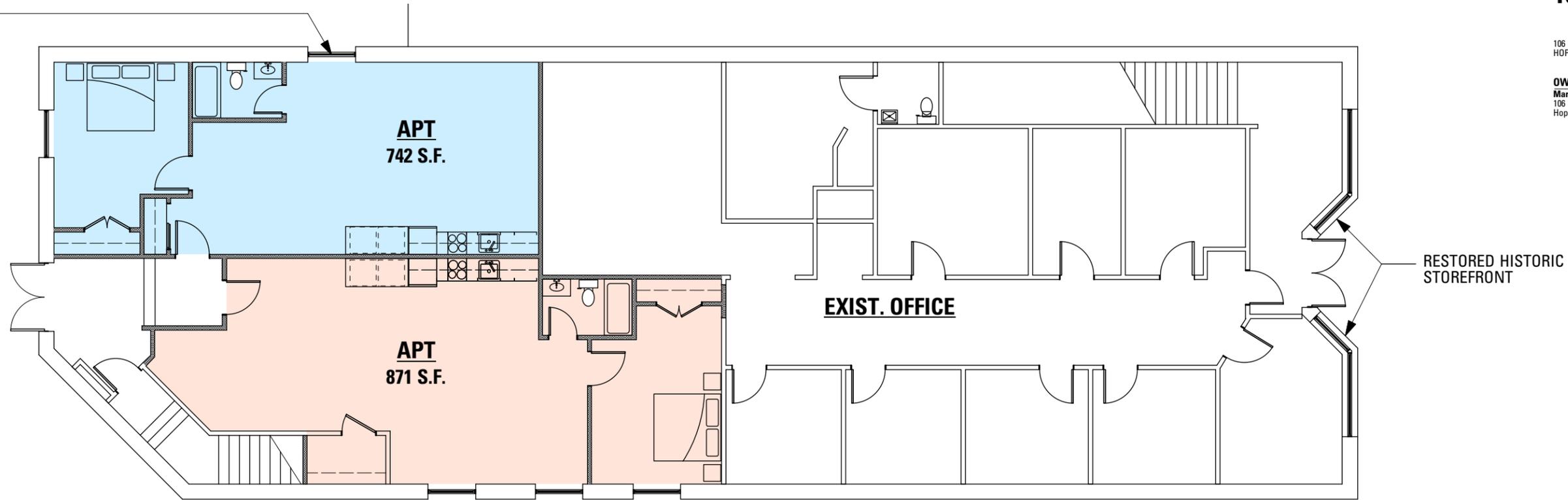
APPROVED _____
DENIED

APPROVED WITH THE FOLLOWING CONDITIONS:

106 N. MAIN ST.
HOPEWELL, VA 23219

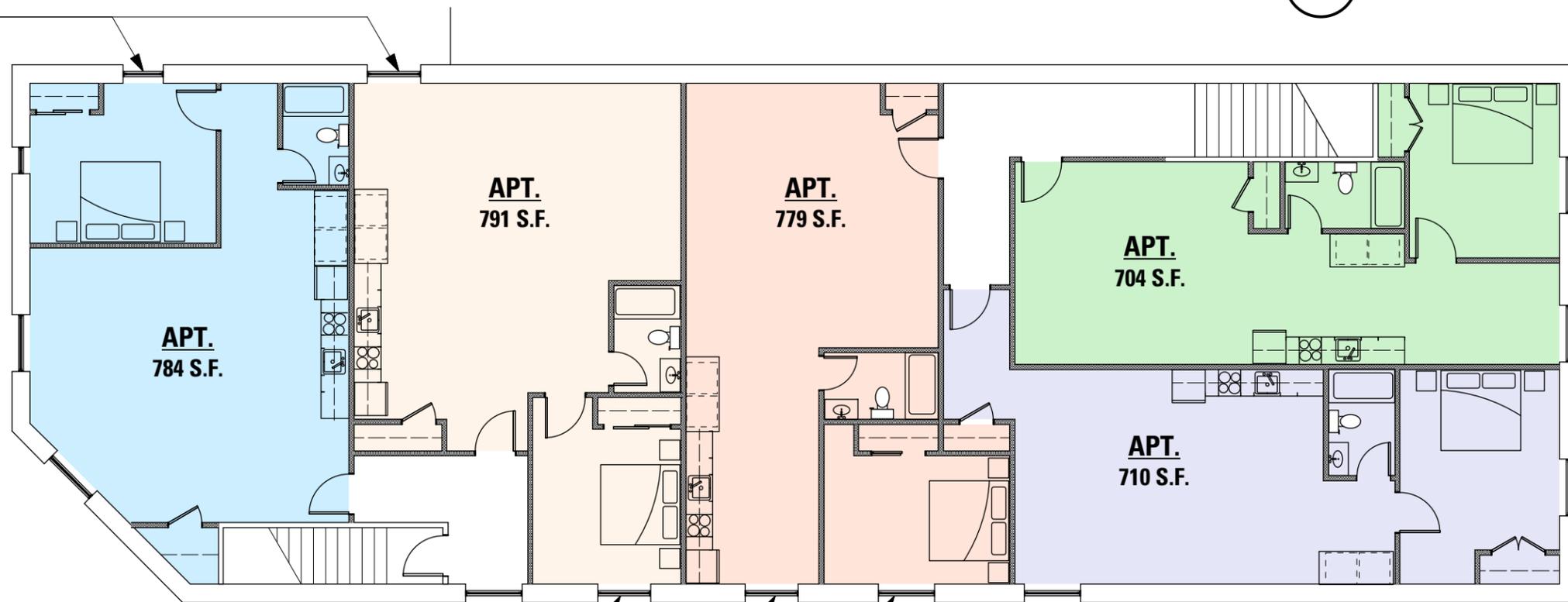
OWNER / DEVELOPER
Mark Mueller
106 N. Main St.
Hopewell, VA 23219

NEW WINDOW



2 PROPOSED 1st FLOOR PLAN
3/32" = 1'-0"

NEW WINDOW



1 PROPOSED 2nd FLOOR PLAN
3/32" = 1'-0"

studio AMMONS
235 N. Market Street
Petersburg, VA 23803
P: 804.722.1667
www.studioammons.com

REVISION

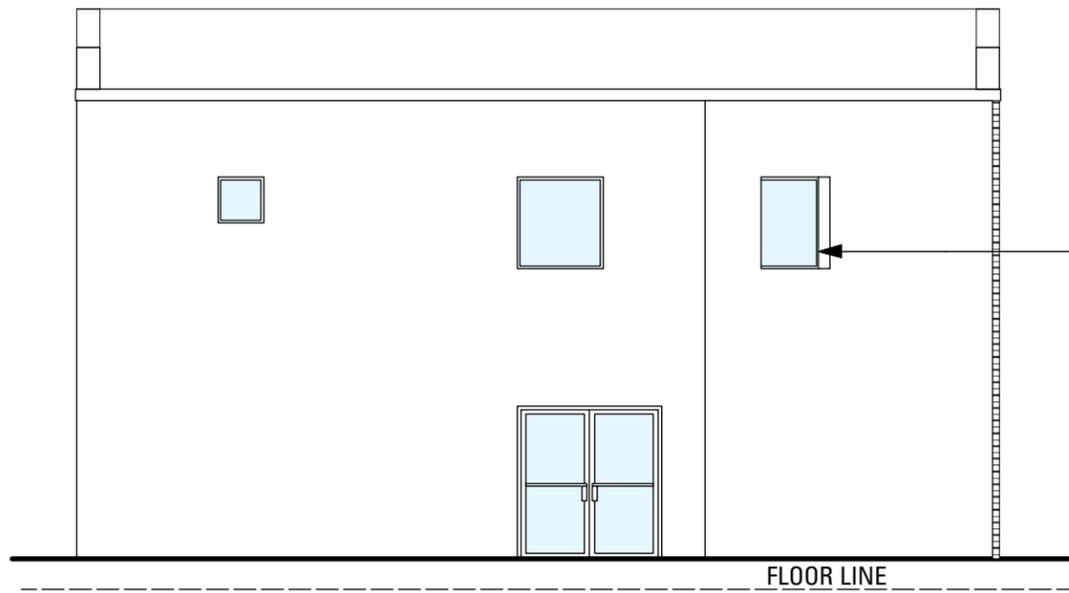
RECORD ISSUE
CUP SUBMITTAL
DATE
02 AUGUST 2019
PROJECT No.
sa1905

SHEET TITLE
FLOOR PLANS

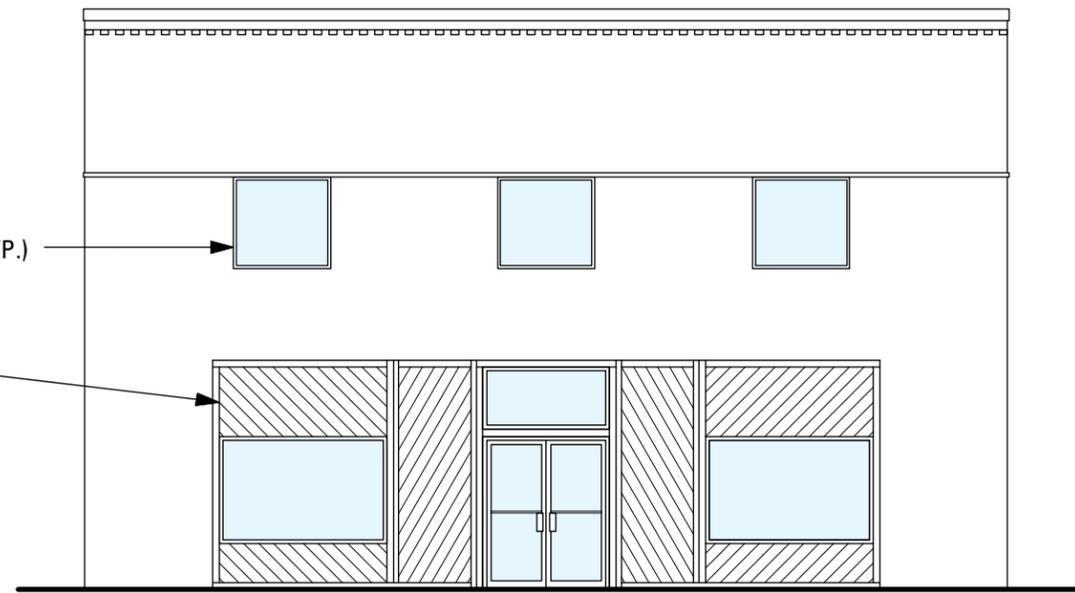
SHEET NO.
CUP.1

106 N. MAIN ST.
HOPEWELL, VA 23219

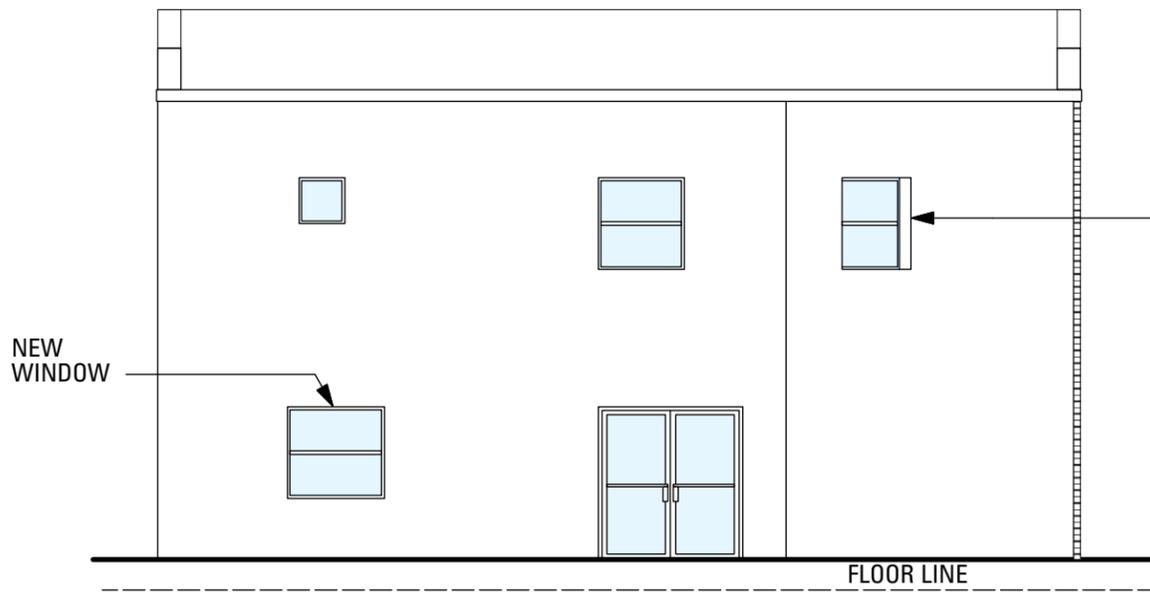
OWNER / DEVELOPER
Mark Mueller
106 N. Main St.
Hopewell, VA 23219



4 **EXIST. REAR ELEVATION**
1/8" = 1'-0"



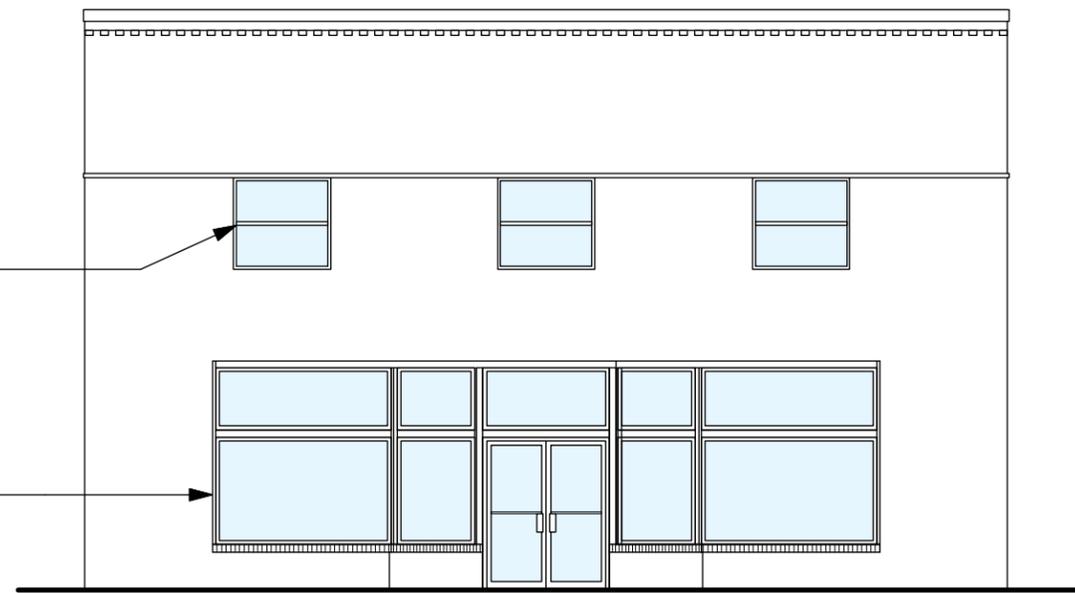
2 **EXIST. FRONT ELEVATION**
1/8" = 1'-0"



3 **PROPOSED REAR ELEVATION**
1/8" = 1'-0"

NEW DOUBLE HUNG
WINDOWS FOR EGRESS
(TYP)

NEW ALUM AND WOOD
STOREFRONT TO MATCH
HISTORIC PHOTO



1 **PROPOSED FRONT ELEVATION**
1/8" = 1'-0"

studioAMMONS
235 N. Market Street
Petersburg, VA 23803
P: 804.722.1667
www.studioammons.com

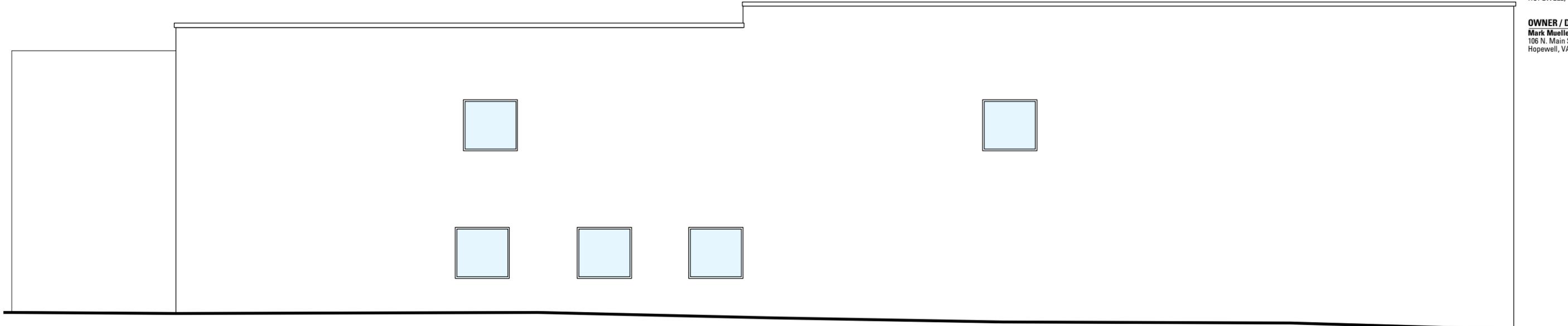
REVISION

RECORD ISSUE
CUP SUBMITTAL
DATE
02 AUGUST 2019
PROJECT No.
sa1905
SHEET TITLE
ELEVATIONS

SHEET NO.
CUP.2

106 N. MAIN ST.
HOPEWELL, VA 23219

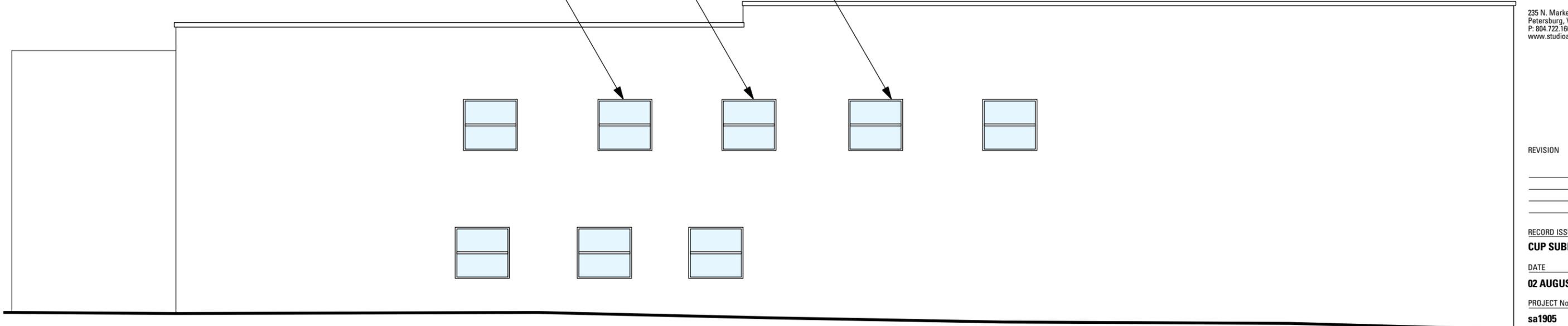
OWNER / DEVELOPER
Mark Mueller
106 N. Main St.
Hopewell, VA 23219



2 EXIST. SIDE ELEVATION
1/8" = 1'-0"

NOTE: NEW DOUBLE HUNG
WINDOWS AT ALL EXIST. OPENINGS
FOR EGRESS

NEW WINDOW OPENINGS (3)



1 PROPOSED SIDE ELEVATION
1/8" = 1'-0"

studioAMMONS
235 N. Market Street
Petersburg, VA 23803
P: 804.722.1667
www.studioammons.com

REVISION

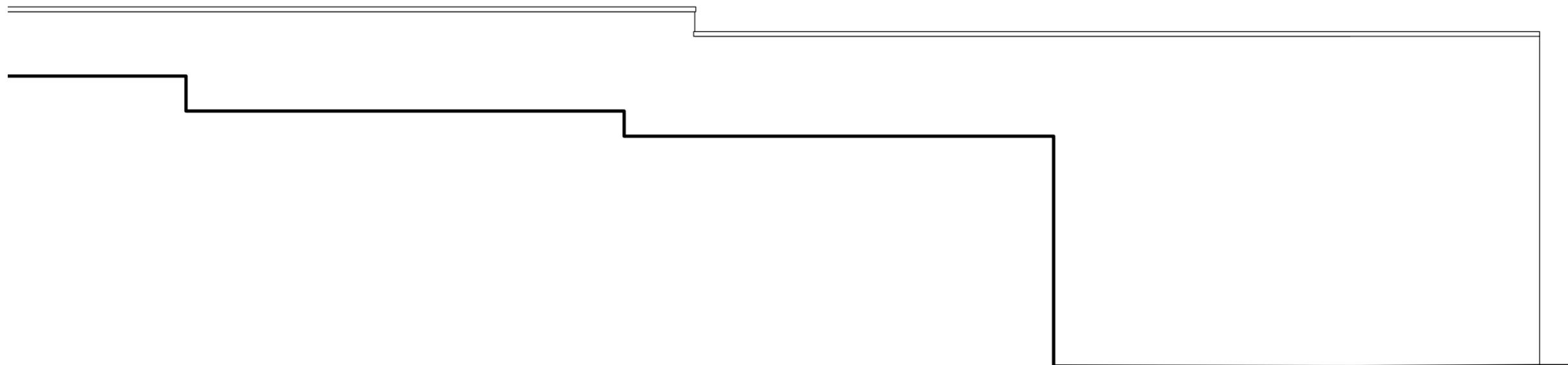
RECORD ISSUE
CUP SUBMITTAL
DATE
02 AUGUST 2019
PROJECT No.
sa1905

SHEET TITLE
ELEVATIONS

SHEET NO.
CUP.3

106 N. MAIN ST.
HOPEWELL, VA 23219

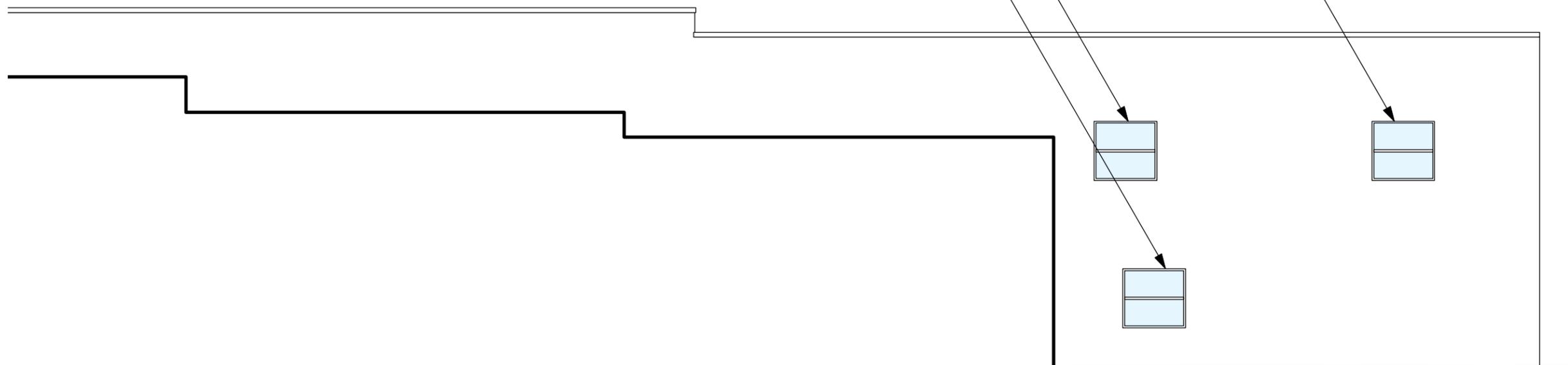
OWNER / DEVELOPER
Mark Mueller
106 N. Main St.
Hopewell, VA 23219



2 EXIST. SIDE ELEVATION
1/8" = 1'-0"

NOTE: NEW DOUBLE HUNG
WINDOWS AT ALL EXIST. OPENINGS
FOR EGRESS

NEW WINDOW OPENINGS (3)



1 PROPOSED SIDE ELEVATION
1/8" = 1'-0"

studio **AMMONS**

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Petersburg, VA 23803
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REVISION

RECORD ISSUE

CUP SUBMITTAL

DATE

02 AUGUST 2019

PROJECT No.

sa1905

SHEET TITLE

ELEVATIONS

SHEET NO.

CUP.4

To: Hopewell Planning Committee

The three undersigned owners of 100, 102 and 104 Main Street oppose the pending conditional use permit request of 106 Main Street for the following reasons:

Downtown B-1 Use Regulations prohibit ground floor apartments and require that second floor apartments contain a minimum of 900 square feet. The owner of 106 Main Street offers no unique factors or circumstances that would justify waiving these requirements. Instead it appears to be a case of simply “I want more”. Granting a conditional use permit – actually two – simply to generate more revenue is not a proper basis especially when it is to the detriment of other property owners.

The study set forth on the city website makes it clear that “parking is a major issue” – and – “three fourths of local merchants were unsatisfied with parking conditions”. This proposed use will only intensify the problem. It seems something should be done about the current lack of parking rather than granting conditional use to exceed the current regulations.

We note that when we developed our properties we were required to provide parking and a sidewalk along the alley to City Point Road so people would not cross the alley to reach our parking.

The city provides no public parking on the entire block on which 106 Main Street is located – tenants or employees would have to use the Hardee’s parking lot or infringe on private parking lots which is unfair to those property owners.

Rather than putting forth a remedy for parking, 106 Main Street seeks to place more apartments than are permitted by zoning which aggravates the parking situation even more.

106 Main Street offers no justification nor unique factor to justify more apartments than other property owners are permitted by zoning. While for some reason the city apparently envisioned apartments without addressing parking needs – the city did in its wisdom establish minimum square footage requirements and prohibited ground floor units. **Conditional use which overrides the established zoning criteria should not be granted without extenuating circumstances and should not be granted when it adversely affects other landowners.**

Downtown B-1 Use Regulations clearly state no apartments on the ground floor without conditional use but when or under what special factors has a permit been granted – we contend there are no special circumstances in place to make this property different from any other to justify an exception and in fact the circumstances of access by way of an alley as well as no available parking require rejection.

We note (in the notice) also the request for ground floor apartments fails to address the square footage for the ground floor – we also note the ground floor units are in the back of the

building and would be accessed from the alley which is where the heavy traffic of Suntrust Drive Thru is located – the same alley that we had to install a sidewalk for safety.

We note (in the notice) the second floor request deviates from the minimum requirement of 900 square feet and fails to reveal if it is 850, 800, 750 or less. Again we see no special factors to go below 900 square feet. If others are required to meet 900 square feet, you would in essence be revising the zoning ordinance or be placed in a position in the future where all have to be granted waivers without offering special circumstances.

With the lack of parking squeezing in extra units would be detrimental to owners of private parking in the area since common sense says that tenants will use the closest and most convenient parking rather than park in the Hardee’s lot in the next block. It a fantasy world to believe tenants with groceries or when it’s raining will walk one block when they can intrude on a private lot next to their building. Of course it would be a great inconvenience to owners of private parking as they would now be forced to police their own lots. Those property owners who developed private parking at their expense should not be required to expend resources protecting their parking because 106 Main Street is allowed under a conditional use permit to develop an excessive number of apartments without special circumstances. It is his problem, not the problem of the private parking property owners.

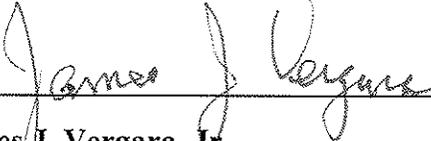
Quite frankly we oppose any apartments at this location but we recognize that a limited number are permitted on the second floor. The city has made no efforts to address parking in this entire block despite the warning in their own study. But most important we oppose a waiver to cram smaller units in 106 Main Street. Tenants who are crammed in with a shoehorn in a tiny apartment will seek outdoor breaks for themselves and their pets. We are proud of the investment we made in our three properties. We went above and beyond to invest in an open courtyard. We would prefer that others not use it as a dog park or a place to loiter but obviously those tenants would have no other greenspace to visit. Apartments have been placed on Broadway with no park or open air space. The result is that tenants seeking fresh air have one choice – to loiter on the sidewalk which is detrimental to the businesses in the area. Before approving additional apartments, the city should consider the needs of the full package – parking and outdoor park space for tenants.

We don’t think the city should be approving apartments that exceed zoning rules nor do we think apartments should have their access be an alley nor do we think the 900 square foot requirement should be waived.

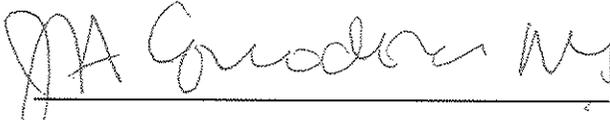
It is one thing to approve 900 square foot second floor apartments pursuant to the approved zoning use but it violates your approval criteria by being injurious to the use of other property when you approve additional second floor units that are smaller and also on the ground floor with alley access thereby magnifying the problems inflicted on other landowners. This is especially true when the applicant cannot identify any reason that justifies him being treated more generously than other existing or potential apartment owners in the downtown. What makes his property qualify for more lenient treatment?

We have no animosity to 106 Main Street but we believe we must protect our investments and the city would send the wrong message to developers if decisions are made to approve projects which override zoning limitations without regard to the negative impact approval has on existing properties. To do so is in effect a reverse taking of property through inverse condemnation whereby a private owner has their currently peaceful enjoyment of their property disrupted by approval of a new project which will clearly change the use of their property and alter the usage of their privately paid for outdoor space and probably require them to expend money enforcing or protecting their parking lot from unauthorized users.

We respectfully ask that the two conditional uses be denied.



James J. Vergara, Jr.
100 Main Street Plaza



Joseph Concodora
102 Main Street Plaza



James P. Webb
104 Main Street Plaza



The City of Hopewell, Virginia

Department of Development

300 N. Main Street • Hopewell Virginia 23860 • (804) 541-2220 • Fax: (804) 541-2318

August 30, 2019

Dear Adjacent Property Owner:

As an adjacent property owner of the following request for a Conditional Use Permit we are notifying you of the public hearing that will be held.

NOTICE OF PUBLIC HEARING & MEETING
CITY OF HOPEWELL

The Planning Commission will hold a public hearing at 6:00 p.m. on Thursday, September 5, 2019 in the City Council Chambers Hopewell, Virginia 23860. The following items will be considered:

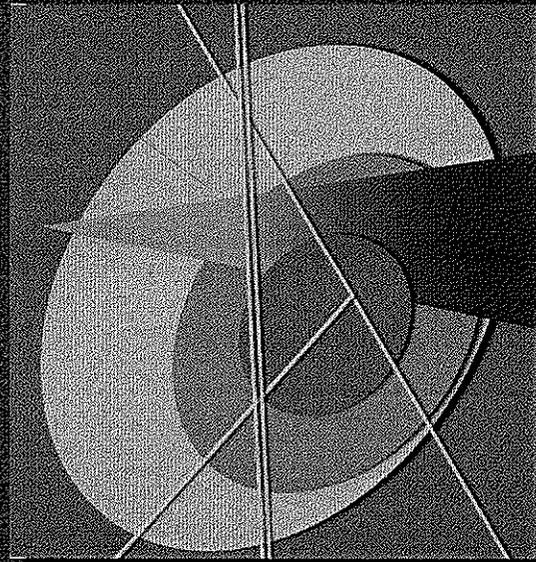
1. A request from Mark Mueller for a Conditional Use Permit to allow apartments in mixed use buildings on the first floor and apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors at 106 North Main Street, also identified as Sub-Parcel # 011-0040.

If additional information is required regarding this hearing, please contact the Department of Development at (804) 541-2220. If you would like to speak in favor or against this application please attend the meeting on September 5, 2019. If you are unable to attend the meeting, written correspondence can be hand delivered or mailed to 300 North Main Street, Suite 321, Hopewell, Virginia 23860. You can also email me at tgriffin@hopewellva.gov.

Sincerely,

Tevya Williams Griffin, AICP
Director
Department of Development

Priority Planning Area 1

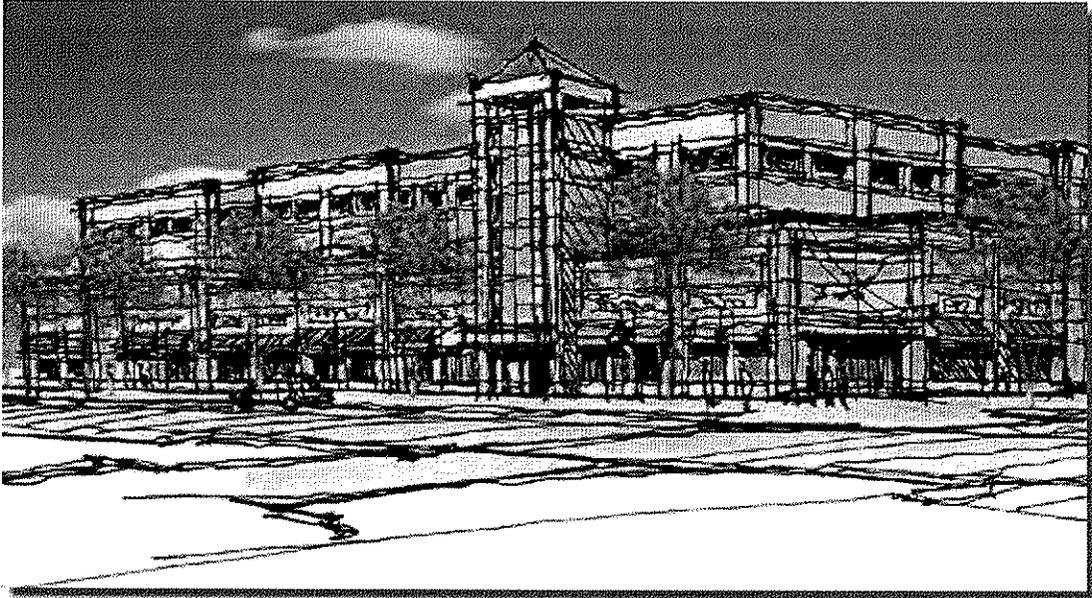


Downtown Hopewell

Downtown Parking

As infill, redevelopment and new development absorb properties on East Broadway Street and throughout Downtown Hopewell, parking supply will become a major issue. While not currently a pressing matter, a lack of action by the City to plan for sufficient parking to serve the marketplace will otherwise impair efforts to complete the Downtown revitalization goals.

In a survey conducted for the VCU plan it was found that *“Over three-quarters of local merchants surveyed responded as being unsatisfied with parking conditions in the downtown area. Complaints focused on the poor location, quantity, safety, and quality of parking in Downtown. The concern of parking was made apparent in studies conducted for the Downtown Vision which projected that if the district were fully developed, peak demand for parking would be 4,500 spaces. In 2003, there were 1,927 parking spaces and is roughly the same today.”* The City should initiate a comprehensive parking plan and establish a multi-year capital improvements plan. This plan will require additional interaction and coordination with HDP, City officials, City planners and engineers, property owners, current merchants, and tourists.



The 2012 VCU Downtown Revitalization targeted three areas within the Hopewell Downtown Planning Priority Area 1. These remain areas of major emphasis for the 2018 Comprehensive Plan’s recommended program of concentrated land use.

Not to be overlooked are the successes that have been achieved to-date. Refer to the video link to a presentation prepared by the Hopewell Downtown Partnership for the City Council:

<http://video214.com/play/O02ptUB4sbY65UdoeZQYMw/s/dark>

ARTICLE IX - DOWNTOWN CENTRAL BUSINESS DISTRICT (B-1)^[10]

Code of Ordinances

28

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 with the preservation of historic structures and 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.

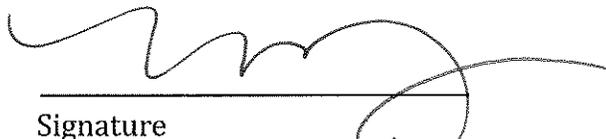
operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

71. *Cluster development*: A type of development that allows the reduction of lot sizes below the zoning ordinances minimum requirements if the land thereby gained is preserved as a permanent open space for the community.
72. *Coffee shop*: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
73. *Commercial*: Any wholesale, retail or service business activity established to carry on trade for a profit.
74. *Commercial banks and financial institutions*: A financial institution that is open to the public and engaged in fiduciary activities such as making loans, investments, deposit banking and is regulated by the Federal Deposit Insurance Corporation (FDIC)/Federal. This shall not include pay day loan centers.
75. *Commission, the*: The planning commission of Hopewell, Virginia.
76. *Common open space*: All open space within the boundaries of a planned development designed and set aside for use by all residents of the planned development or by residents of a designed portion of the planned development and not dedicated as public lands.
77. *Community gardens*: A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family.
78. *Comprehensive plan*: The comprehensive plan for Hopewell, Virginia.
79. *Computer sales and service*: An establishment engaged in the sale, and repair of computers, lap tops, and their accessory parts such as, but not limited to, adapters, monitors, computer bags.
80. *Conditional use*: A use which, by its nature, can have undue impact upon or be incompatible with other uses of land within a given zoning district. These uses which are described in this ordinance may be allowed to locate within a given designated district under the controls, limitations and regulations of a conditional use permit.
81. *Conditional use permit*: A permit issued by the city council for a use allowed as a conditional use in a designated district after evaluation of the impact and comparability of such use; said permit shall stipulate such conditions and restrictions, including any such conditions contained herein, as will insure the use being compatible with the neighborhood in which it is to be located; or, where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development permitted by right in the area.
82. *Concrete works*: A structure or area used for the manufacture of concrete and concrete products.

AFFIDAVIT OF MAILING

I, (*Melissa Perez Diggs*), under oath, hereby certify that the City of Hopewell received a Conditional Use Permit request submitted by Mark Mueller, for property 106 N Main St. (Sub-Parcel #011-0040), to allow apartments in mixed use buildings on the first floor and apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors.

Notice was mailed on (*May 29, 2020*) by first class mail, postage prepaid, to all interested property owners, agents, occupants and other parties listed on the attached mailing matrix, all in accordance with Section 15.2-2204, Code of Virginia, 1950, as amended.



Signature
Executive Assistant

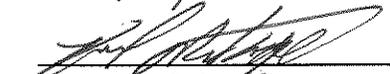
Title

COMMONWEALTH OF VIRGINIA
CITY OF HOPEWELL, TO WIT:

I, undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that (*Melissa Perez Diggs*) whose name is signed to the foregoing as **Executive Assistant** for the (**Department of Development/Planning**), has signed, acknowledged and sworn to the same before me in my jurisdiction aforesaid and, under oath, acknowledged the contents of the foregoing instrument to be true and accurate.

Given under my hand this *1st* day of *June* 20 *20*.

My Commission expires: *04/30/2022*



Notary Public





*The City of
Hopewell, Virginia*

Department of Development

300 N. Main Street • Hopewell Virginia 23860 • (804) 541-2220 • Fax: (804) 541-2318

May 29, 2020

NOTICE OF PUBLIC HEARING & MEETING
CITY OF HOPEWELL

Dear Adjacent Property Owner:

The Hopewell City Council will conduct a public hearing on Tuesday, June 9, 2020 at 7:30 p.m. for the purpose of receiving comments regarding the following requests in accordance with, Article XXI, Amendments, Article IX, Section H, and Article XXIII (Development Standards), Section G, of the Hopewell Zoning Ordinance. The following item will be considered:

A Conditional Use Permit request submitted by Mark Mueller, for property 106 N Main St. (Sub-Parcel #011-0040), to to allow apartments in mixed use buildings on the first floor and apartments containing an average square footage below nine hundred (900) gross square feet on the second and subsequent floors.

This will be a virtual (electronic) meeting pursuant to and in compliance with the Emergency Ordinance Authorizing and Providing for the Continuity of Hopewell City Government (Ordinance 2020-428) during the Covid-10 Pandemic, approved by Hopewell City Council on April 28, 2020. The public may listen and/or observe the meeting in real time by calling (804) 541-2220 and registering with the Department of Development before 5:00 p.m. Monday, June 8, 2020.

Prior to the meeting, the public may offer comment on the public hearing items or under citizen comments by leaving a voice message that will be read into the meeting minutes at (804) 541-2220. Please listen carefully to the prompts that will direct you to the City Council comment mailbox. The public can also email comments to Devdept@hopewellva.gov. You can also mail in comments to 300 North Main Street, Suite 321, Hopewell, VA 23860. These comments will be received by Melissa Perez Diggs, Executive Assistant. All verbal and written comments must be received by Monday, June 8, 2020 at 5:00 p.m., the day before the public hearing.

If additional information is required, please contact the Department of Development at (804) 541-2220.

Sincerely,

Tevya Williams Griffin, AICP
Director
Department of Development

James P. Webb
13225 Chesdin Landing Dr.
Chesterfield VA 23838

Joseph Concodora
107 Christopher Newport Dr.
Hopewell, VA 23860

James Vergara Jr.
700 Mansion Dr.
Hopewell, VA 23860

Main Street Plaza Associates C/O
Vergara Associates
100 North Main Street
Hopewell, VA 23860

John Randolph Foundation
P.O. Box 1606
Hopewell, VA 23860

George Diradour
P.O. Box 1268
Hopewell, VA 23860

St Planters Bk of Com and Trust
Suntrust Bank- Karen Gresham
P.O. Box 26665 Mail Code VA-RIC 8614
Richmond, VA 23261-6665

Sylvia L. Bell
P.O. Box 1440
Hopewell, VA 23860

Bank of America
Att:corp.Real Est.Ass.Nc1-001-03-81
101 N.Tryon Street
Charlotte. NC 28255

Industrial & Allied Workers City Of
Hopewell & Chesterfield CO Local 101
105 North Main Street
Hopewell, VA 23860

Title: Apartment Square Footage Calculation Table

1st Floor	Square Feet	2nd Floor	Square Feet
Apartment 1	871	Apartment 1	704
Apartment 2	742	Apartment 2	710
Average	809	Apartment 3	779
		Apartment 4	791
		Apartment 5	784
		Average	753

Source: Floor elevations provided by the applicant

PH-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Conditional Use Permit for 804 Kenwood Avenue

ISSUE: The City has received a request from Hyatt Properties LLC to use an accessory building as an accessory apartment in the Residential, Medium Density District (R-2).

RECOMMENDATION: Staff recommends the City Council hold a public hearing to consider citizen comments.

TIMING: The City Council held a work session on February 11, 2020. The public hearing has been properly advertised and will take place on June 9, 2020.

BACKGROUND: In order to operate an accessory apartment in the R-2 Zoning District, an applicant must meet base conditions, and receive a Conditional Use Permit, approved by the Hopewell City Council.

ENCLOSED DOCUMENTS:

- Staff Report
- Application
- Supplemental Documents

STAFF:

Tevya Williams Griffin, AICP, Director, Department of Development

FOR IN MEETING USE ONLY

SUMMARY:

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

MOTION: _____

Roll Call

SUMMARY:

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

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



804 Kenwood Avenue
Owner: Hyatt Properties LLC
Conditional Use Permit to use an accessory structure as an apartment
Staff Report prepared for the City Council Public Hearing

Last Revised March 9, 2020

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

I. MEETINGS & WORK SESSIONS:

Commission and Governing Body	Date	Type of Meeting	Action Taken
Planning Commission	December 5, 2019	Public Hearing	Tabled by applicant
Planning Commission	January 16, 2020	Meeting	Recommended Denial
City Council	February 11, 2020	Work Session	No Action
City Council	June 9, 2020	Public Hearing	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: N/A

Existing Zoning: R-2, Residential, Medium Density District

Acreage: 9,000 square feet

Owner: Hyatt Properties LLC

Legal Description: Lots 30-31-32 BLK 7, Kenwood Heights Subdivision

Election Ward: Ward 7

Land Use Plan Recommendation: Urban Mixed Residential

Strategic Plan Goal: N/A

Map Location(s): Sub Parcel #: 050-0410

Zoning of Surrounding Property: North: R-2
South: R-2
East: R-2
West: R-2

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Hyatt Properties LLC, owner of 804 Kenwood Avenue, also identified as Sub-Parcel # 050-0410, to allow the detached garage located to the rear of the property to be used as an accessory apartment in the Residential, Medium Density District (R-2).

IV. APPLICABLE CODE SECTIONS:

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

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

STATEMENT OF INTENT

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

Section A. Use Regulations

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

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

H. ACCESSORY APARTMENTS

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

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

- a. *Applicant must certify that such apartment will be occupied by a related family member 55 years of age or older or handicapped.*
 - b. *Applicant must acknowledge that upon vacation by such family member, the building may no longer be used as an apartment, unless another family member meets the required criteria, and in no case shall it be used as a rental unit.*
 - c. *Applicant must demonstrate that sufficient off street parking will be provided.*
2. *Permits for such apartments shall be issued for a period of one (1) year and must be renewed annually. All other requirements of the Zoning Ordinance and Building Code, including but not limited to building permits and occupancy permits, must be complied with.*
 3. *No such permit shall be authorized except after notice and hearing, as provided by Section 15.1-431 of the Code of Virginia, (1950), as amended.*
 4. *City Council may impose such conditions relating to the use for which such Conditional Use Permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.*
 5. *Upon approval by the City Council, and prior to the issuance of a permit, the owners must execute an agreement acknowledging the limitations in such permit, which will be recorded at the owner's expense in the Clerk's Office of the Circuit Court of the City of Hopewell.*

(Article I. Definitions)

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

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

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

D. CONDITIONAL AND SPECIAL USE PERMITS.

1. Conditional Use Permit:

Purpose:

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

community, and that the public interest and general welfare of the citizens of the City will be protected.

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

a. Initiation

The applicant, who shall be an owner of record or contract owner with written approval of the owner of the land involved (if a contract owner, a copy of said contract shall be filed with and made a part of application), shall make application for the use permit to the Director of Development on the form provided for that purpose, giving all information required by such form, including such other information which the Director of Development may deem necessary for an intelligent consideration of the project for which a permit is desired.

b. Completeness

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

c. Review of Application

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

4. *In approving any conditional use permit, the City Council may impose conditions or limitations on any approval as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:*

- i. *Special setbacks, yard or construction requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation and similar characteristics; and*
- ii. *A performance guarantee, acceptable in form, content and amount to the City, posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.*

d. *Approval Criteria*

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

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

the applicable zoning district, and shall enhance the quality of the neighborhood.

- 6. *The public interest and welfare supporting the proposed conditional use is sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.*
- 7. *The proposed use will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

V. SUBJECT PROPERTY:

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

- A one story 938 square foot dwelling with three bedrooms, and 1 bath with an attached 275 square feet carport (located in front yard);
- A two story 928 square feet dwelling with three bedrooms and 1 bath (located in rear yard);
- A 275 square foot shed

The City of Hopewell Department of Development identifies this property as 804 Kenwood Avenue. At some point in the past the two dwellings were addressed by the owners as 804-A and 804-B Kenwood Avenue. Under a traditional zoning district like that of the R-2 district it is illegal for two main dwellings to be on one property.

VI. OWNER’S POSITION REVISED:

Excerpts from Application

The applicant is requesting that the dwelling to the rear of the property be used as an accessory apartment for a family member, where the main family would reside in 804-A. The applicant does not have a family in mind at this time. After the units are repaired, the applicant would market the dwellings for sale with the caveat that 804-B must be used as an accessory apartment for a family member.

The property is existing and was previously used as a rental. Property has not threat to the environment or neighborhood.

Improvements are being made to the property. This will improve the curb appeal and up-keep of the neighborhood. No hazardous material or injuries to person will occur.

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

VII. ZONING/STAFF ANALYSIS:

The owner recently purchased the property in August 2019. Prior to purchase, the applicant contacted the Department of Development to inquire on the ability to rent the

two story structure located in the rear of the property. The applicant was unable to provide any detailed information on the prior use of the unit except that it was previously rented.

Both dwelling units were built in 1968. There is no evidence that a Conditional Use Permit was ever approved that would legally allow the rear unit as an accessory to the main building. It is also possible that the two structures were allowed as separate main structures. This is the thought of the applicant. As mentioned previously, this is not allowed under current zoning codes. Moreover, the rear smaller unit has not been utilized in more than two years and is no longer a grandfathered, non-conforming use. Additionally, due to the square footage of the property, the parcel cannot be divided to create two separate conforming lots; thereby legally creating two main structures. Since the owner requests the use of the rear structure as a dwelling, the only path is to request a Conditional Use Permit for an accessory apartment.

The ordinance only allows accessory apartments if inhabited by a family member of the main home.

Comprehensive Plan Land Use Category

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

The following are characteristics of the Urban Mixed Residential Category:

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

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

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

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

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

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

During the City Council work session, the applicant provided the name, and draft contract for the resident of the main building, and the mother that will reside in the accessory apartment. Since then, the applicant has also provided a deposit check to the City to show the good faith of the residents.

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

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

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

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

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

VII. PLANNING COMMISSION RECOMMENDATION:

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

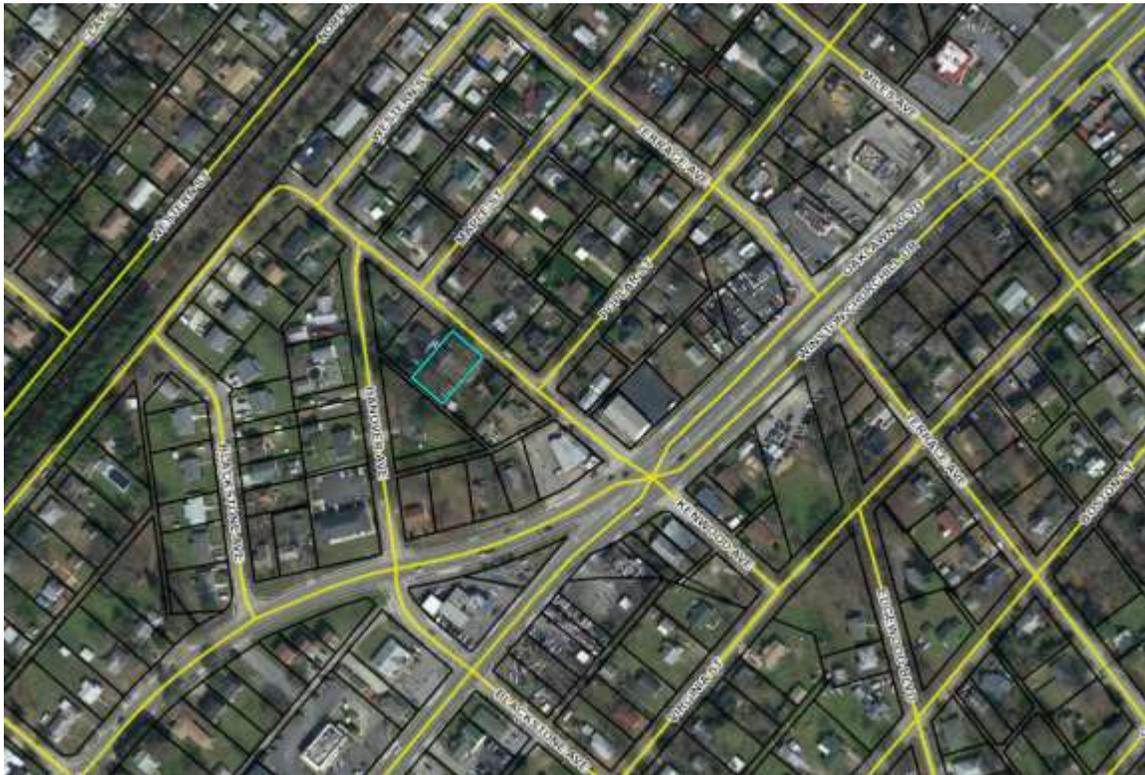
VIII. CITY COUNCIL RESOLUTION:

The Hopewell City Council *approves, approves with condtions, denies* the request submitted by Hyatt Properties LLC, owner of 804 Kenwood Avenue, also identified as Sub-Parcel #050-0420, to allow the detached garage located to the rear of the property to be used as an accessory apartment in the Resdential, Medium Density District (R-2).

Attachment(s):

1. Initial Application for Conditional Use Permit with pictures of dwelling units
2. Revised Application
3. Pictures of structures

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



AFFIDAVIT OF MAILING

I, (**Melissa Perez Diggs**), under oath, hereby certify that the City of Hopewell received a Conditional Use Permit request submitted by Ann Hyatt with Hyatt Properties LLC, owner of 804 Kenwood Avenue (Sub-Parcel #050-0390), to use an accessory structure as an apartment. The property is zoned Residential, Medium Density District (R-2).

Notice was mailed on (**May 29, 2020**) by first class mail, postage prepaid, to all interested property owners, agents, occupants and other parties listed on the attached mailing matrix, all in accordance with Section 15.2-2204, Code of Virginia, 1950, as amended.



Signature

Executive Assistant

Title

COMMONWEALTH OF VIRGINIA
CITY OF HOPEWELL, TO WIT:

I, undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that (**Melissa Perez Diggs**) whose name is signed to the foregoing as **Executive Assistant** for the (**Department of Development/Planning**), has signed, acknowledged and sworn to the same before me in my jurisdiction aforesaid and, under oath, acknowledged the contents of the foregoing instrument to be true and accurate.

Given under my hand this 1st day of June 2020

My Commission expires:

04/30/2022

[Handwritten Signature]

Notary Public





*The City of
Hopewell, Virginia*

Department of Development

300 N. Main Street • Hopewell Virginia 23860 • (804) 541-2220 • Fax: (804) 541-2318

May 29, 2020

NOTICE OF PUBLIC HEARING & MEETING
CITY OF HOPEWELL

Dear Adjacent Property Owner:

The Hopewell City Council will conduct a public hearing on Tuesday, June 9, 2020 at 7:30 p.m. for the purpose of receiving comments regarding the following requests in accordance with, Article XXI, Amendments, Article IX, Section H, and Article XXIII (Development Standards), Section G, of the Hopewell Zoning Ordinance. The following item will be considered:

A Conditional Use Permit request submitted by Ann Hyatt with Hyatt Properties LLC, owner of 804 Kenwood Avenue (Sub-Parcel #050-0390), to use an accessory structure as an apartment. The property is zoned Residential, Medium Density District (R-2).

This will be a virtual (electronic) meeting pursuant to and in compliance with the Emergency Ordinance Authorizing and Providing for the Continuity of Hopewell City Government (Ordinance 2020-428) during the Covid-10 Pandemic, approved by Hopewell City Council on April 28, 2020. The public may listen and/or observe the meeting in real time by calling (804) 541-2220 and registering with the Department of Development before 5:00 p.m. Monday, June 8, 2020.

Prior to the meeting, the public may offer comment on the public hearing items or under citizen comments by leaving a voice message that will be read into the meeting minutes at (804) 541-2220. Please listen carefully to the prompts that will direct you to the City Council comment mailbox. The public can also email comments to Devdept@hopewellva.gov. You can also mail in comments to 300 North Main Street, Suite 321, Hopewell, VA 23860. These comments will be received by Melissa Perez Diggs, Executive Assistant. All verbal and written comments must be received by Monday, June 8, 2020 at 5:00 p.m., the day before the public hearing.

If additional information is required, please contact the Department of Development at (804) 541-2220.

Sincerely,

Tevya Williams Griffin, AICP
Director
Department of Development

Ingram E. Riley
3302 Oaklawn Boulevard
Hopewell, VA 23860

Hildegard L Ellis
806 Kenwood Avenue
Hopewell, VA 23860

Mary Sue and Charles Hundley
802 Kenwood Avenue
Hopewell, VA 23860

Patrick A. Rodgers
P. O. Box 2009
Peterburg, VA 23804

Jason and Ashley Ryder
801 Hanover Street
Hopewell, VA 23860

Gwendolyn R. Burnett
807 Kenwood Avenue
Hopewell, VA 23860

James or Peggy Eades
805 Kenwood Avenue
Hopewell, VA 23860

Timothy A. Dodd, Jr.
801 Kenwood Avenue
Hopewell, VA 23860

Roger B. Houser, Jr.
3107 Maple Street
Hopewell, VA 23860

William or Chin Pate
3112 Western Street
Hopewell, VA 23860

INITIAL APPLICATION

City of Hopewell, VA
Permits / Inspect... - 20190868|CUP - 201
010780-0001 Camisha ... 11/01/2019 03:52P
0 -
CONDITIONAL USE PERMIT - REVIEW
Payment Amount: 300.00
Transaction Amount: 300.00
CHECK: 0300



The City
of
Hopewell, Virginia

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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION #

APPLICANT: Hyatt Properties LLC / Ann Hyatt
ADDRESS: 804 Kenwood Ave
Hopewell VA 23860
PHONE #: 804-536-7918 FAX #: _____
EMAIL ADDRESS: annhyatt@verizon.net

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

OWNER: Ann Hyatt / Hyatt Properties LLC
ADDRESS: 5813 Country Manor Ter
N. Chesterfield VA 23234
PHONE #: 804-536-7918 FAX #: _____

PROPERTY ADDRESS / LOCATION:
804 Kenwood Ave, Hopewell VA 23234
PARCEL #: 0500390 ACREAGE: .208 ZONING: R2

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

- ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:
- 1. FLOOR PLANS OF THE PROPOSED BUILDINGS. _____
 - 2. THE PROPOSED DEVELOPMENT WITH FRONT, SIDE, AND REAR ELEVATIONS. _____

App # 20190868

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

PRESENT USE OF PROPERTY:

Accessory apartment (804B) white building

THE CONDITIONAL USE PERMIT WILL ALLOW:

The renting of unit. I am applying for this Conditional Use Permit to legally rent the accessory apartment.

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

The property is already existing and was previously used as a rental property. Property has no threat to the environment or neighborhood.

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

Improvements are being made to the property. This will improve the curb appeal and upkeep of the neighborhood. No hazardous material or injuries to person will occur.

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

The unit will be restored to full habitation. The unit is equipped with plumbing, electrical HVAC, interior improvements includes, new paint, flooring, kitchen, bath fixtures.

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

AMH/ut

APPLICANT SIGNATURE

10/8/19

DATE

Ann-Marie Hyatt

APPLICANT PRINTED NAME

OFFICE USE ONLY

DATE RECEIVED 11/01/2019

DATE OF ACTION PC 12/5/2019

APPROVED _____ DENIED _____

APPROVED WITH THE FOLLOWING CONDITIONS:



The City
of
Hopewell, Virginia

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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION # 20190868

APPLICANT: Hyatt Properties LLC / Ann Hyatt

ADDRESS: 804 Kenwood Ave
Hopewell VA 23860

PHONE #: 804-536-7918 FAX #: _____

EMAIL ADDRESS: amhyatt@verizon.net

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

OWNER: Ann Hyatt / Hyatt Properties LLC

ADDRESS: 5813 Country Manor Terrace
N. Chesterfield VA 23234

PHONE #: 804-536-7918 FAX #: _____

PROPERTY ADDRESS / LOCATION:
804 Kenwood Ave, Hopewell VA 23234

PARCEL #: 050030 ACREAGE: .208 ZONING: R2

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

ATTACH A SCALED DRAWING OR PLAT OF THE PROPERTY SHOWING:

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

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

PRESENT USE OF PROPERTY:

Accessory apartment (804B)

THE CONDITIONAL USE PERMIT WILL ALLOW:

To be used as an accessory apartment base on Article IV #11

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

The property is already existing and was previously occupied. Property poses no threat to the environment or neighborhood

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

Improvements have been done to the property. This has improved the curb appeal of the residence and the neighborhood. No hazardous materials or injuries occurred to any person.

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

The unit will be restored to full habitation. The unit is a pre-existing unit no modification will be done that does not conform to the original plan and specifications.

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

[Handwritten Signature]

APPLICANT SIGNATURE

12/17/19

DATE

Ann Marie Hyatt

APPLICANT PRINTED NAME

OFFICE USE ONLY

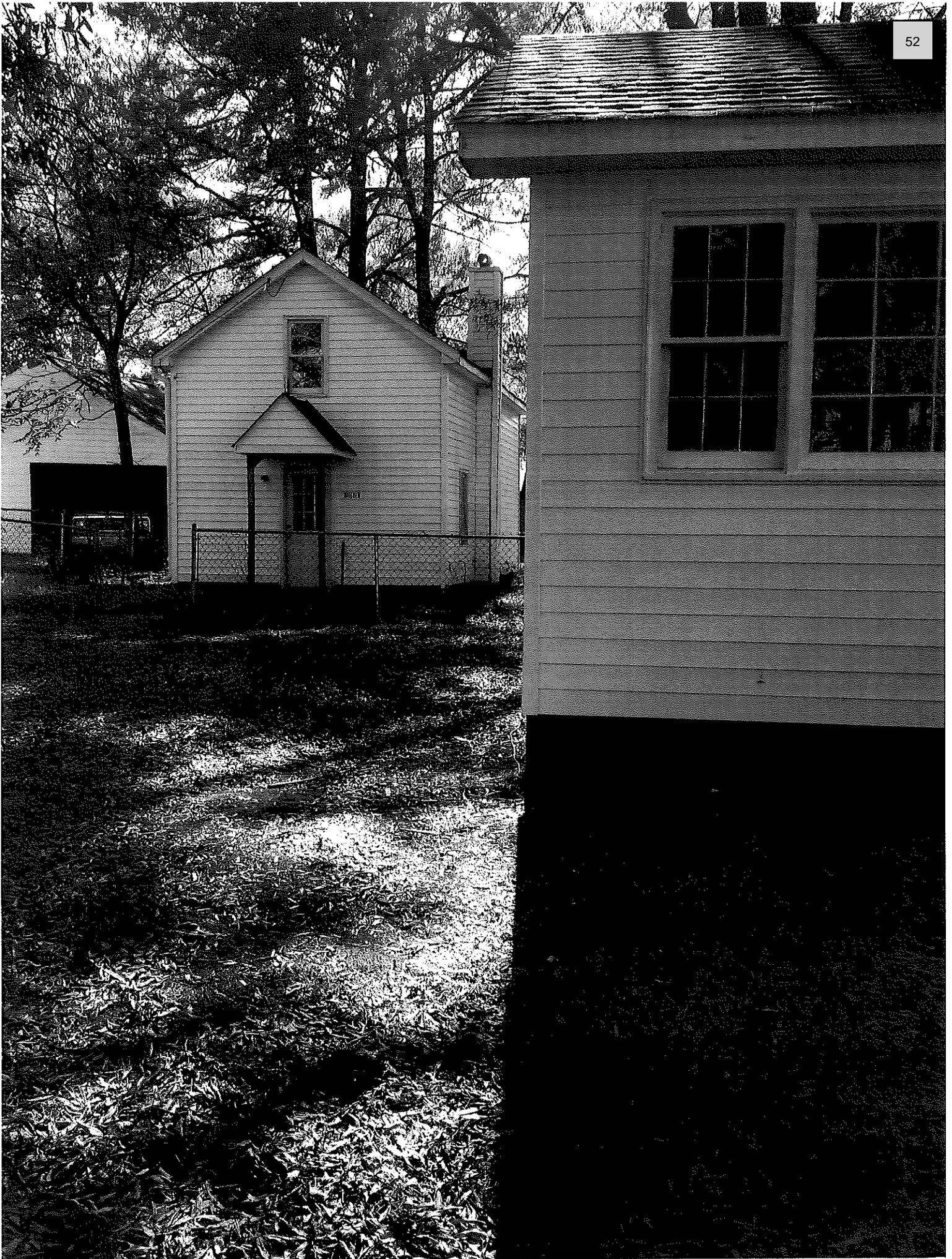
Revised

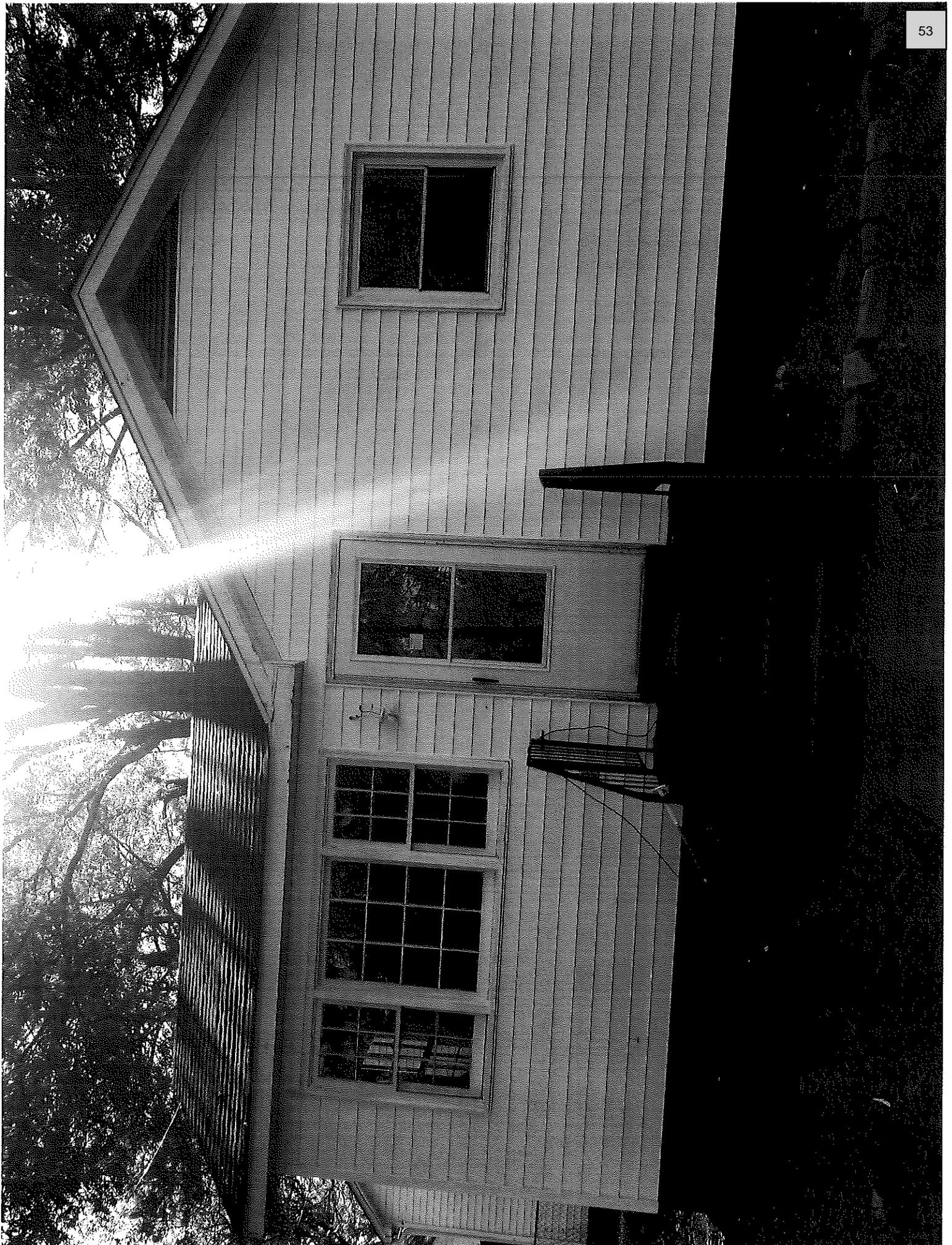
DATE RECEIVED 12/17/19

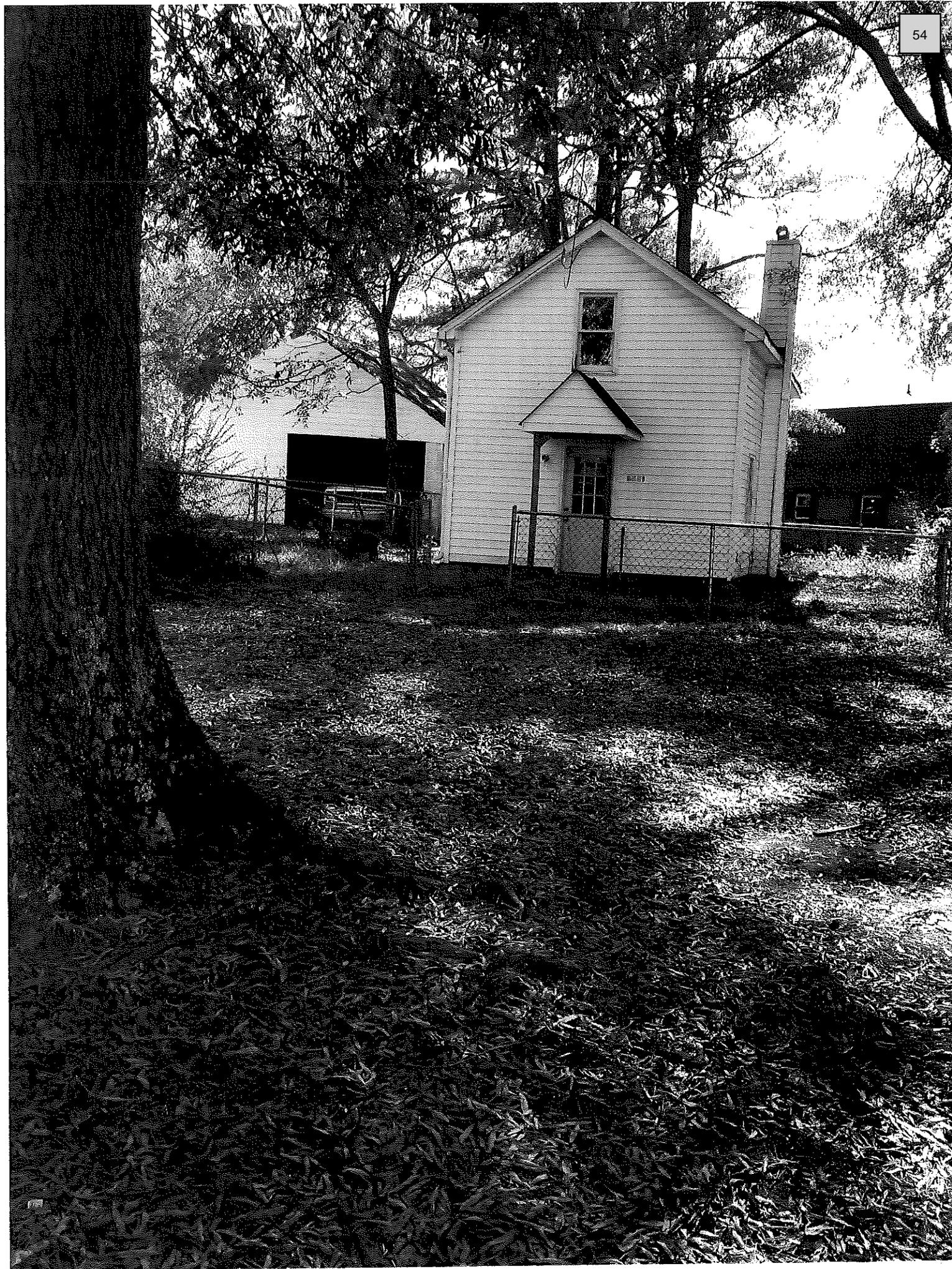
DATE OF ACTION _____

APPROVED _____ DENIED _____

APPROVED WITH THE FOLLOWING CONDITIONS:



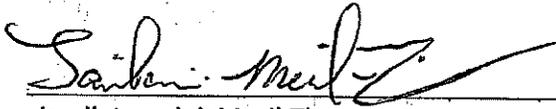




LETTER OF CERTIFICATION FOR ACCESSORY APARTMENT

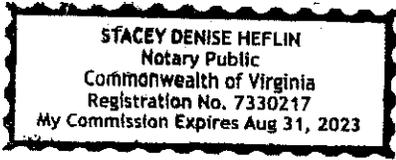
I certify that I Yolanda Thomas am the mother of Jamilatumaini Mezil-Thomas, I certify that I am over the age of 55 years old and I will occupy the accessory apartment located at 804 Kenwood Ave.


Yolanda Thomas

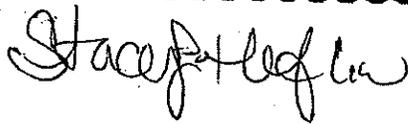

Jamilatumaini Mezil-Thomas


Ann Marie Hyatt

Hyatt Properties LLC

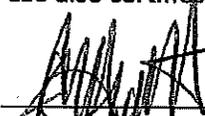


Notary:



LETTER OF CERTIFICATION FOR ACCESSORY APARTMENT

Hyatt Properties LLC hereby certify that if Yolanda Thomas should vacate the accessory apartment the apartment will only be occupied by another family member of Jamila Mezil Thomas. Hyatt Properties LLC also certifies that the Conditional Use Permit will be renewed on an annual basis.


Ann Hyatt

Hyatt Properties LLC

Notary:

Emily M Crutchfield
2-5-20

EMILY M CRUTCHFIELD
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2023
COMMISSION # 7831679

LEASE AGREEMENT with PURCHASE OPTION

1. THE PARTIES IN THIS AGREEMENT ARE: Hyatt Properties LLC

The "Landlord" (in this lease the term "Landlord" means either the owner or his agent.) AND Jamilatumaini Mezil-Thomas the "Tenant/s"

2. PREMISES TO BE RENTED Address: 804 Kenwood Ave, Hopewell VA 23860

3. TERM The landlord hereby leases to the Tenant the premises described above for a term of ONE YEAR, from 2/15/2020 to 2/15/2021.

4. RENT a) The monthly rent is \$ 850.00, making a total amount under the lease of \$ 10,200.00 b) The rent is payable on the 1st day of the month. c) If this lease starts on a day other than the day other than the day specified in subsection b), the first rental payment shall be \$425.00, the "pro-rata" rent for the period from 2/15/2020 to 3/1/2020. Thereafter, all rental payments shall be made in accordance with subsection a) and b). d) Rent payments shall be paid to: Hyatt Properties LLC At the following address: 5813 Country Manor Terrace N Chesterfield VA 23234

5. Utility Costs for items listed below shall be paid by the party indicated. Tennant shall pay

Electricity x

Gas x

Water/Sewer x

Trash collection x

Cable/Internet x

6. NUMBER OF PERSONS: a) The premises shall be occupied by no more than 3 persons, excluding children born hereafter and short-term guests (less than 30 days in a calendar year), without the prior written consent of the Landlord. b) The tenant shall not sublet or assign the leased premises or any portion thereof without the prior written consent of the Landlord.

Occupants- Jamilatumaini Mezil-Thomas, Yolanda Thomas (mother), Raymond McKenney

7. USE OF PROPERTY: The Tenant shall use the premises solely for residential purposes.

8. INSPECTION OF PREMISES: a) At the start of the tenancy, the landlord and the Tenant shall inspect the premises and shall record any existing damages to the premises on a checklist provided by the Landlord. Both parties shall receive copies of the completed checklist. b) At the termination of the tenancy, the Landlord shall advise the Tenant of his right to be present at the final inspection. If the Tenant desires to be present, he shall tell the Landlord in writing. The Landlord then shall notify the Tenant of the time and date of the inspection, which must be made during business hours and within seventy-two hours of the termination of occupancy. The landlord will inspect the property every 3 months.

9. DELIVERY OF POSSESSION: If the Landlord fails to make the premises available in a habitable condition on the agreed date of the start of the tenancy, rent shall abate until delivery is completed. If such failure to deliver possession is willful, then the remedies in Section 55-248.22 of the Code of Virginia shall apply.

10. SECURITY DEPOSIT: a) The Tenant has paid the Landlord a security deposit of \$850.00 _____. At the termination of the tenancy, the Landlord may retain part or all of the security deposit to pay for 1. Any damage to the premises beyond normal wear and tear for which the Tenant is responsible and which is disclosed by an inspection conducted pursuant to Section 8 of this lease; 2. any rent owed and any accrued charges as specified in Section 15 of this lease. 3. any damage due to premature termination of the lease agreement. b) If the Landlord Holds the security deposit for a period exceeding 13 months, he shall pay the Tenant simple interest, calculated from the beginning of the tenancy. It is payable at the end of the tenancy. (Call the T/L office for applicable rates.) c) Within 30 days after the end of the tenancy, the Landlord shall refund to the Tenant the security deposit with any interest due less deductions, together with an itemized statement of any deductions.

11. TENANT'S DUTY TO MAINTAIN PREMISES: a) The Tenant shall keep the dwelling unit in a clean and sanitary condition and shall comply with all state and local laws requiring tenants to maintain rented premises. b) The Tenant shall provide the Landlord with prompt notice of any maintenance problems so that necessary repairs can be made in a timely manner.

12. LANDLORD'S DUTY TO MAINTAIN PREMISES: a) The landlord shall maintain the premises in a decent, safe and sanitary condition and shall comply with all state and local laws requiring landlords to maintain rental premises. b) If the Landlord provides appliances or services, he shall maintain them in good working order during the term of this lease and any extension thereof, except for appliances specified in Section 12 c) below. c) Landlord is providing the following appliances not required by the state maintenance code: Stove, Refrigerator _____. The landlord_ will_x_ will not be responsible for repairing or replacing them.

13. LIABILITY: a) The Landlord shall be liable to the Tenant for any damage to his person or his property resulting from the negligence or wrongful act of the Landlord or his agents. b) The tenant shall be liable to the Landlord for any damage to the premises beyond normal wear and tear resulting from the negligence or wrongful act of the tenant or others on the premises with his permission. The Tenant shall

be liable for any damage caused by the bursting of water pipes as a result of failure to keep heat operating in cold weather, to keep windows closed, or to drain outside faucets.

14. MAINTENANCE OF SINGLE-FAMILY DWELLINGS: If the premises consist of a single-family house, the following conditions shall apply: a) The Tenant shall keep grass cut, shall promptly remove ice and snow from all walks, steps, and drives, and shall keep the grounds free of leaves and debris. b) The Landlord shall furnish electric light bulbs in the fixtures and fuses in the panel box and washers on each faucet at the time the Tenant takes possession. The Tenant shall maintain these items thereafter. c) The following maintenance shall be the responsibility of the party indicated below: Item Landlord-Tenant:

Change Furnace Filters TENNANT (EVERY 3 MONTHS)

Change Air-conditioner Filters TENNANT (EVERY 3 MONTHS)

Clean Gutters LANDLORD (EVERY 3 MONTHS)

d) The Tenant shall be responsible for minor repairs except for damage caused by the Landlord or his agent. The Landlord shall be responsible for major repairs except for damage caused by the Tenant or his guests. III. REMEDIES

15. LATE PAYMENT OF RENT: If the rent remains unpaid after the 5th day of the month, the Tenant shall be charged a \$42.50 fee for late payment. An additional charge of \$35.00 shall be made for any returned checks. No personal checks will be accepted after a check has been returned by the bank.

16. FAILURE TO PAY RENT: If the Tenant fails to pay the rent when due, the Landlord may give the Tenant a 5-day notice to pay the rent with the late fee or to vacate. If the rent remains unpaid at the end of this 5-day period, the Landlord may institute eviction proceedings pursuant to law and/or other remedies provided by law including, but not limited to, suit to collect unpaid rent, damages, and reasonable attorney's fees.

17. TENANT BREACH OF LEASE: a) if there is a substantial breach of the lease or a serious failure to maintain the premises by the Tenant, the Landlord may provide the Tenant with a written notice, describing the problem and stating that he will terminate the lease on a specified date (not less than 30 days later) if the problem is not corrected within 21 days. If the problem is corrected within 21 days, the notice is canceled. If the problem is not corrected within that time, the Landlord may institute eviction proceedings through the courts on the specified date. b) The Landlord shall also give the option of using other applicable remedies provided by the Virginia Residential Landlord and Tenant Act to address specific breaches of the lease by the Tenant.

18. LANDLORD BREACH OF LEASE: a) If there is a substantial breach of lease or serious failure to maintain the premises by the Landlord, the Tenant may provide other Landlord with a written notice describing the problem and stating that he will terminate the lease on a specified date (not less than 30 days later), if the problem is not corrected within 21 days, the notice is canceled. If the problem is not corrected within that time, the Tenant may vacate the premises on the specified date. b) The tenant

shall also have the option of using other applicable remedies provided by the Virginia residential landlord and tenant Act to address specific breaches of lease by the landlord.

19 VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT: Both parties hereby agree to be governed by the terms of the Virginia Residential Landlord and Tenant Act, as amended from time to time. Each party shall have a right to the remedies and responsibility for the obligations specifies therein. **IV. RENTAL RULES**

20. NOISE: a) The Tenant shall not allow on the premises any excessive noise or other activity that disturbs the peace and quiet of his neighbors. b) If the rental premises are part of a multi-family dwelling, the Landlord agrees to enforce this prohibition against excessive noise to prevent other tenants or persons in the building or common areas from similarly disturbing the Tenant's peace and quiet.

21. PETS The Tenant: may (x), may not () keep on the premises with landlord's permission.

22. MOTORIZED EQUIPMENT: No motorcycles or equipment driven by gasoline motors shall be permitted inside the dwelling unit.

23. ALTERATIONS: a) No substantial alteration, including: paint color, flooring, addition or improvement shall be made by the tenant in or to the premises without the prior written consent of the Landlord. b) If the Tenant installs new burglar prevention or fire detection devices, he shall provide the Landlord with keys and operating instructions. At the end of the tenancy, the Tenant shall remove the devices and repair any damage if the Landlord so requests.

24. NOTICE OF ABSENCE: The Tenant shall notify the Landlord of any expected absence from the premises in excess of 7 days.

25. ACCESS: Except in the case of an emergency where notice is impractical, the Landlord may enter the premises only after reasonable advance notice to the Tenant and at reasonable hours in order to inspect the premises, to make necessary or agreed repairs or alterations, to supply services, or to show the premises to prospective purchasers or workers. **V. MISCELLANEOUS CLAUSES**

26. ILLEGAL DRUGS: Drug dealing and usage are strictly prohibited and are grounds for immediate termination of the lease and institution of eviction proceedings.

27. EXTENSION OF LEASE: At the end of the initial lease period, the tenancy will automatically convert to month-to-month, unless the Landlord or the Tenant has served a written notice of termination on the other at least thirty days prior to the end of the lease. In continuing, the Tenant agrees to pay the monthly rental and to keep and fulfill all the other covenants and conditions herein.

28. TIMELY DEPARTURE: When the Tenant vacates the premises after giving proper notice, he shall leave on the day specified, remove all personal belongings, and leave the premises as clean as he found them.

29. **RENT INCREASE:** The Landlord may increase the monthly rent at or after the expiration of the original term of this lease by providing the tenant with written notice at least 30 days prior to the next rent due date. The Tenant then has the option to vacate the premises or to remain at the new rental rate.

30. **DISCLOSURE:** (a) Owner or Agent (b) Tenant/s NAME: _____ NA _____ NAME:
_____ NA _____ ADDRESS: _____ NA _____
ADDRESS: _____ NA _____
_____ PHONE: _____ NA _____ PHONE:
_____ NA _____

ADDITIONAL CLAUSES

31. ACCESSORY APARTMENT

THE ACCESSORY APARTMENT ALSO KNOWN AS 804B KENWOOD AVE SHALL BE OCCUPIED BY A FAMILY MEMBER OF THE MAIN RESIDENCE AND MUST BE OVER THE AGE OF 55 YEARS OLD. YOLANDA THOMAS ATTEST THAT SHE IS OVER THE AGE OF 55 YEARS OLD AND IS THE MOTHER OF JAMILATUMAINI MEZIL-THOMAS.

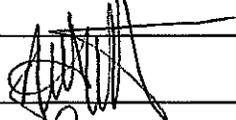
32. PURCHASE OPTION

TENANTS WILL HAVE THE OPTION TO PURCHASE THE PROPERTY AND MUST DO SO BY 8/30/2020. THE PURCHASE PRICE WILL BE DETERMINED BY THE PREVAILING MARKET VALUE AT THE TIME OF PURCHASE. _____

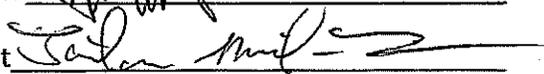
_____ WHEREFORE

We, the undersigned, agree to be bound by all the terms of this agreement:

Landlord



Tenant



Tenant _____

NOTE: The Tenant is urged to purchase special renter's insurance on his personal property because the Landlord's property insurance does not usually cover the occupant's personal possessions against fire, water damage and theft.

PH-3



3616 Oaklawn Boulevard
Owner/Applicant : Oaklawn Boulevard LLC
Modification to Development Standards
Staff Report prepared for the City Council Work Session

Last Revised June 2, 2020

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

I. MEETINGS & WORK SESSIONS:

Planning Commission or Governing Body	Date	Type of Meeting	Action Taken
Planning Commission	January 16, 2020	Public Hearing	Recommended approval with conditions
City Council	February 11, 2020	Work Session	No Action
City Council	June 9, 2020	Public Hearing	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	B-4, Corridor Development District
Acreage:	Property size 22,000 square feet
Owner:	Oaklawn Boulevard LLC
Legal Description:	LOTS 1-2 & REM PTS OF 3-4-5 BLK 23 SUBDIVISION: WOODLAWN
Election Ward:	Ward 7
Land Use Plan Recommendation:	Corridor Development
Strategic Plan Goal:	N/A
Map Location(s):	Sub Parcel #: 089-1200

Zoning of Surrounding Property: North: B-4
South: B-4
East: B-4
West: B-4

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Oaklawn Boulevard LLC to appeal the decision of the Director of Development and request a modification to the Development Standards to park more than five cars on an unpaved surface at 3606 Oaklawn Boulevard.

IV. APPLICABLE CODE SECTIONS:

The provisions of the Zoning Ordinance that are germane to this request for a Modification to the Development Standards are:

G. MODIFICATIONS TO DEVELOPMENT STANDARDS AND REQUIREMENTS

1. *Any aggrieved party may appeal the determination of the Director of Development or City Engineer related to the standards contained within this Article, except for those development standards or requirements, which must be modified by the granting of a variance, special exception, conditional use permit or rezoning. Such an appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Director of Development a notice of appeal specifying the grounds thereof, and paying the applicable fee established for said appeal in Article XXII-G of this ordinance. The Director of Development shall forthwith transmit to the Planning Commission for its review and recommendation to City Council all the papers constituting the record upon which the action appealed from was taken.*

2. *An appeal shall stay all proceedings, to include but limited to site plan, building permit or record plat approval, in furtherance of the action appealed from, unless the Director of Development certifies to the Planning Commission that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life and property, which case proceedings shall not be stayed otherwise than by a restraining order granted by a court of record, on application and on notice to the Director of Development and for good cause shown.*

3. *The Planning Commission shall fix a reasonable time for hearing of the application and shall, within ninety (90) days after the first meeting of the Planning Commission after such referral, report to the City Council its*

recommendation on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

- 4. *Upon receipt of the recommendation of the Planning Commission, the City Council, after public notice in accordance with Virginia Code 15.2-2204, shall hold at least one public hearing on such application, and as a result thereof, shall either approve or deny the request.*

- 5. *The City Council may grant modifications, with or without conditions, to development standards or requirements specific to this Article. No modification to a development standard or requirement shall be authorized by the City Council unless it considers and determines substantial compliance with the Comprehensive Plan. The City Council shall not grant a modification to any development standard or requirement if:*
 - a. *The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.*

 - b. *Ordinary financial considerations are the principal reason for the requested modification.*

 - c. *The modification amends a property-specific condition imposed by the City Council or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the City Council.*

 - d. *The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of the development density.*

- 6. *Any person or persons jointly or severely aggrieved by the final decision of the City Council shall file a written appeal with 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. 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. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transactions. The court shall fix a reasonable time for hearing the appeal.

Article XVIII. Development Standards, Section E. Off Street Parking Requirements

Section E-6: Parking Area Surfaces.

- a. Surfacing of Parking Area: Off street parking areas for five (5) or more cars, or loading or service areas, shall be graded and surfaced with a stable material, that will not track onto pavement, such as asphalt, concrete or an acceptable alternate that will provide equivalent protection against potholes, erosion, and dust. Construction shall be to recognized and adopted standards and engineering guidelines as determined by the Director of Public Works and City Engineer. This requirement shall also apply to interior travel lanes, and lanes for drive- in windows and driveways.
- b. Parking areas that are not provided with the type of surface specified in subsection (a) of this Section shall be graded and surfaced with crushed stone, gravel, crushed shell or other suitable material to provide a surface that is stable, and will help to reduce dust and erosion, and will reduce the impervious character of the surface. The perimeter of such parking areas shall be defined by bricks, stones, or other similar devices as approved by the Director of Development and City Engineer.
- c. Parking areas and spaces in areas surfaced in accordance with subsection (a) of this section shall be appropriately delineated with painted lines or plastic striping or other safety markings which shall provide a permanent delineation between spaces.
- d. Parking areas shall be properly maintained in all respects. Parking area surfaces shall be kept in good repair and condition allowing the movement of vehicles, and parking space lines or markings shall be kept clearly visible and distinct.
- e. In heavy vehicular use areas (e.g. maintenance, garbage collection, deliveries, etc.), reinforced surfaces shall be used in the vehicle movement areas to prevent surface or structural failure, damage of parking, and movement areas.

V. SUBJECT PROPERTY:

The subject property is located at 3616 Oaklawn Boulevard on a vacant lot next to Executive Automotive, across the street from O’Rielly Auto Parts store. The property is approximately 22,000 square feet and is zoned B-4, Corridor Development District. The property was cleared by the applicant

VI. OWNER’s POSITION:

Excerpts from Application

I would like to be able to park more than five cars on gravel to effectively run the business. The asphalt part of the parking lot is too small for customers coming in and out and there is no turn around room which forces them to back up towards three lane traffic. I plan to pave the entire area with asphalt in the near future.

VII. ZONING/STAFF ANALYSIS:

The property is located in the B-4 zoning district. An automotive sales business is allowed by right. The applicant is part owner of the business and has a small asphalt parking lot where he parks vehicles for display. Employees of the business park across the street with permission from a neighboring business.

Currently, the applicant has 15-21 cars parked between the gravel and grass area. The Zoning Ordinance, Article XVIII, Development Standards, Section E. Off Street Parking requires any business that has more than five parking spaces to pave with an asphalt material or a similar material, approved by the City Engineer. The applicant plans to pave at a later date. In the meantime, he is requesting a waiver of the standard that requires paving of the gravel area.

Comprehensive Plan Land Use Category

The 2028 Comprehensive Plan designates this property and those immediately in the vicinity as Corridor Commercial.

This category calls for community retail, shopping center redevelopment, service stations, highway oriented retail, and fast food restaurants.

VIII. PLANNING COMMISSION RECCOMENDATION:

At their meeting on January 16, 2020, the Hopewell Planning Commission voted 3-1 to recommend approval of the request to park more than 5 cars on a gravel area, with conditions. The conditions are as follows:

1. No more than 20 vehicles on graveled area of 3616 Oaklawn Boulevard;
2. No more than 40 cars for the entire business to include 3610 and 3616 Oaklawn Boulevard;
3. Paving must be complete within two (2) years or on February 1, 2022;
4. If 3616 Oaklawn Boulevard is not paved by February 1, 2022, the operation can only have eighteen (18) cars in total; and



- PICTURES OF PROPERTY
- 3610 CURRENT
 - BUSINES





3616 OAKLAWN BOULEVARD – AREA FOR ADDITIONAL CARS ON GRAVEL LOT





The City of Hopewell, Virginia

City of Hopewell, VA
Permits / Inspecti... - 2019093812A - 201
010943-0001 Camisha ... 11/25/2019 10:43
0 -
ZONING APPEALS - REVIEW
Payment Amount: 200.00
Transaction Amount: 200.00
CHECK: 0397

300 N. Main Street · Department of Neighborhood Assistance & Planning · (804) 541-2220 · Fax: (804) 541-2318

APPEAL TO HOPEWELL PLANNING COMMISSION
MODIFICATION OF DEVELOPMENT STANDARDS, ARTICLE XVIII OF THE HOPEWELL ZONING ORDINANCE
(Appeal of Decision)
Fee: \$200

THIS REQUEST IS HEARD BEFORE THE PLANNING COMMISSION AS AN APPEAL TO A DECISION MADE BY THE DIRECTOR OF DEVELOPMENT OR CITY ENGINEER

APPLICANT: Oaklawn Blvd LLC
ADDRESS: 3616 Oaklawn Blvd Hopewell, VA 23860 (mailing Address)
PHONE #: 804-605-0096 FAX #:
EMAIL ADDRESS: executivemotor804@gmail.com

INTEREST IN PROPERTY: [X] OWNER OR AGENT

A. HAS ANY PREVIOUS APPLICATION OR APPEAL BEEN FILED IN CONNECTION WITH THIS PROPERTY? Y [X] N

IF YES, PLEASE EXPLAIN:

B. DATE PROVIDED DENIAL OR NOTIFICATION OF THE NEED FOR A MODIFICATION TO DEVELOPMENT STANDARDS:

Nov. 25, 2019

C. APPEAL OF DECISION/ INTERPRETATION:

STATE BASIS OF APPEAL:

I would like to be able to park more than 5 cars on gravel to effectively run the business. The asphalt part of the parking lot is too small for customers coming in and out and there is no turn around room which forces them to back up towards 3-lane traffic. I plan to pave the whole area with asphalt in the near future.

Attach additional sheets, if necessary

App# 20190938

In accordance with Article XVIII, Section G of the Hopewell Zoning Ordinance related to Development Standards such appeal of the decision of the Director of Development or City Engineer must be made within thirty (30) days after the decision is provided of denial and/or need for a modification to the standards. The appeal must be filed with the Department of Neighborhood Assistance & Development specifying the grounds thereof, and paying the applicable fee. The Director shall transmit to the Planning Commission all the papers constituting the record upon which the action appealed was taken.

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

	<u>11-25-19</u>
APPLICANT SIGNATURE	DATE
<u>R.K. Hamill</u>	<u>11-25-19</u>
APPLICANT PRINTED NAME	DATE

OFFICIAL USE ONLY

DATE RECEIVED: 11/25/19 DATE OF FINAL ACTION: _____

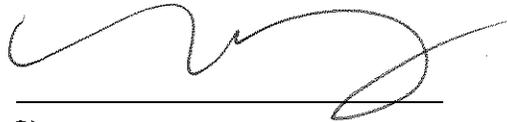
ACTION TAKEN:

_____ APPROVED _____ DENIED

_____ APPROVED WITH THE FOLLOWING CONDITIONS:

AFFIDAVIT OF MAILING

I, (*Melissa Perez Diggs*), under oath, hereby certify that the City of Hopewell received a request for Modification of Development Standards by Oaklawn Blvd. LLC, for 3616 Oaklawn Blvd. (Sub-Parcel #0891200), to park more than 5 cars on a graveled area to effectively run the business. Notice was mailed on (*May 29, 2020*) by first class mail, postage prepaid, to all interested property owners, agents, occupants and other parties listed on the attached mailing matrix, all in accordance with Section 15.2-2204, Code of Virginia, 1950, as amended.



Signature

Executive Assistant

Title

COMMONWEALTH OF VIRGINIA
CITY OF HOPEWELL, TO WIT:

I, undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that (*Melissa Perez Diggs*) whose name is signed to the foregoing as **Executive Assistant** for the (**Department of Development/Planning**), has signed, acknowledged and sworn to the same before me in my jurisdiction aforesaid and, under oath, acknowledged the contents of the foregoing instrument to be true and accurate.

Given under my hand this 1st day of June 2020.

My Commission expires:

04/30/2022


Notary Public





*The City of
Hopewell, Virginia*

Department of Development

300 N. Main Street • Hopewell Virginia 23860 • (804) 541-2220 • Fax: (804) 541-2318

May 29, 2020

NOTICE OF PUBLIC HEARING & MEETING
CITY OF HOPEWELL

Dear Adjacent Property Owner:

The Hopewell City Council will conduct a public hearing on Tuesday, June 9, 2020 at 7:30 p.m. for the purpose of receiving comments regarding the following requests in accordance with, Article XXI, Amendments, Article IX, Section H, and Article XXIII (Development Standards), Section G, of the Hopewell Zoning Ordinance. The following item will be considered:

A request for Modification of Development Standards has been submitted by Oaklawn Blvd. LLC, for 3616 Oaklawn Blvd. (Sub-Parcel #0891200), to park more than 5 cars on a graveled area to effectively run the business.

This will be a virtual (electronic) meeting pursuant to and in compliance with the Emergency Ordinance Authorizing and Providing for the Continuity of Hopewell City Government (Ordinance 2020-428) during the Covid-10 Pandemic, approved by Hopewell City Council on April 28, 2020. The public may listen and/or observe the meeting in real time by calling (804) 541-2220 and registering with the Department of Development before 5:00 p.m. Monday, June 8, 2020.

Prior to the meeting, the public may offer comment on the public hearing items or under citizen comments by leaving a voice message that will be read into the meeting minutes at (804) 541-2220. Please listen carefully to the prompts that will direct you to the City Council comment mailbox. The public can also email comments to Devdept@hopewellva.gov. You can also mail in comments to 300 North Main Street, Suite 321, Hopewell, VA 23860. These comments will be received by Melissa Perez Diggs, Executive Assistant. All verbal and written comments must be received by Monday, June 8, 2020 at 5:00 p.m., the day before the public hearing.

If additional information is required, please contact the Department of Development at (804) 541-2220.

Sincerely,

Tevya Williams Griffin, AICP
Director
Department of Development

Oaklawn Blvd LLC
3610 Oaklawn Blvd
Hopewell, VA 23860

Isenhour Anne H
8351 Meadowland Dr
Locust Grove, VA 22508

O'berry Alvin & Evelyn M Life Ests
3706 Oaklawn Blvd
Hopewell, VA 23860

Cooper Thelma F Or Sherri A Mills
P O Box 357
Hopewell, VA 23860

Synthetic Federal Credit Union
P O Box 727
Hopewell, VA 23860

Savidge Richard D Sr Or Gail E
3601 Virginia St
Hopewell, VA 23860

Martin Linda
3605 Virginia St
Hopewell, VA 23860

Hassell James D Or Shirley A
9749 Millstone Drive
Hopewell, VA 23860

Styles Deborah K
3613 Virginia St
Hopewell, VA 23860

Hudson Family Homes LLC
601 N 6th Ave
Hopewell, VA 23860

Crenshaw Linda A
3619 Virginia St
Hopewell, VA 23860

Botkins Derrick L
105 Alabama Court
Daleville, VA 24083

Copra House Properties LLC 12384
Mechumps Creek Ln
Ashland, VA 23005

Titanium Jubilee LLC
805 S 15th Ave
Hopewell, VA 23860

Maxwell Joyce M
11625 Village Garden Drive
Chester, VA 23831

Oreilly Automotive Inc Thomson
Property Tax Service
P O Box 06116
Chicago, IL 60606-0116

Redding Bobbie N
1100-F Clarendon St
Fayetteville, NC 28305

Little School Inc.
P.O. Box 1779
Hopewell VA 23860

Wallace Properties LLC
PO Box 598
Colonial Heights, VA 23834

Labkov Stanislav
4501 Patterson Ave.
Richmond, VA 23221

UNFINISHED BUSINESS

UB-1



City of Hopewell Policy Statement

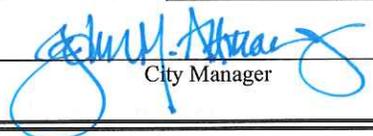
Policy Number: _____

SUBJECT: Technology Equipment Purchasing Policy

ORIGINATING OFFICE:
City Manager _____

(TO BE FILLED OUT BY THE CITY MANAGER)
EFFECTIVE DATE: March 5, 2020

ADMINISTERING DEPARTMENT: Information Technology

APPROVED BY: 
City Manager

1. Overview

The purpose of this policy is to outline the process by which the City of Hopewell acquires technical equipment as well as the purchasing of office software, computers and laptops for employees. The goal of the policy is to ensure that each employee has a suitable computer and office software to perform his/her assigned responsibilities while also providing judicious stewardship of city's resources.

2. Scope

This policy applies to all office software, desktops, laptops and tablet computers purchased with City of Hopewell's funds or grant funds, regardless of their actual location of use. In the context of this policy, a "computer" is defined as a complete working computer system. A computer system includes a monitor, desktop, keyboard and mice and generalized organization software (i.g., Office Software). The complete computer systems does not include tablets, printers, peripherals, external memory, external disk drives, additional monitors, or departmental software.

3. Centralized Computer Purchases

All computer purchases must be made through with Information Technology Department and must adhere to the City's procurement and technologies policies and standards, e.g., information security, responsible use, etc. Benefits of a central purchasing process include:

- 3.1 Ensuring that staff, and administrators have access to up-to-date computer systems.
- 3.2 Requiring that computing equipment purchases are reviewed by IT staff.
- 3.3 Consolidating purchasing into large orders to lower costs associated with acquisition and deployment.
- 3.4 Maximizing value by working with preferred vendors.
- 3.5 Reducing the total cost of ownership by purchasing standardized configurations.

- 3.6 Centralizing record-keeping to facilitate effective planning, maintenance, upgrades, and disposal.

4. Policy

All departments are required to inform the Information Technology Department prior to purchasing any technical equipment or related technical purchases to ensure that the technology equipment being purchase is compatible with existing equipment. Also, this is to determine any additional resources or requirements needed related to the product, such as server space; purchased from a reputable manufacturer, has a warrantee and fits within the IT's Department support guideline. All computer purchases must be made with the information technologies preferred supplier(s) and conform to a set of city-specified standard models.

- 4.1 Only one computer per full-time or part-time employee will be refreshed.
- 4.2 Desktop systems will be encouraged for all personnel, unless their job warrants frequent mobility, with approval of Department Director.
- 4.3 Tablets may be purchased with Director's approval but will not be refreshed with IT funds.
- 4.4 Computers or accessories lost or stolen will be replaced by the department assigned the equipment. Each department will be responsible for the replacement and cost of any lost or stolen technical equipment to include, desktop, laptops etc. The Departments' Director may hold the employee responsible for the replacement and/or cost of any lost or stolen technical equipment
- 4.5 Computers with abnormal wear and tear will not be refreshed or replaced until next refreshment period.
- 4.6 All computers will be asset, tagged and entered into the City's Asset Management System.
- 4.8 Employees must complete a technology exit check-sheet and it must be returned to the IT Department upon departing from the city to verify all assigned equipment. If not, the last paycheck will be withheld until the equipment and/or exit check sheet is returned.
- 4.7 Employees whose responsibilities require an alternative to the standard configuration must be approved by the Department's Director.
- 4.8 All computers purchased with city funds remain the property of the City until disposed of through the City of Hopewell surplus property program.

- 4.9 Departments will be responsible for all other computer and technical related equipment. Each department is responsible for the purchases of: theft replacement (lost or stolen); tablets (iPad or Android) device replacement or repair; monitor larger than 24inch LCD; docking stations; additional monitors; office printers (non-network); Scanners; secondary computers; speakers; wireless technology (headsets, mice, etc); Bluetooth technology.
- 5.0 The Information Technology will be responsible for providing: new hire computer for new positions; employee temporary computer; monitor 24 inch LCD; network printers and multi-function devices; computer accessories (keyboard, mouse, ups etc.).

5. Computer Refresh Cycle

City of Hopewell will follow a 4 year computer refresh cycle. Computers are ordered, managed, and replaced by IT Service. Systems should have at least a 4 year warranty (potentially covered by a fee based extended warranty) and equipment should ideally last 4 years.

6. Computer Allocation and Refresh Eligibility

The City has established a standard for which positions/roles are eligible for computers and computer refresh. These standards are based on finances, support staffing, and issues such as software licensing terms and agreements. All computers must be purchased with the approval of the IT Department.

- 6.1 Existing Full Time Employees
Existing full-time staff members with computers that are four years or older will be placed on a computer replacement list for review and be eligible to receive one new computer during the refresh deployment period.
- 6.2 Part Time Employees
Part-Time employees working 30 hours or more per week are eligible to receive a computer if a functional need exists. Requests will be filled based on the availability of resources. Part-Time employees working less than 30 hours per week will not be allocated a dedicated workstation.
- 6.3 New Hires into Existing Full Time Positions
When a position is vacated, any computer that was assigned to that vacating individual will be returned to IT Services as part of our regular inventory. When a new hire fills a vacated position, the new hire will be assigned a computer appropriate for their role & any specific needs. The computer will be refreshed once it reaches its four-year end of life.
- 6.4 Newly Created Full Time Positions
Newly created positions are eligible to receive one new computer when the new hire arrives. Computers for new full-time staff will be ordered and deployed after a supervisor completes a technology Help Desk ticket indicating the need. IT Services requires a minimum of 2 weeks lead time to procure and configure the

workstation. Procurement times may vary based on vendor availability and shipment dates.

7. Refresh of Existing Systems

- 7.1 Tablet computers must be purchased with departmental funds and will not be refreshed by IT.
- 7.2 A computer will be refreshed on a one-to-one basis only. Any old system must be returned to the Information Technology department for disposal. Any systems stolen or lost will be replaced by departmental funds.
- 7.3 Computer systems will be refreshed within the fiscal year in which they are determined to be end-of-life.
- 7.4 Upon replacement, the previous computer(s) will be removed by I.T. The computer being refreshed will be returned to I.T. and cannot be kept by the department for other computer needs.
- 7.5 Requests to retain the previous computer at the time of installation of the replacement computer will not be approved.

8. Grants for Technology

Departments receiving computer equipment grants must work with Information Technology Department. To determine purchasing needs equipment being-purchased with the grant will be reviewed to ensure that the equipment may be utilized in the City’s environment and that ongoing support can be provided.

9. Special Needs

- 9.1 I.T. will meet reasonable above-average needs (e.g., larger displays for those who regularly work on two documents simultaneously or for someone with vision problems). If additional computers or special peripherals or software are needed, the funds will be furnished through departmental or grant funds. I.T. will provide assistance by obtaining quotes from vendors and configuring the machines. These computers will not be included in the technology refresh replacement cycle.
- 9.2 I.T. will have several laptops available for special events, presentations and other short-term needs.

10. Other Considerations

10.1 Time to Delivery

IT Services requires a minimum of 2 weeks lead time to procure and configure the workstation. Procurement times may vary based on vendor availability and ship dates. Therefore, requests should be made in advance of employee arrival.

10.2 Theft, Damage and Loss

Barring evidence of negligence, any computer that is lost, stolen or damaged will be replaced with Department Fund. In case of loss or theft, the department must immediately contact the Hopewell Police Department and then report the theft or loss to the IT Services Help Desk. If a computer has incurred accidental damage

that is determined by ITS to be due to negligence or fault of its operator, repair or replacement will be fully covered by department funds.

10.3 Multiple Computers

Each eligible employee will be assigned a single computer. Multiple computers should only be purchased for a single staff member in rare cases where separate computers are required to meet a specific administrative need. Departments may use departmental funds to purchases additional computers for their department.

10.4 Computer Moves and Reallocations

When a department wishes to reallocate a computer within the department, or when an employee moves offices, a help desk ticket should be entered through the city Help Desk to handle this request. No computers should be moved within or between departments without notification to the IT Department. All computers on city need to be accounted for and movement by department members can disrupt this process. For a computer to be on the replacement cycle eligible list, IT Services needs to know where each computer is and who the computer is assigned to.

10.5 Temporary Need Computers

Where a department or user has a short-term computer need of less than 1 month, IT Services will endeavor to make a functional loaner system available. This loaned computer will be returned to IT Services after the short-term need. When a computer is needed for longer than 1 month, arrangements must be made for a purchase to fulfil the need.

10.6 Data Ownership and Migration

The security of data that is stored on a user’s assigned drive and in the private cloud. IT Services will assist users in migrating data from the old to new workstation. It is the assigned user’s responsibility to confirm they have all needed data from the old computer when it is returned to IT Services. Recipients of new or replacement computers must return the old computer to IT Services within 7 days.

11. Policy Administrator

The IT Department may restrict the use of its computers and network systems when presented with evidence of violation of City’s policies, or federal or state laws, or when it is necessary to do so to protect the City against potential legal liability. The City of Hopewell reserves the right to limit access to its information technology resources, and to remove or limit access to material stored on the City’s technology resources.

CREATED/AMENDED: January 01, 2020

DATE AMENDED: March 5, 2020

**REGULAR
BUSINESS**

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Colonial Corner (4100 Oaklawn Boulevard) Demolition Revisited

ISSUE: Provide an update to City Council regarding the demolition of Colonial Corner

RECOMMENDATION:

TIMING: June 9, 2020

BACKGROUND: City Council approved the removal of the Colonial Corner shopping center at their August 20, 2019 meeting.

ENCLOSED DOCUMENTS:**STAFF:**

Chief Donnie Hunter, Fire Department
 Robert Todd Hawkes, Building Official
 Tevya W. Griffin, Director, Department of Development

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

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

SPOT BLIGHT UPDATE

HOPEWELL CITY COUNCIL MEETING
JANUARY 28, 2020

OAKLAWN BOULEVARD

- The asbestos report completed in August of 2016 shows small traces of asbestos in some units on vinyl floor tiles, black floor adhesive, and roof flashing sealant. All must be removed prior to demolition.
- Council approved the demolition of the building at owners expense in August 2019.

BID AMOUNTS

- After August 2019 Council meeting, Building Official solicited quotes for asbestos removal and removal of fire debris from building
- Lowest Bids for Burn of Building
 - Asbestos Removal - \$39,700
 - Debris Removal - \$60,000
 - TOTAL COST: \$ 99,700
- Lowest Bid for Demolition
 - Building Demolition - \$275,000
 - Asbestos Removal - \$39,700
 - TOTAL COST: \$ 314,700

NEGOTIATION

- October – November 2019 Staff contacted property owner to provide final quotes
- Meeting scheduled with property owner on December 3 – no show
- Director of Development and Building Official met with property owner – December 6
 - Owner informed Staff only able to pay a portion of cost up front (\$7,000)
 - Remainder (\$92,700) – request a payment plan
- December 17, 2019 – Meeting between City Staff, Administration, and City Attorney to discuss December 6th meeting and next steps
- City Manager and Director of Development met with property owner in February 2020. Property owner no longer agrees to pay for burning/demolition up front. Instead wants payment arrangement. Did not agree to terms of Council

NEXT STEPS

- Options
 - Burning of building no longer an option at this time due to weather conditions – hot, humid, little rain, too much risk in fire spread
 - No payment plan, City fund asbestos removal, demolition and debris removal up front, place lien on property for repayment. Must be paid at time taxes are due
 - Bill property owner- payment due in 30 days. If payment not made, place lien on the property. Payment required before taxes are paid.
 - Utilize legal options available

QUESTIONS & DISCUSSION



106 N Main Street
Hopewell, VA 23860

October 15, 2019

City Of Hopewell
300 N Main Street
Hopewell, VA 23860

Attn: Todd Hawkes

Re: Former Shopping Center (Revised)

Dear Todd,

This shall serve as Abateco Services, Inc's written proposal for the above referenced project.

Scope:

After careful review of our pricing dated August 28, 2019 we are able to offer the following revised proposal:

Abateco will remove approximately 19,540 sf of floor tile and mastic in various areas and the 1,600 linear feet of roof curbs. Abateco will be responsible for hiring the Third Party independent monitoring firm to provide clearance following abatement.

Abateco's revised price is \$ 39,700.00

Exclusions: Bond, site security, building security, utility disconnects and make safe.

All work to be performed in accordance with Federal, State, and Local requirements. If you have any questions or comments, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Lewis E. Stevenson", is written over a horizontal line. The signature is fluid and cursive.

President

B & T Excavating

13701 Vance Drive
Chester, VA 23836

Estimate

Date	Estimate #
7/21/2019	366

Name / Address
City Of Hopewell

Project
Colonial Corner

Description	Qty	Rate	Total
Demo building after fire department has burned up, separate burned material from concrete and steel. Pile concrete in one pile and still in another. Hauling off of un burned material will be done by the load. his is an un know due to how much will still be on site,	1	60,000.00	60,000.00
		Total	\$60,000.00

R-2

RULES AND PROCEDURES OF THE HOPEWELL CITY COUNCIL



I. PURPOSE AND BASIC PRINCIPLES UNDERLYING RULES OF PROCEDURE

1-1 Purpose of Rules of Procedure

- A To enable the City of Hopewell (“City”) government to transact business expeditiously and efficiently.
- B To protect the rights of each individual Hopewell City Council (“Council”) member.
- C To preserve a spirit of cooperation among Council members.
- D To determine the pleasure of the Council on any matter.

1-2 Basic Principles Underlying the Rules of Procedure

- A Only one subject may claim the attention of the Council at one time.
- B Each item presented for consideration is entitled to full and free discussion; no member shall speak for the second time on a topic until every member desiring to speak has spoken once.
- C Every member has rights equal to every other member.
- D The will of the majority must be carried out and the rights of the minority must be preserved.

- E The personality and desires of each member should be merged into the larger unit—the Hopewell City Council.
- F Discussion by members should be directed at the specific issue before the Council, not at other members.

1-3 Rules of Interpretation

A These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members. Except for those rules that are specifically provided by the City Charter, they do not have the force of law.

B Where these Rules of Procedure are silent, Robert’s Rules of Order shall prevail and govern questions of order and procedure.

C Only members of the Council have standing to raise a point of order or to challenge a ruling of the President or other action of the Council on the basis of compliance or non-compliance with these Rules of Procedure or Robert’s Rules of Order. In no event shall questions over compliance with these rules be raised judicially.

D Non-compliance with these Rules of Procedure must be raised at the time of the non-compliance, and prior to continued debate or a vote. If a challenge is timely raised, the only relief available shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely raised, the right to challenge the non-compliance is waived. In no event shall a violation of these rules result in the voiding or overturning of any action of the Council.

E Failure to comply with these rules or Robert’s Rules of Order shall not invalidate any Council action otherwise valid at law.

II. COUNCIL MEETINGS

2-1 City Council to Sit in Open Meeting

A The Council shall sit in open meeting and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Council may conduct a closed meeting as permitted under the Virginia Freedom of Information Act or other provisions of law.

B Subject to the approval by the President, a member of the Council may participate in an open meeting from a remote location through electronic communications

means even though the remote location is not open to the public. Such participation shall be strictly conditioned upon a satisfactory showing of the following:

- (1) A quorum of the public body is physically assembled at the open meeting; and
- (2) prior to the open meeting, the member (a) has notified the President that the member is unable to attend the meeting due to an emergency or personal matter, (b) has described the nature of such emergency or personal matter with sufficient specificity; and (c) the member has not participated in more than two meetings from a remote location in any given calendar year; or
- (3) prior to the open meeting, the member has notified the President that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability that prevents such attendance.

C In all cases in which attendance by remote location is approved, the President shall cause to be recorded in the minutes of the meeting the identification of the remote location from which a member participates, and the specific nature of the emergency or personal matter causing member to request remote location, or, where applicable (and with less specificity), a reference that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability.

D The President shall disapprove the member’s request to participate from a remote location if such participation will violate the policy set forth herein. The President shall state the reason(s) for his or her disapproval with specificity in the presence of the Board, and shall have the same recorded in the minutes of the meeting.

E The Council shall make arrangements for the voice of the remote member to be heard by those persons assembled at the open meeting location.

2-2 Conduct in Meeting

A The effectiveness and efficiency of governmental bodies in serving the public is enhanced by the proper conduct of all participants of meetings and work sessions of the Council.

B All such meetings and work sessions shall be conducted with observance by all participants of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. This rule is not intended to restrict disagreement or opposition to any proposal, motion, or argument rather this rule is intended to restrict the manner in which such disagreement or opposition is expressed. Shouting, profanity, threats, personal attacks, abusive or slanderous statements, and other similar actions are prohibited. Should the actions of a member or attendee violate the foregoing guidelines for conduct, in the view the Presiding Officer or of a majority of Council, the Presiding Officer may address that participant’s deviation from the guidelines. The Mayor/Presiding Officer

may reprimand any person who violates these guidelines or engage in disorderly conduct while addressing Council. A second occurrence of violation or disorderly conduct by the same person during the same meeting shall require his or her removal from the meeting. Attendance by that person at subsequent meeting shall be permitted only upon petition to Council which must be approved by majority vote. Any member making personal, impertinent, abusive or slanderous statements, or who shall incite disorderly conduct shall be reprimanded by the Mayor and may also removed from the meeting, but only upon a majority vote of the Council, which shall not (for the purposes of this rule) include the member whose continued presence is being considered.

C Council Members and Administration shall be addressed by title or Mr., Mrs., or Miss during meetings.

D The rules of conduct described herein are intended to apply to all City Council appointees to any agency, committee, commission, or similar entity.

2-3 Regular Meetings

A Regular meetings shall be held on the second and fourth Tuesdays of each month in the Council Chamber, third floor of the Municipal Building, 300 N. Main Street, Hopewell, Virginia commencing at 5:30 p.m., if a closed meeting item(s) can and should be addressed. The regular business meeting shall begin at 6:30 p.m. and shall be devoted primarily to city business, including action items, discussion/presentations, and policy formation. Public hearings, when such have been scheduled or are required by law, shall be conducted on the second Tuesday of each month beginning at 7:30 p.m.

B When a regularly scheduled meeting falls on a legal holiday or Election Day, the meeting shall be held on the following business day.

C A regular meeting may be cancelled by the President (or the Vice-President if the President is unable to act), or upon a finding that weather or other conditions are too hazardous for the members or the public to attend. In the event the regular meeting is cancelled due to weather or hazardous conditions, the meeting may be held on the next business day on which the weather or hazardous condition has abated or as determined by the President or Vice-President without further advertisement or notice.

D Regular meetings may be adjourned without further public notice, from day to day, from time to time, or from place to place, until the business before the governing body is completed. However, regular meetings may not be adjourned beyond the fixed date for the next regularly scheduled meeting.

2-4 Special Meetings

A The City Council may hold special meetings as deemed necessary, at such times and places at it may find convenient.

B A special meeting may be held on the call for the same by the president, the city manager, or any members of Council, but as a general practice should not be called for matters which can be timely addressed at the next regular meeting.

C Only matters determined by the caller and specified in the notice shall be considered at the special meeting except by unanimous consent of all members of Council. Notice of special or emergency meetings shall be reasonable under the circumstances and given contemporaneously with that notice provided to the members. Special meetings may be adjourned.

D Notice for special-called meetings shall be reasonable under the circumstances, as provided by §2.2-3707 of the Code of Virginia, as amended.

2-5 Work Sessions

A Work Sessions constitute public meetings of the City Council and shall require legal notice as required by §2.2-3707 of the Code of Virginia, as amended.

B Work sessions may be called and convened as a “Council Work Session” but shall be treated as a special meeting unless such work session(s) was scheduled and approved in advance at the City Council’s reorganization meeting.

C Because work sessions are intended to provide Council sufficient time to fully discuss and consider matters affecting the City, except for the period of time scheduled for the meeting, members of the City Council shall not be limited in their discussion or consideration related to any matter noticed to be before the Council at a work session.

D For any work session scheduled, the City Manager will attend and present information as deemed necessary and appropriate for the subject matter or purposed noticed and procure the attendance of all necessary City staff and information to ensure the efficient use of a work session.

E Upon advance notice, staff and/or outside agencies may be requested by City Council to make a presentation to the Council during a Council Work Session.

F Council reserves the right to take formal votes at any meeting at which a quorum is present, including at a work session.

2-6 Closed Meetings

A A closed meeting may only be convened in conformance with the Virginia Freedom of Information Act or other provision(s) of law that would make such meetings or discussions of items in those meetings confidential.

B No resolution, ordinance, rule, contract, regulation or motion agreed to in a closed meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

C At the conclusion of a closed meeting, the Council shall reconvene in open meeting immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

- (1) Only public business matters lawfully exempted from open meeting requirements were discussed; and
- (2) Only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

D Any member who believes that there was a departure from certification requirements of Rule 2-6(C)(1) or (2) shall state so prior to the vote, indicating the substance of that departure (in his or her judgment). The member's statement shall be recorded in the minutes.

E The failure of a certification to receive the affirmative vote of a majority of the members present during the closed meeting shall not affect the validity or confidentiality of the closed meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

F The Council may invite non-members to attend a closed meeting if the presence of the non-members will reasonably aid the Council in its consideration of an issue.

G Any member may request a proposed closed meeting item be pulled from the agenda for a separate vote on entering closed meeting, at his or her discretion.

H Any matter discussed in closed meeting is privileged and shall not be disclosed by any member or invited guest, except as required by court order.

2-7 Public Hearings

A The order of business for consideration of a matter on the Board's public hearing agenda shall be as follows: (1) Staff presentation, (2) Applicant's Presentation, (3) Comments from members of the public, (4) Close Public Hearing, (5) Follow-up Questions to staff or applicant, if any, and (6) Council discussion and/or action.

B Members of the Council may direct questions to staff during the staff's presentation.

C After public comment, any member may ask the applicant to respond to specific questions raised by the public.

D Each speaker may have up to 3 minutes to make comments to the Council regarding the subject of the public hearing, whether speaking as an individual or as a representative of ay group or organization. Speakers shall not be permitted to yield their time to another. In the event of a large number of speakers resulting in the continuation of the hearing, any person not heard at the initial public hearing will be the first to speak at the continued hearing.

E The Chair has the authority to add to or decrease the time allotted to each speaker based on the number of citizens who sign up to speak. The order of speakers will be determined by the sign in registry.

F On any matter referred to the Council by the Planning Commission, if the applicant or its authorized representative fails to appear before the Council at any City Council hearing or proceeding on the Applicant’s matter, the Council may deem the absence as a request from the applicant to withdraw the application.

2-8 Time Limitation

All meetings will have a three-hour time limit from beginning to end unless Council waives or suspends this rule to extend the meeting. Any item not addressed within the three (3) hours will be continued to the next scheduled meeting as Unfinished Business.

2-9 Discussion Limitation

Each member may speak up to but no more than 10 minutes on any agenda item, if a motion has been made and seconded. This limitation shall be applied to all questions, discussion, and debate made by the member. No member shall speak more than one time on such item unless every other member has been given an opportunity to speak for the same number(s) of time. A member shall not have the right to yield any of his or her time to another member. The time limitations imposed by this rule shall not apply to work sessions or public hearings.

III CONDUCT OF BUSINESS

3-1 Order of Business

A Call to Order

B Roll Call. In the absence of a quorum at the time appointed for a meeting, the members present by a majority vote take a recess or recesses and direct the Clerk to procure the attendance of absent members. A quorum exists when a majority of Council is present. Should a quorum be not established within no later 30 minutes of the meeting time, the meeting shall be adjourned.

C Closed Session

D General Business/Administrative Session

- (1) Invocation shall be conducted in accordance with §15.2-1416.1 of the Code of Virginia (1950), as amended, prior to the governing body's actual call to order or convening of business.
- (2) Pledge of Allegiance
- (3) Adoption of Regular and Consent Agenda (any change after this point will require 2/3 vote)
- (4) Minutes Approval
- (5) Consent Agenda Items. The President, City Manager, or Clerk are encouraged to place routine business, non-controversial matters requiring Council action on the Consent Agenda. Each item for which action will be taken by consent shall be separately listed on the consent agenda. Any Council member may remove items from the Consent Agenda and place them on the regular agenda before consent agenda vote is taken.
- (6) Recognitions/Proclamations/Appointments
- (7) Communications from Citizens/Public Comment. The Council shall set aside thirty (30) minutes for Communications from Citizens to receive comments from any citizen on any topic not set for public hearing at that meeting. Each citizen shall be allocated three (3) minutes of time to address the Council. All remarks shall be addressed to Council as a body and not to any specific member. Speakers shall not be allowed to: (a) campaign for public office, (b) promote private business ventures, (c) engage in personal attacks, or (d) use profanity or vulgar language. No questions shall be asked (or answered) during the citizen comment period. With due consideration of First Amendment rights and the general limitations imposed herein, the Chair shall have the authority to determine that a matter addressed by a citizen is not an appropriate matter to be heard at the Council meeting. If the chair makes such a determination, any member of Council may make a motion to allow the citizen to speak on the matter. No second shall be required and a majority vote of Council will make the final determination on the issue. In the event that not every speaker has had an opportunity to speak within the thirty (30) minutes, the President shall poll the Council on the question of amending the agenda to add more speaking time after the scheduled business of the meeting.
- (8) Presentations/Information/Discussion Items Presentations (Presentations will be limited to 10 minutes.)
- (9) Unfinished Business
- (10) New Business/Action Items
- (11) Reports of Officers, Boards, Commissions, and Standing Committees

E Public Hearings 7:30 p.m.

3-2 Motions

A No motion shall be discussed prior to being duly seconded. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.

B All motions shall be duly seconded before being submitted to the Council for action.

C When a question is under discussion, no motion shall be received unless it is one to:

- (1) To fix the time to adjourn
- (2) Adjourn/recess
- (3) lay on the table,
- (4) [call] for the previous question,
- (5) Postpone to a certain time
- (6) Refer
- (7) Amend
- (8) Postpone indefinitely (kill). Such motion shall have precedent in the foregoing order.

D No member should speak for the second time on a motion until every member desiring to speak has spoken.

E A member shall confine his or her debate to the specific motion under debate.

F Upon the demand of any member, a question under consideration and covering two or more points shall be divided when the question admits such division.

G Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.

H When a vote on a motion has been announced, it may be reconsidered:

- (1) During the meeting in which the vote was taken or during the next regularly scheduled meeting that immediately follows the vote; and
- (2) only upon the motion of a member who voted with the prevailing side. (In the event a motion fails due to a tie vote, a motion to reconsider may be made by any member.)

I Failure of a motion couched in the negative shall not authorize positive action.

J A tie vote defeats the question being voted upon, except as provided by §15.2-1420 of the Code of Virginia (1950), as amended.

K A motion to rescind or to amend a prior action adopting something with continuing effect by the Council may be made by any member at a subsequent meeting upon proper notice having been given. There is no time limit for the making of such a motion. Voting requirement is a majority of a quorum, if no advance notice is given to the motion to rescind or amend prior action, the voting requirement shall be a 2/3 vote.

L A motion to rescind or amend a prior action shall be deemed improper if:

- (1) the original action by the Council was subject to a motion for reconsideration
- (2) the action or inaction of a third party in reliance on the original Council's action is impossible to undo
- (3) in certain personnel actions that have been taken (as described in Robert's Rules of Order); and
- (4) in any land use decision.

M As applied to any action taken by the Council, the terms "adopt", "accept", "agree to" and "approve" are equivalent terms, and the usage of one over another shall not constitute a basis for challenging or invalidating Council action. Notwithstanding the foregoing, the term "adopt" is preferred for motions related to ordinances and resolutions.

3.3 Method of Voting

A All questions shall be stated and put the members by the Presiding Officer.

B Every member present when a question is put shall vote either "yes" (or "aye") or "no" (or "nay"). No member shall participate in a vote on any ordinance, resolution or motion dealing which s/he is an attorney, officer, director, agent or has a financial interest other than as a minority stockholder or as a citizen. Except on matters involving the consideration of his official conduct or where his financial or personal interests are involved, no member shall be excused from voting. In accordance with §2.2-3112 Code of Virginia, as amended, a member shall disclose his or her personal interest(s) and the same shall be recorded in the minutes. Silence shall be recorded as an affirmative vote.

C Votes concerning the approval of any ordinance or resolution shall be by roll call by the Clerk, followed by immediate statement of result. Roll call for voting on motions shall be chronological by ward numbers.

IV MEMBERS – DUTIES AND PRIVILEGES

4.1 Suspend Rule. These Rules of Procedure may be suspended or waived at any time by the vote of 2/3 of all members present.

4.2 Abstract of Statement. A member may request through the President the privilege of having an abstract of his or her statement on any subject under consideration by Council entered into the minutes.

4.3 Removal of Agenda Item. Once a member places an item on the agenda, that item can only be removed by the member who requested it prior to the adoption of the agenda. Once the agenda is adopted, any item can be removed by a 2/3 vote of all members present.

4.4 Seating. Members are seated at the council chamber dais as follows. President/Mayor: center; Vice Mayor: immediate left of mayor; most-recent past mayor, if any: immediate right of mayor; remainder of members: in increasing numerical order by ward, starting at the far left of the mayor and the immediate right of the city manager. If the vice mayor is the most-recent past mayor, then the next-most-recent past mayor sits to the right of the mayor. The remaining seats are occupied, from the far left, by the city attorney, the city manager, the city clerk, and the assistant city clerk, respectively.

Assistant City Clerk	City Clerk		Immediate Former Mayor	Mayor	Vice Mayor			City Manager	City Attorney
The four wards not represented by the Mayor, Vice Mayor and Immediate Past Mayor (*if there is one) are seated in chronological order by Ward beginning to the far left of the Mayor with the first consecutively numbered ward.									

4.5 President/Chair. The President/Mayor shall preside over all meetings of the Council and shall assist with the preparation of meeting agenda unless otherwise provided by law or these Rules of Procedure. The Chair shall preserve decorum and decide all questions of order subject to appeal to Council. In the case of an appeal from a ruling of the Chair, the question shall be put: “Shall the decision of the Chair stand as the decision of the Council?” The Chair may call upon the Vice Mayor or any member, who has not and will not speak on an issue, to take the Chair for a single issue until such is resolved. In no instance shall this substitution extend beyond adjournment.

4.6 Temporary Chairman. In the absence of the Mayor and Vice Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, Council shall proceed to elect by a majority of those members present, a chairman to act until such time as the Mayor or Vice Mayor appears.

4.7 Excused during meeting. Any member desiring to be excused while Council is in session shall obtain such permission from the Chair.

4.8 Standing committees. Standing committees shall be created only by resolution, which shall include the purpose and composition of the membership (by number), and shall be approved at a regular Council meeting. Once established, members shall be appointed by the Mayor, with the concurrence of members of Council. The Mayor may designate a chairman of the committee. The committee may elect a vice-chairman to serve in the absence of the

chairperson. Standing committees shall make periodic reports and recommendations to Council for their information and consideration.

4.9 Special committees. Special committees are appointed by the Mayor for specific purposes, with the concurrence of members of Council. Special committees shall terminate, by operation of law, upon completion of the assigned task and report to Council. Any special committee not terminated, shall be terminated on the date of the reorganization meeting at which a Mayor and Vice-Mayor are elected.

V MISCELLANEOUS

5.1 Clerk of Council. The Clerk shall be the custodian of all the papers, correspondence, and records of the Council and shall keep official minutes of proceedings which shall record the motions and votes of Council and only such further detail of matters as may be approved by majority vote or requested publicly “for the record” which may be in writing and shall be attributed to the individual Council member making the request. In the absence of the Clerk, and/or the Backup City Clerk, the Mayor shall appoint a Clerk pro tem to keep the minutes and file same in the office of the City Clerk. Detailed debate shall not be recorded in minutes unless requested by Council at public session and with majority of Council’s support. Minutes shall be mainly a record of what was done at the meeting, not what was said by the members. Any question as to the contents of the minutes may be decided only by a majority of Council at the time the minutes are approved.

5.2 Parliamentarian. The City Attorney shall be parliamentarian. When requested by the Chair, she shall advise the Chair on points of order and parliamentary inquiries.

18. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council members entering office shall sign a statement affirming that they have read and understood the City of Hopewell's City Council Rules of Conduct.

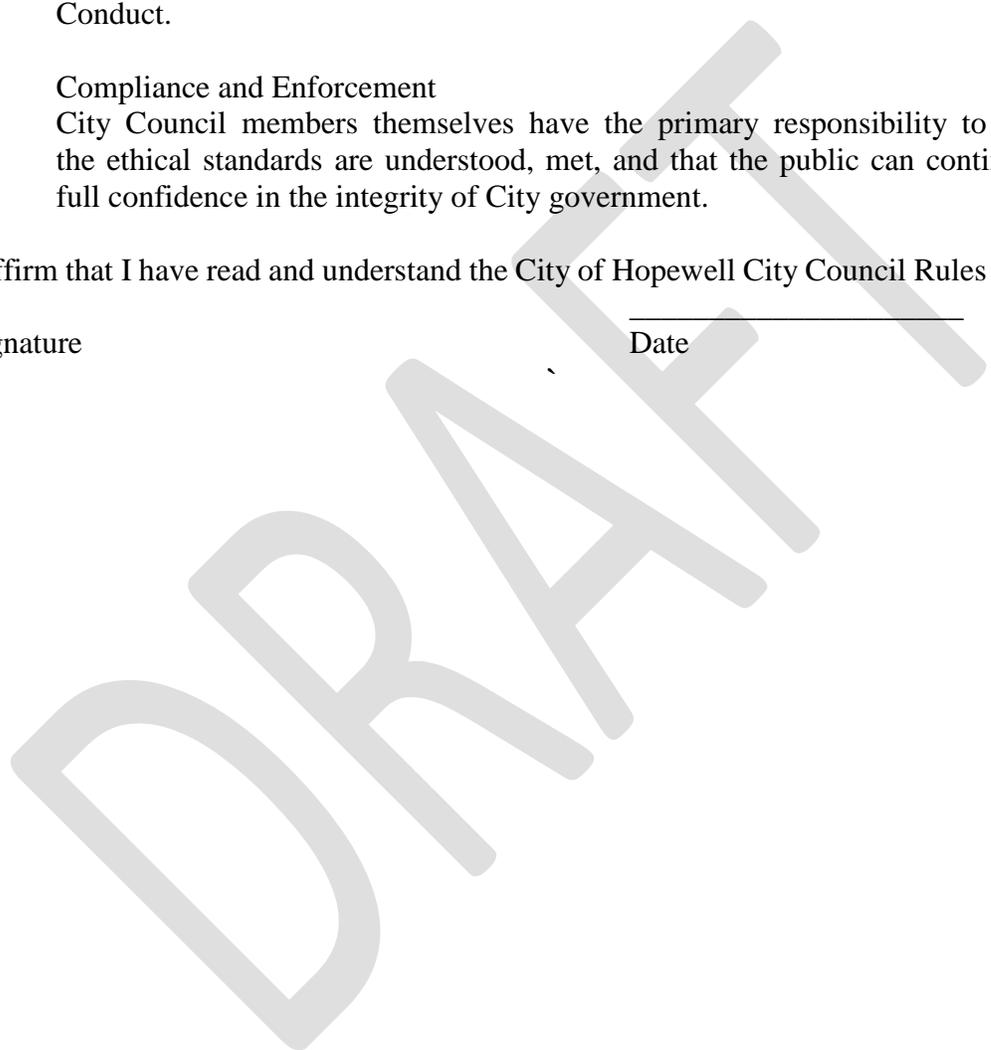
19. Compliance and Enforcement

City Council members themselves have the primary responsibility to assure that the ethical standards are understood, met, and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the City of Hopewell City Council Rules of Conduct.

Signature

Date



**REPORTS
OF
CITY
MANAGER**

**REPORTS
OF
CITY
ATTORNEY**

**REPORTS
OF
CITY
CLERK**

REPORTS OF CITY COUNCIL

- **COMMITTEES**
- **INDIVIDUAL COUNCILOR**
- **CITIZEN/ COUNCILOR REQUESTS**
- **PRESNETATIONS FROM BOARDS AND COMMISSIONS**
- **OTHER COUNCIL COMMUNICATIONS**

IR-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Request for City Council to vote to establish a rule that supports the new practice to limit City Councilors ability to place items on future agendas, conduct research with staff and seek legal guidance for potential legislative items.

ISSUE: It has been common practice that City Councilors to place items on the City Council Meeting Agendas to obtain a vote from City Council to approve/deny the request. At some point in 2019, some members of City Council began to advocate for Councilors to be limited in their ability to place items on the agenda for City Council approval/denial. In turn, they began to limit the ability for a City Councilor to seek legal guidance to determine legality of any proposed legislation. As of now, some City Councilors are seeking to limit the ability to ask the City Manager to provide information so that one can make a determination about the feasibility of any proposed legislation.

RECOMMENDATION: City Council deny establishing any rule that limits City Councilors interaction with City Council’s Appointees (employees) about proposed legislation. City Council has hired professionals in their field of expertise. If he/she cannot assist without causing a high demand of strain on their workload- he/she can request to push the item back or simply request the matter be placed before City Council prior to proceeding. However, if he/she believes that providing assistance for routine/normal request and does not significantly affect his/her workflow – he/she may use discretion as professionals and assist their employer (City Councilors).

TIMING: Immediately

BACKGROUND:

SUMMARY:

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

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

ENCLOSED DOCUMENTS:

STAFF:

Mayor Gore

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

- Y N**
- Councilor Janice Denton, Ward #5
- Councilor Brenda Pelham, Ward #6
- Vice Mayor Patience Bennett, Ward #7

IR-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: Request for City Council direct the City Manager review city owned spaced and rental properties to identify a location for the Office on Youth to offer programs. In addition, for the City Manager to provide an update as to the costs/needs to renovate Mallonee Gym to house the Office on Youth and the status of the \$250,000 previously allocated by City Council for renovation.

ISSUE: The Office on Youth is currently housed in the United Way Building. The City rentals an office, storage space and front desk reception space. The Office on Youth currently has no dedicated space to offer youth programming.

RECOMMENDATION: City Council direct the City Manager to accomplish the directive to be determined by City Council by a specific date.

TIMING: Immediately

BACKGROUND:

ENCLOSED DOCUMENTS:

STAFF:

Mayor Gore

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

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

Roll Call

SUMMARY:

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

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

IR-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE

Request for City Council direct the City Manager to delegate to staff to review non-developed city land to identify a location for a practice field for youth sports and free citizen usage.

ISSUE: Several groups and residents have shared the need for the City to establish a practice field for various youth supports. If the city can identify public land for the youth to practice during daylight and provide portable restrooms, we can immediately address the need. However, we will have to discuss long-term plans officially develop the field; install lighting; restroom amenities etc. for a permanent location space.

RECOMMENDATION: City Council direct the City Manager to accomplish the directive by a specific date determined by City Council.

TIMING: Immediately

BACKGROUND:

ENCLOSED DOCUMENTS:

STAFF:

Mayor Gore

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

Roll Call

SUMMARY:

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

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

City of Hopewell

2019 Town Halls



Join City Council for a community discussion and planning session to shape the future of the City of Hopewell. Residents will have an opportunity to voice concerns, share ideas and participate hands on to revamp the City's Strategic Plan.

TOWN HALL #1

March 19, 2019

Carter G. Woodson Middle School
1000 Winston Churchill Drive
Hopewell, VA 23860
Located - Multi-purpose Room
6:00 p.m. - 8:00 p.m.

TOWN HALL #2

March 21, 2019

Hopewell High School
400 S Mesa Drive
Hopewell, VA 23860
Located - Cafeteria
6:00 p.m. - 8:00 p.m.

TOWN HALL #3

March 28, 2019

Hopewell Community Center
100 W City Point Road
Hopewell, VA 23860
Located - Gym
6:00 p.m. - 8:00 p.m.

City Council and staff will discuss the feedback and projects from all Town Halls during City Council's Advance. City Council will unveil the new City-Wide Strategic Plan at the inaugural

2019 State of the City Address.



VIEW THE NEW
CITY WEBSITE
WWW.HOPEWELLVA.GOV



DOWNLOAD THE NEW
CITY APP
*LOCATED IN MOBILE APP STORES



DOWNLOAD THE NEW
CLICK2REPORT APP
*LOCATED IN MOBILE APP STORES



Mayor Gore



Vice Mayor Bennett



Councilor Randolph
Ward 1



Councilor Holloway
Ward 2



Councilor Partin
Ward 3



Councilor Denton
Ward 5



Councilor Pelham
Ward 6

Resident Connections

HOW TO STAY UPDATED

- Contact the City Clerk’s Office to sign up for the City’s Freedom of Information Act (FOIA) List to receive all city press releases and meeting notifications
- Visit the City’s website to view the Weekly City Manager News Briefs
- Visit hopewellva.gov to view the City’s online calendar for City and community events
- Visit hopewellva.gov to watch City Council Meeting recordings, Agenda Packets & Minutes

HOW TO STAY NOTIFIED

- Visit hopewellva.gov or call (804) 541-2288 to sign up for **CODE RED** emergency alerts
- Visit hopewellva.gov to sign up for **nixle** Public Safety alerts
- Visit hopewellva.gov to sign up for Notify Me text notifications for City alerts
- Download the *NEW* City of Hopewell App to have direct access to City Hall

HOW TO STAY CONNECTED

- Visit the hopewellva.gov to view the complete list of City Resources for residents
 - Prescription Discount Program
 - Real Estate Tax Abatement Program
 - DMV Select
 - Adopt-A-Neighbor Outreach Program
 - Trash Collection/Recycling Services
 - Citizens Academy
 - Smoke Detector Testing
 - Car Seat and Child/Parenting Resources
 - Online Tax Portal
 - Wellness Checks



Get Social – FOLLOW, LIKE & SHARE
@Hopewellva.gov & City Departments Online!

IR-4



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Request for City Council to set a new date to deliver the “State of the City Address” in February to include the unveiling of the new City Council Strategic Plan.

ISSUE: City Council voted in 2019 to hold a “State of the City Address” in spring. However, the event never was organized or executed. Additionally, information was not compiled to provide an update to residents about the current state of the City, its affairs and City Council’s vision. Residents have complained about lack of City Communication and staff have complained about a lack of a Strategic Plan and collective vision from City Council.

RECOMMENDATION: City Council direct the City Manager to delegate to his staff accomplish the directive to be determined by City Council.

TIMING: Immediately

BACKGROUND: None

ENCLOSED DOCUMENTS:

- Town Hall Flyer

STAFF:

Jasmine E. Gore, Mayor

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

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

Roll Call

SUMMARY:

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

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

IR-5



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: Request for City Council to direct the City Manager provide City Council with the status of uncollected funds within the City of Hopewell prior to providing City Council with any recommendation to raise taxes or fees within the City for the upcoming budget cycle. In addition, final determination if the City and require all vendors the City has contracts with to have all of their taxes/fees paid in full prior to be eligible to do business with City; to include rental/real estate companies – require taxes/fees paid in full prior to receiving permits.

Request for City Council to direct the City Manager

ISSUE: The Mayor requested the following information on December 19, 2019 and was unable to obtain the data.

1. Wastwater (Water Renewal) uncollected bill amounts (write offs) (individual/business)
2. Data Integrators uncollected bill amounts (individual/business)
3. Uncollected taxes (real estate/personal property)
4. Trash uncollected bill amounts (write offs) (individual/business)
5. Audit reports/schedules with write-offs
6. Industry payments for Wastewater (Water Renewal) for the last 3 years
7. Total value of funding that could not be reconciled for the audit - City Funds/Accounts
8. Total value of funding that did not have backup docs/not approved - City Funds/Accounts
9. Status of money approached to support Wastewater Grant when DEQ required the City to have a reserve of funding approx.. of \$575,000. *new

Prior to the City Council supporting any recommendation to increase taxes or fees, we must know how much funds has not been collected as projected. Additionally, we must identify why

SUMMARY:

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

funds are not being collected such as contract amendments, staffing, etc. and address those issues immediately before placing the burden on residents to pay to fix errors.

RECOMMENDATION: City Council direct the City Manager to complete task by a specific date.

TIMING: Immediately

BACKGROUND:

ENCLOSED DOCUMENTS:

STAFF:

Mayor Gore

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

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

Chapter 20 - LICENSES¹¹

Footnotes:

--- (1) ---

Charter reference— Authority of city to raise revenue by annual licenses, Ch. II, § 2.

Cross reference— Dog licenses, § 6-46 et seq.; license for closing-out sales of certain goods, § 30-36 et seq.; license for fire, etc., sales, § 30-96 et seq.; taxation, Ch. 34.

State Law reference— Licenses generally, Code of Virginia, § 58.1-3700 et seq.; city license taxes, §§ 58.1-3702—58.1-3706.

ARTICLE I. - IN GENERAL

Sec. 20-1. - Definitions.

For the purposes of this chapter, unless otherwise required by the context:

Affiliated group means:

- (1) One (1) or more chains of corporations subject to inclusion connected through stock ownership with a common parent corporation which is a corporation subject to inclusion if:
 - a. Stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of each of the corporations subject to inclusion, except the common parent corporation, is owned directly by one (1) or more of the other corporations subject to inclusion; and
 - b. The common parent corporation directly owns stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of at least one (1) of the other corporations subject to inclusion. As used in this subdivision, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The phrase "corporation subject to inclusion" means any corporation within the affiliated group irrespective of the state or country of its incorporation; and the term "receipts" includes gross receipts and gross income.
- (2) Two (2) or more corporations if five (5) or fewer persons who are individuals, estates or trusts own stock possessing:
 - a. At least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote or at least eighty (80) percent of the total value of shares of all classes of the stock of each corporation; and
 - b. More than fifty (50) percent of the total combined voting power of all classes of stock entitled to vote or more than fifty (50) percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one (1) or more of the corporations subject to inclusion, including the common parent corporation, is a nonstock corporation, the term "stock" as used in this subdivision shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

Assessment means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer

by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

Assessor or assessing official means the commissioner of the revenue of the city.

Base year means the calendar year preceding the license year, except for contractors subject to the provisions of section 58.1-3715 of the Code of Virginia.

Business means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one (1) business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

Contractor shall have the meaning prescribed in section 58.1-3714 (B) of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

Definite place of business means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not subject to licensure as a peddler or itinerant merchant.

Direct seller means any person who: (i) engages in the trade or business of selling or soliciting the sale of consumer products primarily in private residences and maintains no public location for the conduct of such business; and (ii) receives remuneration for such activities, with substantially all of such remuneration being directly related to sales or other sales-oriented services, rather than to the number of hours worked; and (iii) performs such activities pursuant to a written contract between such person and the person for whom the activities are performed and such contract provides that such person will not be treated as an employee with respect to such activities for federal tax purposes.

Financial services means the buying, selling, handling, managing, investing, and providing of advice regarding money, credit, securities, or other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this chapter.

Broker means an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

Commodity means staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

Dealer for purposes of this chapter means any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

Security for purposes of this chapter shall have the same meaning as in the Code of Virginia, Securities Act (§ 13.1-501 et seq.) or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

Buying installment receivables

Chattel mortgage financing

- Consumer financing
- Credit card services
- Credit unions
- Factors
- Financing accounts receivable
- Industrial loan companies
- Installment financing
- Inventory financing
- Loan or mortgage brokers
- Loan or mortgage companies
- Safety deposit box companies
- Security and commodity brokers and services
- Stockbroker
- Working capital financing

Gross receipts means the whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Code of Virginia, chapter 37 of title 58.1.

Itinerant merchant means a person who engages in, does, or transacts any temporary or transient business and who, for the purpose of carrying on such business, occupies any location for a period of less than one (1) year.

License year means the calendar year for which a license is issued for the privilege of engaging in business.

Peddler means a person who carries from place to place any goods, wares or merchandise and sells or offers to sell or barter the same.

Peddler at wholesale means a person, firm or corporation who or which sells or offers to sell goods, wares or merchandise to licensed dealers, other than at a definite place of business operated by the seller, and at the time of such sale or exposure for sale delivers, or offers to deliver, the goods, wares or merchandise to the buyer. Any delivery made on the day of sale shall be construed as delivery at the time of sale.

Personal services means rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this chapter, or rendered in any other business or occupation not specifically classified in this chapter unless exempted from local license tax by Code of Virginia, title 58.1.

Professional services means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to Code of Virginia, § 58.1-3701. The department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or

science founded on it. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

Purchases means all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for sale. A wholesaler or wholesale merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine the cost of manufacture or chooses not to disclose the cost of manufacture.

Real estate services means rendering a service for compensation with respect to the purchase, sale, lease, rental, or appraisal of real property, unless the service is otherwise specifically provided for in this chapter, and such services include, but are not limited to, the following:

- Appraisers of real estate
- Escrow agents, real estate
- Fiduciaries, real estate
- Lessors of real property
- Real estate agents, brokers and managers
- Real estate selling agents
- Rental agents for real estate

Retailer or retail merchant means any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

Services means things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

Wholesaler or wholesale merchant shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

(Ord. No. 96-33, § C, 11-12-96)

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title, repealed former § 20-1 which defined "gross receipts". Such section bore no history note. Provisions designated herein as § 20-1 were derived from Ord. No. 96-33, C.

Sec. 20-2. - Adoption of state law.

- (a) As to all questions in regard to the duty and conduct of the officers of the city in collecting and enforcing the taxes imposed under this chapter, and in regard to questions of construction and for definition of terms used in this chapter, and the rules and regulations applicable to putting same in operation, reference is hereby made to the provisions of title 58.1, Code of Virginia, for the assessment, levy and collection of taxes for the current year, or to so much thereof as is applicable to this chapter and is not inconsistent with it and the other ordinances of the city. For the conduct and guidance of the officers of the city and other parties affected by this chapter and for fixing their

powers, rights, duties and obligations, the provisions of title 58.1, Code of Virginia, so far as applicable, are hereby adopted without being specifically herein quoted.

- (b) The definition of the various businesses, occupations, trades or professions provided for in this chapter shall be and hereby are defined to be the same as the definitions given in Code of Virginia, title 58.1, unless otherwise defined herein, and all constructions of same by the state tax commissioner shall have equal force to this chapter.

(Code 1963, § 21-21; Ord. No. 96-31, 11-12-96)

Sec. 20-3. - Enforcement of chapter generally.

- (a) The city manager shall require the chief of police and every member of the police department of the city to enforce this chapter. It shall be the duty of the chief of police and of every member of the police department to check whether all new business or professional men commencing any business, employment or profession in the city have complied with the provisions of this chapter.
- (b) It shall be the duty of the commissioner of revenue to report every person, known to him, who shall commence to prosecute any licensable business, employment or profession without a license or who shall unlawfully fail for a longer period than one month to obtain a new license, to the city attorney, who shall cause warrants to be issued for such persons and shall prosecute them.

(Code 1963, §§ 21-19, 21-20)

Sec. 20-4. - Construction of chapter; interstate commerce; obstruction of public ways; nuisances.

- (a) Nothing in this chapter shall be construed as imposing a license tax on or otherwise regulating or restricting interstate commerce. Any business or portion thereof embraced in the term "interstate commerce" is not made subject to a license by this chapter.
- (b) Nothing in this chapter shall be construed as giving the right to any person to obstruct sidewalks, streets or other public places or to commit or maintain a nuisance.

(Code 1963, §§ 21-17, 21-18)

Sec. 20-4.5. - Overriding conflicting ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by this council, whether or not compiled in the Code of this city, to the extent of any conflict, the provisions of this chapter shall be applicable to the levy, assessment, and collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within the city.

(Ord. No. 96-33, § A, 11-12-96)

Editor's note— Ord. No. 96-33, § A, did not specify manner of codification, but has been designated by the editor as § 20-4.5.

Sec. 20-5. - Engaging in business without license; penalty.

- (a) Whenever a license is required by this chapter, and whenever this Code imposes a license fee or levies a license tax on a business, employment or profession, it shall be unlawful to engage in such

business, employment or profession without first obtaining the required license. Any person who engages in a business without obtaining a license required by this chapter, or after being refused such license, shall not be relieved of the tax imposed by this chapter.

- (b) If any person shall:
- (1) Commence to prosecute any business, trade, occupation, employment or profession in the city without obtaining a license required by this chapter; or
 - (2) Continue a business, trade, occupation, employment or profession in the city after the expiration of a license previously issued under this chapter without obtaining a new license or a renewal of the expired license,

he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-1; Ord. No. 96-33, § B, 11-12-96)

Editor's note— Ord. No. 96-33, by title repealed § 20-5(a). Sec. B of such ordinance has been codified as § 20-5(a) by the editor.

Sec. 20-6. - License requirement.

- (a) Every person engaging in this city in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this chapter, unless otherwise exempted by law, shall apply for a license for each such business if (i) the person has a definite place of business in this city; (ii) there is no definite place of business anywhere and the person resides in this city; or (iii) there is no definite place of business in this city but the person operates amusement machines or is classified as a peddler or itinerant merchant, carnival or circus as specified in Code of Virginia, §§ 58.1-3717, 3718, or 3728, respectively, or is a contractor subject to Code of Virginia, § 58.1-3715, or is a public service corporation subject to Code of Virginia, § 58.1-3731. A separate license shall be required for each definite place of business and for each business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is subject to licensure at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this city; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.
- (b) Reserved.
- (c) Reserved.
- (d) In computing the amount of license tax due, the commissioner of the revenue shall round all amounts to the nearest dollar; that is, all amounts of forty-nine cents (\$0.49) or less shall be rounded down and all amounts of fifty cents (\$0.50) or more shall be rounded up.

(Ord. No. 87-17, 6-23-87; Ord. No. 94-36, 11-2-94; Ord. No. 96-33, § D, 11-12-96)

Editor's note— Ord. No. 96-33, by title repealed § 20-6(a)—(c). Sec. D of such ordinance was designated by the editor as § 20-6(a). See also the editor's note following § 20-7.

Sec. 20-7. - Due dates; late payment penalties and interest.

- (a) Each person subject to a license tax under this chapter shall apply for a license prior to beginning business if he was not subject to licensure in this city on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.
- (b) The tax shall be paid with the application in the case of any license not based on gross receipts. If the tax is measured by the gross receipts of the business, the tax shall be paid on or before March 31. Semiannual payments for license taxes shall be authorized pursuant to section 20-19.
- (c) The assessing official may grant an extension of time, not to exceed ninety (90) days, in which to file an application for a license, for reasonable cause. The extension may be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten (10) percent of the portion paid after the due date.
- (d) A penalty of ten (10) percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud or reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty (30) days, the treasurer may impose a ten (10) percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business, and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

- (e) Any person failing to make the application required by this section shall be guilty of a Class 4 misdemeanor.
- (f) It shall be the duty of the commissioner of the revenue to keep a record of all applications filed under this section.
- (g) Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this chapter from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under Code of Virginia, § 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment in event of such

adjustment, provided the refund or the late payment is made not more than thirty (30) days from (i) the date of the payment that created the refund, or (ii) the due date of the tax, whichever is later.

(Ord. No. 96-33, § E, 11-12-96)

Editor's note— At the request of the city, provisions formerly designated as § 20-6(d) and (e) were redesignated as § 20-7(e) and (f), and § 20-7(e) was redesignated as (g). See also the editor's note following § 20-10.

Sec. 20-8. - Situs of gross receipts.

- (a) *General rule.* Whenever the tax imposed by this chapter is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a privilege subject to licensure at a definite place of business within this city. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one (1) or more definite places of business or offices as follows:
- (1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of Code of Virginia, § 58.1-3715.
 - (2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the department of taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality.
 - (3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.
 - (4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.
- (b) *Apportionment.* If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule and the affected jurisdictions are unable to reach an apportionment agreement, except as to circumstances set forth in § 58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another jurisdiction shall not be attributed to this city solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.
- (c) *Agreements.* The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of

business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one (1) or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has resulted in, or is likely to result in, taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

(Ord. No. 96-33, § F, 11-12-96)

Note— See the editor's note following § 20-10.

Sec. 20-9. - Limitations and extensions.

- (a) Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this chapter, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.
- (b) Notwithstanding Code of Virginia, § 58.1-3903, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six (6) preceding license years.
- (c) The period for collecting any local license tax shall not expire prior to the period specified in Code of Virginia, § 58.1-3940, two (2) years after the date of assessment if the period for assessment has been extended pursuant to this subdivision of this chapter, two (2) years after the final determination of an appeal for which collection has been stayed pursuant to section 20-10(b) or (d) of this chapter, or two (2) years after the final decision in a court application pursuant to Code of Virginia, § 58.1-3984 or similar law for which collection has been stayed, whichever is later.

(Ord. No. 96-33, § G, 11-12-96)

Sec. 20-10. - Appeals and rulings.

- (a) Any person assessed with a local license tax as a result of an audit may apply within ninety (90) days from the date of such assessment to the assessor for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, a further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in this city (e.g., the name and address to which an application should be directed).
- (b) Provided a timely and complete application is made, collection activity shall be suspended until a final determination is issued by the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of section 20-7(g) of this chapter, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires to

- (i) depart quickly from the locality, (ii) remove his property therefrom, (iii) conceal himself or his property therein, or (iv) do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.
- (c) Any person assessed with a local license tax as a result of an audit may apply within ninety (90) days of the determination by the assessing official on an application pursuant to subsection (a) of this section for a correction of such assessment. The tax commissioner shall issue a determination to the taxpayer within ninety (90) days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to Code of Virginia, § 58.1-1821, and the tax commissioner may issue an order correcting such assessment pursuant to Code of Virginia, § 58.1-1822. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to Code of Virginia, § 58.1-3984. However, the burden shall be on the party making the application to show that the ruling of the tax commissioner is erroneous. Neither the tax commissioner nor the department of taxation shall be made a party to an application to correct an assessment merely because the tax commissioner has ruled on it.
- (d) On receipt of a notice of intent to file an appeal to the tax commissioner under subsection (c) of this section, the assessing official shall further suspend collection activity until a final determination is issued by the tax commissioner, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subsection (g) of section 20-7, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in subsection (b) of this section.
- (e) Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the department of taxation upon which the ruling was based, or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

(Ord. No. 96-33, § H, 11-12-96)

Editor's note— Ord. No. 96-33, by title repealed former §§ 20-7—20-10, state forms, penalty and interest for late payment of tax, advertising of business and separate license for each place and class of business. Secs. E—H of such ordinance have been designated as §§ 20-7—20-10, by the editor.

Sec. 20-11. - Failure to file statements.

If any person subject to the payment of a license tax required under this chapter shall fail or refuse to file the statements required by this chapter, he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-5)

Sec. 20-12. - False statements in affidavits.

If any person subject to the payment of a license tax required under this chapter shall make any false statement in the affidavit required by this chapter, he shall be guilty of a Class 3 misdemeanor.

(Code 1963, § 21-6)

Sec. 20-13. - Propounding interrogatories to applicant.

As one of the means of ascertaining the amount of any license tax, the commissioner of the revenue may propound interrogatories to each applicant under the provisions of this chapter and use such other evidence as he may procure. Such interrogatories shall be answered under oath. Any applicant refusing to answer such interrogatories under oath shall be guilty of a Class 4 misdemeanor.

(Code 1963, § 21-7)

Sec. 20-14. - Estimates to determine tax for beginners, etc.

- (a) For the purpose of ascertaining the license tax to be paid by any person beginning a new business, employment or profession, and whose license tax is based on gross receipts, gross sales, gross purchases, gross commissions, gross contracts or orders, the licensee shall estimate the basis for measuring the license tax between the date of issuance of the license and the thirty-first of December following.
- (b) The license tax of every person who was licensed at a definite place of business within the city for only a part of the next preceding license year shall be computed for the then current license year on the basis of an estimate of the amount of gross receipts, gross sales or gross purchases which the licensee will make throughout the then current license year, except that any commission merchant or wholesale merchandise broker shall be licensed on the basis of gross commissions of the next preceding license year or any parts thereof.
- (c) Every underestimate under this section shall be subject to correction by the commissioner of the revenue, whose duty it shall be to assess such licensee with such additional taxes as may be found to be due after the close of the license year on the basis of gross receipts, gross sales, gross purchases, gross commissions or gross contracts or orders. In case of overestimate, the commissioner of the revenue shall order a refund in the amount of the overpaid tax.

Sec. 20-14.5. - Exclusions and deductions from "gross receipts".

- (a) General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business.
- (b) The following items shall be excluded from gross receipts:
 - (1) Amounts received and paid to the United States, the commonwealth or any county, city or town for the Virginia retail sales or use tax, for any local sales tax or any local excise tax on cigarettes, or for any federal or state excise taxes on motor fuels.
 - (2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).
 - (3) Any amount representing returns and allowances granted by the business to its customer.
 - (4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.
 - (5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.
 - (6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of

the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

- (7) Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.
 - (8) Investment income not directly related to the privilege exercised by a business subject to licensure not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.
 - (9) Any trade-in accepted by a motor vehicle dealer as part of the sale of a motor vehicle.
 - (10) License and admission taxes established under Code of Virginia, §§ 59.1-392 and 59.1-393, respectively, or pari-mutuel wagering pools as established under Code of Virginia, § 59.1-392.
 - (11) Amounts received by any real estate broker which arise from real estate sales transactions to the extent such amounts are paid to a real estate agent as a commission on any real estate sales transaction and the agent is subject to the business license tax on such receipts. The broker claiming the exclusion shall identify on its license application each agent to whom the excluded receipts have been paid, and the jurisdiction in the Commonwealth of Virginia to which the agent is subject to business license taxes.
- (c) The following shall be deducted from gross receipts or gross purchases that would otherwise be taxable:
- (1) Any amount paid for computer hardware and software that are sold to a United States federal or state government entity provided that such property was purchased within two (2) years of the sale to said entity by the original purchaser who shall have been contractually obligated at the time of purchase to resell such property to a state or federal government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a state or federal government entity in accordance with the original contract obligation.
 - (2) Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

(Ord. No. 96-33, § J, 11-12-96)

Editor's note— Sec. J of Ord. No. 96-33, was codified by the editor as § 20-14.5.

Sec. 20-15. - Allowances for freight and other deductible items in computing tax.

In computing license taxes on merchants and others under this chapter, an allowance for freight and other deductible items shall be made in all cases where the state tax code provides that the same shall be allowed in computing state license taxes on merchants and others, and such allowance shall be on the same basis as that provided by the state tax code for state license taxes. No such deductions shall be allowed, unless gross receipts or other basis is reported and deductions itemized.

Sec. 20-16. - Assessment of tax and issuance of license generally.

The commissioner of revenue shall assess each applicant for a license or other person of whom a license is required by this chapter with the license tax required by this chapter, and shall issue a license,

signed by the commissioner, to prosecute the business, employment, profession or thing to be done therein named, which license shall not be valid or effective unless and until the tax required shall be paid to the city treasurer, as collector of city taxes and levies, and such payment shall be shown on the license.

Sec. 20-17. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-17, assessment of additional tax.

Sec. 20-18. - Proration of license taxes.

No license tax based upon gross receipts shall be imposed upon any business, trade, profession, occupation or calling, or upon any person, firm or corporation for any fraction of a year during which such person, firm or corporation has permanently ceased to engage in such business, trade, profession, occupation or calling within the city. In the event a person, firm or corporation ceases to engage in a business, trade, profession or calling within the city during a year for which a license tax based on gross receipts has already been paid, the taxpayer shall be entitled, upon application, to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it is exercised within the city. Any refund due under this section shall be offset against any amount of past-due taxes owed by the same taxpayer. No flat fee or flat tax shall be subject to refund.

(Ord. No. 96-33, § L, 11-12-96)

Editor's note— Ord. No. 96-33, by title, repealed former § 20-18, Proration of tax, generally. Sec. L of such ordinance has been designated by the editor as § 20-18.

Sec. 20-19. - Semiannual payment of tax; retention of written license document; issuance of receipt; display of receipt; etc.

The requirements relative to the semiannual payment of license taxes shall be as follows:

- (1) The city treasurer shall accept semiannual payments from any person to whom a city license has been or may be issued by the commissioner of the revenue, where the total amount of the license tax in question aggregates five hundred dollars (\$500.00) or more. The provisions of this section shall not apply to any person who did not procure a city license for the entire immediately preceding year nor where an individual license is required for each person engaged in a business, occupation, or profession.
- (2) Such semiannual payments shall become due and payable on the first days of January and July of each year, and if not paid within thirty (30) days from such due date, the city treasurer shall collect a penalty of ten (10) percent on such sums and interest on said sum and penalty at the rate of ten (10) percent per annum, and the remaining unpaid installments shall immediately become due and payable and such delinquent person may immediately be prosecuted for failure to obtain a license to engage in business in the city as provided by law.
- (3) The city treasurer shall retain all licenses issued by the commissioner of the revenue for the current year until fully paid, together with all penalties, interest, and costs, and in lieu of delivery of such license to the licensee, the treasurer shall issue his receipts for each semiannual payment made to him, which such receipt shall be posted in a conspicuous place in the room or place where the business for which such license is issued is transacted.
- (4) This section shall not be construed as permission to issue semiannual licenses, but the foregoing provisions of this section are adopted as a convenient method of payment, and this

chapter shall not be construed to release any person from the unpaid installments for such license by the discontinuance of business or for any other reason.

(Code 1963, § 21-9; Ord. No. 81-12, 9-15-81; Ord. No. 87-17, 6-23-87)

Sec. 20-20. - Display of license or receipt for semiannual payment.

Every person required to pay a license tax under the provisions of this chapter shall keep the license in question or the receipt for semiannual payment issued under section 20-19 in a convenient place and, whenever requested to do so, shall exhibit such license or receipt to any member of the police department or any officer or his deputy, who is charged with the duty of enforcing the provisions of this Code and other ordinances of the city relative to revenue taxes, when so requested.

(Code 1963, § 21-12)

Sec. 20-21. - Transfer of license.

- (a) Licenses issued under this chapter shall be transferable, except where otherwise provided. In no case, however, shall any transfer of the license be legal or valid until notice in writing of such transfer has been given to the commissioner of revenue and until the transfer has been approved by such commissioner in writing on the license. Such notice shall state the time of the transfer and the place of the business and the name of the person to whom transferred.
- (b) No license otherwise transferable shall be transferred until the total amount of the annual license tax in question has been fully paid to the city treasurer. The commissioner of revenue shall not approve any assignment or the making of any transfer of a license until the provisions of this section have been fully complied with.
- (c) Only that part of a license based on gross receipts that is in excess of the gross receipts of the transferer for that part of the year during which the transferer has prosecuted business under such license shall be transferable. The person to whom such license is being transferred shall pay the additional estimated license tax to the end of the license year, or an amount sufficient to make the minimum cost of the license as provided in this chapter, whichever is the greater.
- (d) The commissioner of revenue shall keep a record of all license transfers.
- (e) The attempted assignment or attempted transfer of any license in violation of the provisions of this section shall be void, and, of no effect, and any such purported assignee or transferee may be prosecuted for engaging in such business without a license. In addition thereto he shall be liable to the city for the amount of the proper license tax together with penalties, interest and costs.
- (f) Any person transferring or attempting to transfer any license contrary to the provisions of this section shall be guilty of a Class 3 misdemeanor.

(Code 1963, §§ 21-13—21-15)

Sec. 20-22. - Term and expiration date of licenses.

All licenses granted under the provisions of this chapter shall be issued for a period of twelve (12) months beginning the first day of January and expiring on the thirty-first day of December, unless otherwise provided.

(Code 1963, § 21-8; Ord. No. 81-12, 9-15-81)

State Law reference— Similar provisions, Code of Virginia, § 58-247.

Sec. 20-23. - Tax not imposed contrary to federal or state law.

Nothing in this chapter contained shall be construed as imposing any license tax on any business, occupation or professional employment, or on any part thereof, on which the city is prohibited, by federal or state law, from imposing the same.

Sec. 20-24. - Licensee's records generally.

- (a) Every person liable for a license tax under this chapter which is based on actual or probable purchases or sales, actual or probable commissions, gross receipts from a business or profession or contracts or orders accepted, or which is graded in any other way, shall, where such tax is based on actual or probable purchases or sales, keep all invoices and a record of all purchases and from whom made, a record of all sales, and where otherwise based, keep a record of all commissions, gross receipts, and contracts or orders accepted, from whom received and with whom made, and the report of such purchases, sales, commissions, receipts, contracts or orders accepted, required to be made for the computation of the license tax, shall be taken from such invoices and records and general books of account.
- (b) All such invoices and record and general books of account shall be open to inspection and examination, on the premises of the business, employment or profession, by the director of finance, commissioner of revenue or any other officer of the city charged in any manner with the duty of assessing or collecting license taxes.
- (c) Any person who shall fail or refuse to keep the records required by this section shall be guilty of a Class 4 misdemeanor.

Sec. 20-24.1. - Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this city. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this city, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

(Ord. No. 96-33, § I, 11-12-96)

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, did not specify manner of codification; hence, inclusion as § 20-24.1 was at the discretion of the editor.

Sec. 20-25. - Examination and audit of licensee's records.

- (a) Should any officer of the city charged in any manner with the duty of assessing or collecting license taxes have reason to believe, in any case, that the amount of actual or probable purchases or sales, or actual or probable commissions, or the gross or net receipts from any business or profession, or any other matters that may be pertinent to the assessment of such license tax, have been incorrectly reported or returned, such officer shall make a report thereof to the commissioner of revenue. Upon receipt of such report, or upon the commissioner's own motion, the commissioner of revenue is authorized and empowered to summon such person before him and require the production of any and all of such person's records, books and papers likely to throw any light upon the matter under investigation. The commissioner of revenue is also authorized and empowered to make or cause to be made such other and further investigations, examinations and audits of the records, books and

papers of such person as the commissioner shall deem proper, in order to accurately determine the proper return to be made by such person.

- (b) If, after an investigation, examination or audit pursuant to this section, it shall appear that purchases, sales, commissions, receipts or other matters pertinent to the assessment have been incorrectly reported or returned, the commissioner of revenue shall assess such person with the proper city license tax. If it shall appear that such purchases, sales, commissions, receipts or other matters pertinent to the assessment have been willfully incorrectly reported or returned, such person shall pay, in addition to such increased license tax assessed, a penalty of fifty (50) percent of such increased assessment. Any incorrect report or return shall be deemed prima facie willful.
- (c) Any person who shall fail to appear before the commissioner of revenue and produce such records, books and papers, when duly summoned, or who shall refuse to permit the commissioner of revenue to make or cause to be made such other and further investigation and audit of such books and papers, shall be deemed guilty of a Class 3 misdemeanor.

Sec. 20-26. - Authority of commissioner of revenue to require information concerning subcontracts.

The commissioner of revenue, in performing the duties of such office, shall have authority to require any person having a contractor's license in the city to furnish a list of subcontractors to whom any part of the original contract is sublet, and the amount of such subcontract. Any person refusing to furnish such information shall be guilty of a Class 4 misdemeanor and each day's failure to furnish such information shall constitute a separate offense.

Sec. 20-27. - Business license not to be issued until taxes paid.

No business license authorized to be issued under Code of Virginia, chapter 37, title 58.1, and Chapter 20 of the Hopewell City Code shall be issued unless all outstanding business license taxes, personal property taxes, and meals and lodging taxes owed by said business have been paid, and until satisfactory proof of payment of said taxes has been produced by the applicant for the business license.

(Ord. No. 93-25, 9-14-93)

Sec. 20-28. - Exemption/reduction of business and professional occupational license fees for new firms locating in the enterprise zone and existing firms relocating in the enterprise zone.

New firms locating in the enterprise zone qualify for the following exemption of business and professional occupational license fees:

Year of Operation	Percentage of Exemption
1st Year	100%
2nd Year	75%
3rd Year	50%
4th Year	25%
5th Year	0%

Existing firms relocating in the enterprise zone qualify for the following exemption of business and professional occupational license fees:

Year of Operation	Percentage of Exemption
1st Year	100%
2nd Year	75%
3rd Year	50%
4th Year	25%
5th Year	0%

([Ord. No. 2014-04](#), 3-11-14)

Secs. 20-29—20-39. - Reserved.

ARTICLE II. - LICENSE TAX SCHEDULE

Sec. 20-40. - License fee and tax.

Every person or business subject to licensure under this chapter shall be assessed and required to pay annually:

- (1) A fee for the issuance of such license in the amount of thirty dollars (\$30.00) for persons or businesses with gross receipts of (\$12,000.00) or less, except that first-time filers in the first year of business operation which anticipate gross receipts of (\$12,000.00) or less are excused from paying the fee; or
- (2) Except as may be otherwise provided in §§ 58.1-3712, 58.1-3712.1 and 58.1-3713 of the Code of Virginia, every such person or business with annual gross receipts of more than twelve thousand dollars (\$12,000.00) shall be assessed and required to pay annually a license tax on all the gross receipts of such persons includable as provided in this chapter at a rate set forth below for the class of enterprise listed:
 - a. For contracting and persons constructing for their own account for sale sixteen cents (\$0.16) per one hundred dollars (\$100.00) of gross receipts;
 - b. For retailers and short-term rental businesses as defined in Code of Virginia, 58.1-3510, twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts;
 - c. For financial, real estate and professional services, fifty-eight cents (\$0.58) per one hundred dollars (\$100.00) of gross receipts;

- d. For repair, personal and business services and all other businesses and occupations not specifically listed or excepted in this section or otherwise by law, thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts;
- e. For wholesalers, twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of purchases;
- f. For carnivals, circuses and speedways, five hundred dollars (\$500.00) for each performance held in this city;
- g. For fortunetellers, clairvoyants and practitioners of palmistry or phrenology, one thousand dollars (\$1,000.00) per year;
- h. For massage parlors, five hundred dollars (\$500.00) per year;
- i. For photographers as defined under Code of Virginia, § 58.1-3727, thirty dollars (\$30.00) per year;
- j. For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of ten thousand (10,000) persons, open to the public, one thousand dollars (\$1,000.00) per year;
- k. For savings institutions and state-chartered credit unions, fifty dollars (\$50.00) per year;
- l. For direct sellers as defined in Code of Virginia, § 58.1-3719.1 with total annual sales in excess of four thousand dollars (\$4,000.00), twenty cents (\$0.20) per one hundred dollars (\$100.00) of total annual retail sales or twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of total annual wholesale sales, whichever is applicable; and
- m. For commission merchants as defined under Code of Virginia, § 58.1-3733, thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of commission income.

(Ord. No. 96-33, § K, 11-12-96; Ord. No. 97-14, 9-13-97)

Editor's note— Ord. No. 96-33, provided by title for the repeal of § 20-40, Class I, contracting and persons contracting for their own account for sale, and § 20-41, Class II, retail merchants. Sec. K of such ordinance was designated by the editor as § 20-40.

Sec. 20-41. - Reserved.

Note— See the editor's note following § 20-40.

Sec. 20-42. - Alcoholic beverages.

- (a) The annual license tax on any person licensed by the state alcoholic beverage control commission to manufacture, bottle, or sell alcoholic beverages in the city shall be as follows:
 - (1) Manufacturers' licenses:
 - a. Distiller's license \$500.00
 - b. Winery license 250.00
 - c. Brewery license 250.00
 - (2) Bottlers' license 200.00
 - (3) Wholesalers' licenses:
 - a. Wholesale beer license 75.00
 - b. Wholesale wine distributor's license 50.00

c. Wholesale druggist's license 10.00

(4) Retailers' licenses:

- a. Beer on-premises 40.00
- b. Beer off-premises 40.00
- c. Beer on- and off-premises 45.00
- d. Wine and beer on-premises 45.00
- e. Wine and beer off-premises 45.00
- f. Wine and beer on- and off-premises 55.00
- g. Wine and beer on-premises and beer off-premises 50.00
- h. Wine and beer off-premises and beer on-premises 50.00
- i. Wine off-premises 40.00
- j. Banquet (for each banquet) 5.00

(5) Retailers of mixed beverage or liquor by the drink:

- a. Two hundred dollars (\$200.00) per annum for each restaurant with a seating capacity at tables for fifty (50) to one hundred (100) persons.
- b. Three hundred fifty dollars (\$350.00) per annum for each restaurant with a seating capacity at tables for more than one hundred (100) but not more than one hundred fifty (150) persons.
- c. Five hundred dollars (\$500.00) per annum for each restaurant with a seating capacity at tables for more than one hundred fifty (150) persons.
- d. Three hundred fifty dollars (\$350.00) per annum for a private, nonprofit club operating a restaurant located on the premises of such club.

- (b) The licenses referred to in subsection (a) above shall be as respectively defined by the act of the General Assembly of Virginia, known as "The Alcoholic Beverage Control Act" and the terms "alcoholic beverage," "beer," "club," "sell," "wine," and "wholesale druggist," wherever used in this section, shall have the meanings respectively prescribed to them by said act.
- (c) No license shall be issued under this section to any person, unless such person shall hold or shall secure simultaneously therewith the proper state license required by the Alcoholic Beverage Control Act, which state license shall be exhibited to the commissioner of revenue.
- (d) Retailers' licenses, enumerated in subsection (a)(4) above shall not be prorated.
- (e) All wine and beer licenses shall be issued for twelve-month periods beginning on July first of each calendar year and expiring on June thirtieth of the following calendar year.
- (f) No license, the tax for which is designated in this section shall be assigned or transferred, but such license may be amended to show a change in the place of business.

(Ord. No. 82-34, 12-21-82)

Cross reference— Sale of beer and wine on Sunday, § 25-5.

State Law reference— Alcoholic Beverage Control Act, Code of Virginia, § 4.1-100 et seq.; authority for above tax, §§ 4.1-205, 4.1-233.

Secs. 20-43—20-47. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed §§ 20-43—20-47, which pertained to specific types and kinds of licenses. Such sections were derived from Ord. No. 82-34, adopted Dec. 21, 1982. Current provisions relative to such subject matter are contained in § 20-40.

Sec. 20-48. - Coin-operated machines.

- (a) For the purposes of this section, an "operator" is defined as any person selling, leasing, renting, or otherwise furnishing or providing a coin-operated machine or device operated on the coin in the slot principle, which machine or device is located within the city, whether or not such operator has a fixed place of business within the city; provided, however, that the term "operator" shall not include a person owning less than three (3) coin machines and operating such machines on property owned or leased by such person.
- (b) Every operator operating ten (10) or more coin machines shall pay for the privilege an annual license tax of two hundred dollars (\$200.00). Every operator operating more than two (2) and less than ten (10) coin machines shall pay for the privilege an annual license tax of one hundred seventy-five dollars (\$175.00). Such tax shall not apply to operators of weighing machines, automatic baggage or parcel checking machines or receptacles, nor to operators of vending machines, which machines are so constructed as to do nothing but vend goods, wares, and merchandise, or postage stamps, or provide service only, nor to operators of viewing machines or photomat machines, nor operators of devices or machines affording rides to children, or for the delivery of newspapers. The license tax on an operator shall not be prorated, and an operator's license shall not be transferred.
- (c) In addition to the operator's license tax imposed by subsection (b) above, there shall be a gross receipts tax on the gross receipts actually received from coin machines or devices operated within this city, as follows:
 - (1) Gross receipts from machines vending merchandise or postage stamps shall be deemed gross receipts from retail sales and taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
 - (2) Gross receipts from coin-operated laundries shall be deemed gross receipts from a business service and taxed at the rate of thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts.
 - (3) Gross receipts from all other machines operated on the coin in the slot principle shall be taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
- (d) Every operator shall furnish to the commissioner of revenue a complete list of all machines on location in the city and the address of each location on or before the thirty-first day of January of each year. Each machine shall have conspicuously located thereon a decal, sticker, or other adhesive label, no less than one by two (1 x 2) inches in size, clearly denoting the operator's name and address.
- (e) Any person providing any coin-operated machines or other devices and failing to procure a license under this section or otherwise violating this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and the machine or other device shall become forfeited to the city.
- (f) Gross receipts from coin-machines in a business not classified as an "operator" under paragraph (a) above shall be deemed gross receipts from retail sales and taxed at the rate of twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts.
- (g) Nothing contained in this section shall be construed as permitting any person to keep, maintain, exhibit, or operate any coin-operated machine or other device, the operation of which is prohibited by law.

(Ord. No. 82-34, 12-21-82; Ord. No. 88-2, 2-23-88; Ord. No. 96-32, 11-12-96)

Cross reference— Fraudulent use of coin-operated machines, § 25-28.

Sec. 20-49. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-49, fortune-tellers, clairvoyants, etc., derived from Ord. No. 82-34, adopted Dec. 21, 1982. Current provisions concerning such subject matter are included in § 20-40.

Sec. 20-50. - Liquidators—Stocks of goods purchased in bulk at court sales outside of city.

- (a) Any person who shall bring into this city from any place beyond its limits, a stock of goods or merchandise which has been purchased in bulk at any trustee, receiver, or bankrupt sale with the intention of selling the same at retail, either at public auction or privately, shall pay a specific license tax of one thousand dollars (\$1,000.00). Such license tax shall not be prorated and the license upon which such tax is paid shall not be transferable.
- (b) This section shall not be construed to apply to regularly licensed retail merchants of the city having an established place of business in the city for a period of six (6) months prior to such sales.

(Ord. No. 82-34, 12-21-82)

Cross reference— License for going-out-of-business, etc., sales, § 30-96 et seq.

Sec. 20-51. - Same—Secondhand motor vehicles, major appliances, etc.

- (a) Any person bringing into the city a stock of secondhand automobiles, motorcycles, refrigerators, or similar commodities for sale shall, in addition to the regular city merchant's license, pay a license tax of three hundred dollars (\$300.00) per calendar year. Such license tax shall not be prorated. The license for which such license tax is paid shall not be transferrable.
- (b) For the purpose of this section, the word "stock" shall mean two (2) or more such commodities at any one time.
- (c) This section shall not apply to a regularly established merchant who has operated a business in the city and paid all city and state license taxes for not less than six (6) months immediately preceding. The license for which the license tax is indicated in this section does not permit the sale of bankrupt stock.

(Ord. No. 82-34, 12-21-82)

Sec. 20-52. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, provided by title for the repeal of § 20-52, massage, etc., businesses, derived from Ord. No. 82-34, adopted Dec. 21, 1982. For current provisions concerning such subject matter, see § 20-40.

Sec. 20-53. - Merchandise exhibitions, etc.

The license tax for merchandise exhibitions, food shows, or automobile shows, for advertising purposes or for which an admission fee is charged, shall be one hundred dollars (\$100.00).

(Ord. No. 82-34, 12-21-82)

Sec. 20-54. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-54, merchants, wholesale, derived from Ord. No. 82-34, adopted Dec. 21, 1982. See § 20-40.

Sec. 20-55. - Museums, historical and educational exhibitions.

The license tax for museums, historical, and educational exhibitions shall be at the rate of five dollars (\$5.00) per day. Such museums, historical, and educational exhibitions shall be under such rules and regulations as may be prescribed by the city council and the license shall be revocable at the pleasure of the council.

(Ord. No. 82-34, 12-21-82)

Sec. 20-56. - Patent medicine salesmen.

Any person who shall sell any patent, proprietary, or domestic medicines, salves, liniments, or compounds of a like kind, or any spices, extracts, toilet articles, or other articles of a like kind, except a licensed merchant at his regular place of business, whether he be the manufacturer thereof or not, shall pay a license tax of one hundred dollars (\$100.00) per week for each person so engaged, which shall be the only license required of such person for such privilege.

(Ord. No. 82-34, 12-21-82)

Sec. 20-57. - Peddlers.

(a) Except as otherwise provided, any peddler or itinerant merchant as defined in Code of Virginia, § 58.1-3717 shall pay an annual license tax of five hundred dollars (\$500.00), which may not be paid in semiannual payments, except that:

- (1) The license tax on peddlers of seafood who buy the seafood they peddle directly from persons who catch or take the same shall be ten dollars (\$10.00).
- (2) Any person who peddles coal, oil, or wood from wagons or other vehicles, in small quantities, to consumers shall pay a license tax of ten dollars (\$10.00) per year for each vehicle used in such business, which shall be in addition to any other license required by law. Such license shall be issued for a specified vehicle and shall be in the possession of the person in charge of such vehicle at all times when business is being transacted.

(b) (1)
No city license shall be required of persons who sell or offer for sale in person or by their employees, ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits, or other family supplies of a perishable nature, or farm products grown or produced by them and not purchased by them for sale.

(2) The license tax on peddlers of meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruit, or other family supplies of a perishable nature not grown or produced by them shall be fifty dollars (\$50.00) for each vehicle used in such peddling in the city. Such license shall be issued for a separate vehicle and shall be in the possession of such person in charge of such vehicle at all times when business is being transacted.

(c) Every person claiming to be exempted from having to secure a license required by subsection (a) of this section because of the provisions of subsection (b) of this section shall on or before January first

of each year, file with the commissioner of revenue, a certificate under oath, on a form to be prepared by the commissioner of revenue, in which shall be given the name and post office address of the person filing the certificate, the location of the land on which the family supplies of a perishable nature are produced, whether the person filing the certificate is owner thereof, or renter, and in the latter case, the name of the landlord or owner and the time from which and to which the lease is to run.

- (d) Upon receipt of a certificate, as provided for in subsection (c) above, and such other evidence under oath as may be sufficient to establish the fact that the person filing such certificate is entitled to an exemption under subsection (b) above, the commissioner of revenue shall furnish to such person a tag suitable to be displayed on his vehicle on which shall be printed, "City of Hopewell, Producer No. _____," together with the year for which issued. Such producer or grower shall display such tag conspicuously on his vehicle in a prominent position so that it can be easily read at all times while such producer is engaged in selling or offering for sale any family supplies mentioned within subsection (b) above, within this city.
- (e) The commissioner of revenue may administer the oaths required by subsections (c), (d), and (e) of this section.

(Ord. No. 82-34, 12-21-82; Ord. No. 83-9, 6-28-83; Ord. No. 84-28, 10-9-84; Ord. No. 88-21, 6-28-88)

Cross reference— Application of ordinance regulating solicitors to peddlers licensed under this chapter, § 32-1.

Sec. 20-58. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, repealed § 20-58, savings and loan associations, derived from Ord. No. 82-34, adopted Dec. 21, 1982. See § 20-40.

Sec. 20-59. - Telegraph, telephone, water, heat, light, or power companies.

- (a) Any company engaging in the business of furnishing telegraph or telephone service shall pay one-half of one percent of the gross receipts of such company accruing from business in the city for the fiscal year ending the thirty-first day of December immediately next preceding; provided, however, that charges for long distance telephone calls shall not be considered receipts of business in the city.
- (b) Any company engaging in the business of furnishing water, heat, light, or power, whether by means of electricity or gas, shall pay one-half of one percent of the gross receipts of such company accruing from business in the city for the fiscal year ending the thirty-first day of December immediately next preceding.
- (c) Each such company applying for a license under this chapter shall submit to the commissioner of revenue a statement of such receipts, which statement shall be verified by the commissioner on an examination of the books of such company, and a certificate as to its correctness shall be filed with the commissioner of revenue.

(Ord. No. 82-34, 12-21-82)

Cross reference— Tax on purchasers of utility services, § 34-96 et seq.

Sec. 20-60. - Reserved.

Editor's note— Ord. No. 96-33, adopted Nov. 12, 1996, by title repealed § 20-60, exclusions from gross tax receipts for license tax purposes, derived from Ord. No. 82-34, adopted Dec. 21, 1982. For current provisions pertaining to such subject matter, the user's attention is directed to § 20-14.5.

Sec. 20-61. - Tattooing.

- (a) Every person, firm, or corporation engaged in the business of tattooing in the City of Hopewell shall pay a license tax of one thousand dollars (\$1,000.00) which license shall not be proratable.
- (b) No license shall be issued hereunder unless and until there is presented to the commissioner of the revenue a certificate from the director of public health and the chief of police permitting the operation of this business.

(Ord. No. 84-21, 8-14-84)

Cross reference— Tattoo parlors generally, § 9-41 et seq.

IR-6



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Request for City Council to vote to direct the City Manager provide City Council with options to dissolve the Beacon Theater LLC. The prior City Council voted to support dissolving the LLC in order to create a Regional Performing Arts Center and/or improve community programs and access to the Beacon Theater. In the meantime, the City Council will support opening the Beacon Theater free on Sundays after the Beacon Church for groups to offer free services/programs to the public.

ISSUE: he City needs to address the status of the Beacon Theater’s management and finances. In the past, the City provided the Beacon Theater with approximately \$100,000 to provide community programs. City Council has not established guidelines for that money and support. Since the Beacon Theater is open on Sundays for the Beacon Church, members of the public that want to offer community services can utilize the space – as opposed to pay the high rental fees.

The City Council needs to also discuss management of the theater to fully take advantage of the renovation and to provide cultural opportunities for the community. Currently concerts is the primary event type offered by the Beacon. The Theater can also be a space to routinely offer plays, dance, spoke word, classes etc. to the community.

RECOMMENDATION: City Council direct the City Manager to complete task by a specific date.

TIMING: Timing

BACKGROUND:

SUMMARY:

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

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

ENCLOSED DOCUMENTS:

- None

STAFF:

Mayor Jasmine E Gore

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call

SUMMARY:

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

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

IR-7



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:**City of Hopewell Finance Policies**

ISSUE: City Council discussed two finance policies during Fall Council meetings. Council’s last action was for the CM to prepare an alternative policy for submission for the November 12, 2019 agenda packet. The policy needed to be vetted by the City Attorney prior to submission. Council has not received the policy yet for discussion.

RECOMMENDATION: For Council to decide dollar thresholds for current policy, to give to the City Manager to address any oversights in work flow (e.g., paper submissions vs. electronic submissions).

TIMING: Immediately

BACKGROUND: None

ENCLOSED DOCUMENTS:

- October 16, 2019 minutes
- Small Purchase Local Comparisons
- Procurement Contract

STAFF:

Jasmine E. Gore, Mayor

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

Roll Call

SUMMARY:

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

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

DRAFT
October 16, 2019
Special Meeting

SPECIAL MEETING WORK SESSION

WS-1 Review and approval of financial policies, resolutions, etc. Contract

Motion: Councilor Partin moved to have the City Manager and the City Attorney work together to create a policy that reflects Hopewell’s needs, and to bring back a copy for action at the November 12 meeting (All three policies). Councilor Denton seconded the motion. Discussion ensued.

Substitute Motion: Councilor Randolph made a motion to make an amended motion. Upon the roll call, the vote resulted:

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

Motion failed 4-3

Council then voted on the original motion: to have the City Manager and the City Attorney to work together to create a policy that reflects Hopewell’s needs and to bring back a copy for action at our November meeting. (All three policies) Councilor Denton seconded the motion. Upon the roll call, the vote resulted:

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

Motion passed 4-3

<p>VIRGINIA BEACH – CITY</p>	
<p>Sec. 2-224.4. - Same— Contracts for provision of goods and services.</p>	<p>https://library.municode.com/va/virginia_beach/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTVIFI_DIV2.5PR_S2-224.4SAONPRGOSE</p>
<p>Solicitations for goods and services contracts of more than fifty thousand dollars (\$50,000.00) shall include at least three (3) SWAM-certified small businesses, including minority-owned businesses, service disabled veteran-owned businesses or woman-owned businesses that are included on the list maintained pursuant to section 2-224.1 and are in the business of supplying goods or services of the kind to be procured, unless the list of available SWAM-certified vendors contains less than three (3) such businesses. In addition, the purchasing agent shall forward such solicitations, upon request, to any minority organization or other interested party.</p>	
<p>Norfolk City</p>	
<p>Sec. 33.1-39. - Small purchases.</p>	<p>https://library.municode.com/va/norfolk/codes/code_of_ordinances?nodeId=COCI_CH33.1PR_ARTIVSOSECOFO_S33.1-39SMPU</p>
<p>Any procurement for goods and services other than professional services not exceeding one hundred thousand dollars (\$100,000.00) and any procurement for professional services not exceeding sixty thousand dollars (\$60,000.00) may be made in accordance with small purchase procedures which shall be specified in the rules and regulations promulgated to implement this provision; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this provision; provided also that any procurement of goods or services under five thousand dollars (\$5,000.00) may be made directly under the decentralized purchasing system. To the extent practicable, no less than three (3) businesses shall be solicited. Names of businesses solicited for procurement under this section shall be recorded with dates and amounts and such entries shall be maintained as public records. For the purchase of goods in an amount not exceeding one hundred thousand dollars (\$100,000.00) or the procurement of services in an amount not exceeding twenty-five thousand dollars (\$25,000.00), the purchasing agent may issue a purchase order using a form prepared by the city attorney, without following the requirements set forth in section 2-7 of the City Code.</p>	
<p>City of Chesapeake</p>	
<p>Sec. 54-5. - Purchase orders totaling \$5,000.00 or more.</p>	<p>https://library.municode.com/va/chesapeake/codes/code_of_ordinances?nodeId=PTIICOOR_CH54PUPR_ARTIIIMEPRAD_S54-61ENPRME</p>
<p>(a)Approval of purchase orders totaling \$5,000.00 or more. The procurement administrator or designee shall approve a purchase order totaling \$5,000.00 or more if it is properly charged to the correct appropriation account, and if there exists an unencumbered appropriation sufficient to pay for all such materials, supplies, equipment, and other things. After approval of the purchase order within the city's accounting system, the procurement administrator's or designee's signature shall be applied, and the purchase order shall be dispatched to the vendor.</p>	
<p>(b)Disapproval of purchase orders totaling \$5,000.00 or more. If the procurement administrator or designee is of the opinion that a purchase order submitted for approval is not correct or is incomplete in any respect, the procurement administrator or designee shall return the purchase order to the department or agency head with a written memorandum stating the reasons for refusal to approve it.</p>	
<p>Sec. 54-35. - Approval of procurement administrator and department head required.</p>	<p>It shall be unlawful for any officer, employee or agent of the city to purchase any supplies, services or equipment or to incur any obligation on the part of the city without first having obtained the approval of the procurement administrator or designee and the head of the department or agency for which the supplies, services or equipment are to be used, except that the city manager may delegate authority for the purchase of supplies, services or equipment totaling \$4,999.99 or less to department directors or agency heads under such terms and conditions as the city manager may deem appropriate.</p>
<p>Procurements under \$100,000.00 in value.</p>	<p>Procurements under \$100,000.00 in value. The specific terms and requirements of this chapter shall not be applicable to the following contracts, provided, however, that the procurement administrator, or designee, under the direction of the city manager or designee shall promulgate policies and procedures for contracts of this size which shall provide for competition wherever practicable. Such policies and procedures shall be approved as to form by the city attorney or designee prior to implementation:(1)Goods or services other than</p>

professional services and non-transportation-related construction, if the aggregate or sum of all phases is not expected to exceed \$100,000.00; and(2)Transportation-related construction, if the aggregate or sum of all phases is not to exceed \$25,000.00; and(3)Single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$80,000.00.(4)If small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.(5)All purchases under this subsection that are expected to exceed \$30,000.00 shall require the (a) written informal solicitation of a minimum of four bidders or offerors, and (b) posting of a public notice on the city's website, and may additionally be posted on electronic procurement websites, and any other appropriate websites as may be determined at the discretion of the procurement administrator of designee.

Newport News

Nothing Online?

Alexandria

Sec. 3-3-69 - Contracting for professional services by competitive negotiation. https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT3FITAPR_CH3PUCOSE_ARTDCOFOMESOSE_DIV2CONE_S3-3-69COPRSECONE

Professional services shall be procured by competitive negotiation. The purchasing agent may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed \$50,000; however, such small purchase procedures shall provide for competition wherever practicable.

The purchasing agent shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project and to explore alternative concepts of performance of the contract. In addition, offerors informed of any ranking criteria that will be used by the purchasing agent in addition to the review of professional competence of the offeror. The request for proposals shall not seek estimates of person hours or costs for services However, these discussions may encompass nonbinding estimates of total project costs, including, but not limited to, where appropriate design, construction, life cycle costs and nonbinding estimates of price for services. Proprietary information from competitive offerors shall not be disclosed to the public or to competitors. At the conclusion of the discussions and on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the city can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request for proposal, the city may award contracts to more than one offeror. If, at the conclusion of the discussions, the purchasing agent determines in writing and in his sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. Once formally terminated, negotiations may not be reopened with any offeror.

(c)With respect to the procurement of legal services , the duties and responsibilities imposed upon the purchasing agent in subsection (b) above shall devolve upon the city attorney.

(d)A contract for architectural or professional engineering services relating to multiple construction projects may be awarded to a purchasing agent, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the request for proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

(1)Such contracts may be renewable for four additional one-year terms at the option of the purchasing agent. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

(2)The sum of all projects performed in a one-year contract term shall not exceed \$6 million.

(3)Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the request for proposal so states and (ii) the purchasing agent has established procedures for distributing multiple projects among the selected contractors during the contract term.

(4)The fee for any single project shall not exceed \$2.5 million.

(5)Any unused amounts from one contract term shall not be carried forward to any additional term.

(e)Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into of any such contract, the purchasing agent shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the city require awarding the contract.

Hampton

Sec. 2-325. - Verification of funds; purchase orders. https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-325VEFUPUOR

The provisions of this section apply to all public procurements regardless of dollar amount. The fact that procurements below one thousand five hundred dollars (\$1,500.00) are exempt from competitive bids has no relation to this section nor does it create any exception.

Sec. 2-326. - Competitive bidding requirements. https://library.municode.com/va/hampton/codes/code_of_ordinances?nodeId=CO_CH2AD_ARTXIVPROF_DIV1GE_S2-326COBIRE

Except in specific situations as defined in this article, all purchase orders or contracts for public procurement shall be issued only after prices have been obtained in accordance with the applicable processes set forth in this section as follows:

(1) Advertisements for competitive sealed bidding or competitive sealed proposals shall not be required for procurements below thirty thousand dollars (\$30,000.00). Instead, the following competitive procurement procedures shall apply:

a. For procurements not exceeding five thousand dollars (\$5,000.00) city departments shall solicit at least two (2) price quotes and at least one (1) quote shall be solicited from a minority-owned or woman-owned business enterprise, whenever feasible. Quotes may be obtained either orally or in writing.

b. For procurements between five thousand one dollars (\$5,001.00) and nine-thousand nine hundred ninety-nine dollars and ninety-nine cents (\$9,999.99) city departments shall solicit at least three (3) price quotes to include any price available pursuant to state or local government cooperative procurement, and where feasible, a quote from a local vendor and from a certified minority-owned or woman-owned business enterprise. Quotes may be obtained either orally or in writing.

c. For procurements between ten thousand dollars (\$10,000.00) and twenty-nine thousand nine hundred ninety-nine dollars and ninety-nine cents (\$29,999.99) the procurement office shall solicit at least four (4) written price quotes and at least two (2) of those quotes shall be solicited from certified minority-owned or woman-owned business enterprises.

(2) Formal, sealed bids or proposals shall be required for all procurements of thirty thousand dollars (\$30,000.00) and over and shall be administered by the procurement office of the department of finance. Advertisements for such bids or proposals shall be placed at least ten (10) days prior to the bid or proposal opening date in a newspaper having a general circulation in the city and shall state the place where vendors may examine any plans or specifications and receive bid or proposal forms, and the time and place where bids or proposals will be received and opened. The chief procurement officer or his designated representative is directed, in addition to the above-mentioned advertisement, to solicit bids or proposals from prospective vendors, including at least four (4) certified minority-owned or women-owned enterprises, by forwarding written notice to such prospective vendors.

All bids or proposals provided for in this subsection (2) shall be submitted sealed to the chief procurement officer or his designated representative at the place designated in the advertisement prior to the stated time for the opening. All such bids or proposals received shall be opened in public at the time and place stated in the advertisement.

(3) In solicitations for procurements of one hundred thousand dollars (\$100,000.00) and above, the chief procurement officer shall set individualized goals for participation of certified minority-owned business enterprises and women-owned business enterprises in accordance with the city's minority business program plan as approved and amended by city council from time to time upon the recommendation of the city manager.

(4) Where multiple quotes are obtained pursuant to any process set forth in this subsection, city departments and/or the procurement office, as applicable, shall award to the lowest "responsible" vendor as that term is defined by the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq., as amended. The failure of any person or firm to receive notice of solicitation by letter or telephone shall not affect the validity of any procurement under this subsection. A written record of all the solicitations and the quotes or proposals received shall be made a part of the purchasing records, including documentation of all efforts required by this subsection to solicit quotes from minority- and women-owned businesses. The chief procurement officer shall issue policies setting forth the content and form of documentation necessary to satisfy the requirements of this subsection.

Portsmouth	
Sec. 12-220. - Same—Small purchases.	https://library.municode.com/va/portsmouth/codes/code_of_ordinances?nodeId=PTIICO_CH12FI_ARTVPUPR_DIV1GE_S12-185UNPU

(a) A contract may be made in accordance with small purchase procedures developed by the purchasing administrator if the aggregate or sum of all phases or terms is not expected to exceed \$100,000.00 in the case of goods and services (other than professional services) or non-transportation construction; \$25,000.00 in the case of

transportation-related construction; or \$60,000.00 in the case of a single or term contract for professional services; provided, however, that contract requireme not be artificially divided so as to constitute a small purchase under this section. Purchases under this section that are expected to exceed \$30,000.00 shall require the written informal solicitation of a minimum of four bidders or offerors. Awards shall be made to the business offering the lowest acceptable quotation. The name of the business submitting the quotation and the date and the amount of such quotation shall be recorded and maintained as a part of the contract file.(b)A single quotation or term contract may be accepted from any one source in contracts which do not exceed \$5,000.00.

Lynchburg city

Subject to such small purchase procedures as are established in the procurement manual adopted by the city manager pursuant to section 18.1-12, the city manager, or those to whom he delegates authority, may enter into single or term contracts for goods and services other than professional services if the aggregate or sum of all phases is not expected to exceed \$50,000.00. Such small purchase procedures shall provide for reasonable competition when practicable, including, without limitation, when such small purchases are for over \$10,000.00, use of three quotes when reasonably practicable.

Harrisonburg

(c) Employment Discrimination by Contractor Prohibited <https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf>

Every contract of over \$10,000 shall include the provisions in one (1) and two (2) below:
(1) During the performance of this contract, the contractor agrees as follows:
(a) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
(b) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
(c) Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
(2) The contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

4-3-44 Small Purchases <https://www.harrisonburgva.gov/sites/default/files/Purchasing/files/Procurement%20Manual%20City%20of%20Harrisonburg%202-9-12.pdf>

4-3-44 Small Purchases The purchasing agent may, in his discretion, make any contracts for purchases of less than Thirty Thousand Dollars (\$30,000) without obtaining bids or quotations; provided, that such purchases are made on the basis of one of the following requirements: (a) That the cost of the items purchased be the lowest of the supplier's current price lists in the office of the purchasing agent. The purchasing agent shall attempt to obtain at least two current price lists from suppliers prior to making purchases under this provision. A price list obtained within twelve months of the purchase shall be considered current. (b) That it is known by the purchasing agent that all competitors have substantially the same price for the items to be purchased. 21 (c) That the purchase of less than \$30,000 is a reorder of commodities purchased on a previous bid or part thereof obtained within twelve months prior to the proposed purchase. (d) That the contract or purchase is of nominal value as that term is defined herein. (e) That if a contract is to be awarded for professional services to a contractor who has performed professional services for the City prior to July 1, 1994 and in the discretion of the purchasing agent the best interest of the City will be served by the prior professional experience and expertise of such a contractor, a contract may be awarded for professional services to such a contractor without competitive negotiation or obtaining bids or quotations. (f) That in the opinion of the purchasing agent it is not practicable to obtain bids regarding the contracts or purchases. (g) Minority vendors/contractors as so registered with the State of Virginia. All other purchases shall be made in accordance with the provisions of this policy

Charlottesville	
Sec. 22-4. - Methods of procurement authorized.	https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CO_CH22CIPRGOSENVESO_ARTIINGE_S22-4MEPRAU

(f) The purchasing manager may establish written procedures, approved by the city manager, for single- or term-contracts for goods, services and professional services, if the aggregate or the sum of all amounts to be paid to the contractor during performance is not expected to exceed fifty thousand dollars (\$50,000.00) ("small purchase procedures"). Such small purchase procedures shall provide for competition wherever practicable.

(g) Upon a determination made in advance by the purchasing manager and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by online public auctions.

Danville	
Sec. 30-35. - Same—Small purchases.	https://library.municode.com/va/danville/codes/code_of_ordinances?nodeId=PTIICO_CH30PRCO_ARTIICOPR_DIV1GE_S30-35SAMAPU

(a) The purchase of goods, contractual services (excluding professional services), insurance and capital improvements estimated to be less than fifty thousand dollars (\$50,000.00) in value shall not be subject to the competitive bidding requirements of this article. Purchases under this subsection that are expected to exceed thirty thousand dollars (\$30,000.00) shall require the written informal solicitation of a minimum of four (4) bidders or offerors.

(b) For purchases of less than thirty thousand dollars (\$30,000.00), the City will endeavor to purchase such items on as competitive a basis as practical and the City Manager is authorized to establish the administrative controls considered necessary to govern such purchases. Written quotations from vendors shall be obtained where practical, although verbal quotations will be permitted, provided a written record of all such verbal quotations is made and filed with the records of the transaction.

(c) Professional services not expected to exceed thirty thousand dollars (\$30,000.00) in value shall not be subject to the competitive negotiation requirements of this article.

Blacksburg	
Section 16-200. - Methods of procurement.	https://library.municode.com/va/blacksburg/codes/code_of_ordinances?nodeId=CO_CH16PU_ARTIICOFO_S16-200MEPR

Any contracts with non-governmental contractors for the purchase or lease of goods, or for the purchase of services, insurance or construction shall be awarded after competitive sealed bidding or competitive negotiation, unless otherwise authorized by law.

(b)The purchasing agent may establish written small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods or services other than professional services if the aggregate of all phases is not expected to exceed \$50,000.00; however, the small purchase procedures shall provide for competition wherever practicable. Purchases that are expected to exceed \$30,000.00 shall require the written informal solicitation of a minimum of four bidders.

Winchester	
Sec. 21-25. - Methods of procurement.	https://library.municode.com/va/winchester/codes/code_of_ordinances?nodeId=CD_CH21PU_ARTIVMEPRON_DIV1MEPR_S21-25MEPR

Field Purchase Order	\$1—\$4,999	No quotes needed	Department
Field Purchase Order	\$5,000—\$15,000	3 verbal quotes	Department

Purchase Order Professional Services	\$15,000.01—\$60,000	3 written quotes	Department
Purchase Order Goods & Non-Profess. Svcs.	\$15,000.01—\$100,000	3 written quotes	Department
Sealed Bid Process Goods & Non-Profess. Svcs.	\$100,000.01	Competitive Sealed Bid or Competitive Negotiation	Submit Specs to Purchasing

Salem

Sec. 8.1. - Public works or improvements; contracts for more than five thousand dollars. https://library.municode.com/va/salem/codes/code_of_ordinances?nodeId=PTICH_CH8FIPR_S8.1PUWOIMCOMOFITHDO

Any public work or improvement costing more than five thousand dollars shall be executed by contract, except where a specific work of [or] improvement is authorized by the city council and directed to be done by force account. Such work shall be based on detailed estimates submitted by the department authorized to execute such work or improvement, and approved by the city manager. All contracts for more than five thousand dollars shall be awarded to the lowest responsible bidder in such manner and under such bond as may be prescribed by ordinance and after the city manager shall have made due advertisement for such time as the city council may prescribe, by newspapers or posted notices. But the city manager shall have the power to reject any or all of the bids and advertise again, and all advertisements shall contain a reservation of this right.

Sec. 2-1. - Purchases in emergency cases; purchases exceeding \$500.00. https://library.municode.com/va/salem/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTIINGE_S2-1PUEMCAPUEX500.00

In an emergency requiring immediate action, the city manager may proceed to do the work by procuring the required labor and materials without the necessity of advertising. The purchasing agent may, in emergency cases, make purchases in any department of the city government not to exceed **\$500.00** without specific permission from the council. For any purchases in excess of this amount, an order of the council shall be required.

Fredericksburg

2-387 Small Purchases. <https://ecode360.com/28963518?highlight=purchase,small%20purchases&searchId=8515525835695858>

The City Manager may enter into contracts for the purchase of goods and nonprofessional services, insurance, and construction without following the requirements of this article for competitive sealed bids or competitive negotiation on single or term contracts where the aggregate or the sum of all phases is not expected to exceed \$100,000. The City Manager may enter into contracts for the purchase of professional services without following the requirements of this article for competitive sealed bids or competitive negotiation on single or term contracts where the aggregate or the sum of all phases is not expected to exceed **\$60,000**.

B. The City Manager shall, wherever practicable, seek competitive prices on small purchases pursuant to this section. For the purchase of goods in excess of **\$5,000**, the City Manager shall secure at least three estimates or proposals from different vendors. Written quotations from vendors shall be obtained, where practicable, although verbal quotations will be permitted, provided the City Manager cause a written record of all such verbal quotations to be made and filed with the records of the transaction.

Fairfax

Sec. 2-335. - Small purchases. https://library.municode.com/va/fairfax/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTVIFI_DIV3PRPR_S2-335SMPU

Any single or term contract not expected to exceed **\$60,000.00** in the aggregate may be made for goods and services other than professional services without competitive sealed bidding or competitive negotiation, in accordance with small purchase procedures administered by the director of finance. Notwithstanding the foregoing, contract

requirements shall not be artificially divided so as to constitute a small purchase under this section. Insofar as is practical, competition is to be encouraged even for small purchases made under this section, and where possible, no fewer than three businesses or individuals shall be solicited to submit quotations. These solicitation requirements do not apply for purchases under \$5,000.00.

Waynesboro city

Sec. 56-4. - Small purchases. https://library.municode.com/va/waynesboro/codes/code_of_ordinances?nodeId=PTIICO_CH56PR_S56-4SMPU

(a)The city may award single or term contracts for:(1)Professional services less than or equal to \$60,000.00;(2)Non-professional services less than or equal to \$100,000.00; and(3)Goods and non-transportation-related construction less than or equal to \$100,000.00 without competitive procurement by utilizing the following procedure: a identify at least three potential suppliers for the items being purchased.
(b)Obtain pricing. Verbal proposals are acceptable, as are advertisements and world-wide-web pages, so long as they are current. Award the contract to the supplier offering the lowest price, in the absence of an articulated reason to award it to someone else.

Bristol

Sec. 2-3. - Purchases generally. https://library.municode.com/va/bristol/codes/code_of_ordinances?nodeId=PTIICO_CH2AD_ARTIINGE_S2-3PUGE

Sec. 2-3. - Purchases generally.
SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTION
The following regulations, pursuant to the Virginia Public Procurement Act (VPPA), are adopted and shall hereinafter be referred to as the small purchases procedure:
(1) Purchases made by the City of Bristol, Virginia, shall be in accordance with the Virginia Public Procurement Act.
(2) Purchases that do not exceed \$5,000.00 are exempt from the competitive practices and procedures specified in this section. However, it is requested that city departments obtain the best pricing possible.
(3) The procurement of goods or services that are expected to cost between \$5,000.01 and \$25,000.00 shall require a minimum of three written quotations.
(4) The procurement of goods or services that are expected to cost between \$25,000.01 and \$100,000.00 shall require a minimum of four written quotations.
(5) The procurement of goods or services that cost over \$100,000.00 shall require the solicitation of competitive sealed bids or proposals.
(6) Professional services that are expected to exceed \$60,000.00 shall require the solicitation of competitive sealed proposals.
(7) The city manager, in the case of an emergency that does not allow sufficient time to engage in normal procurement procedures, may authorize a contract or the purchase of goods or services on an emergency basis if it is determined to be in the city's best interest to do so.
(8) In all cases, the names of each person or business submitting quotations, the date and amount of each quotation shall be recorded and maintained as a public record. In instances where the minimum number of quotations required are not obtained or are not available, the reasons why shall be recorded and maintained as a public record. Specifications or request for proposals that are prepared for any solicitation for goods or services shall also be maintained as a public record.
(9) The use of separate purchase orders to avoid the above mentioned thresholds are prohibited. The above mentioned thresholds will relate to the aggregate purchase price for a specific purchase.

Colonial Heights

63-30 Small Purchases. <https://ecode360.com/9338754?highlight=purchase,purchased,purchasing,small%20purchase,small%20purchases&searchId=8516506461726001#9338754>

Single or term contracts not expected to exceed \$50,000 may be awarded without competitive sealed bids or competitive negotiation but shall be awarded on the basis of such competition as the Purchasing Agent, in his discretion, finds practicable. Such awards shall be based, except when the Purchasing Agent shall determine in writing that it is impracticable to do so, on three or more competitive bids, which may be informal but of which there shall be a written record.
B. In making determinations as to practicability, the Purchasing Agent shall consider whether or not:
(1) The cost of the items purchased is the lowest from the supplier current price lists in the Purchasing Office.
(2) All competitors have the same price for the items to be purchased.

(3) The purchase is a reorder of commodities purchased on a previous bid or part thereof obtained within six months prior to the proposed purchase.

(4) Only two competitive bids are reasonably available. In making said determinations, the Purchasing Agent shall also consider the cost of the purchasing process relative to the cost of items being purchased and shall not be limited necessarily to consideration of factors specifically stated herein.

C. No contract amount shall be artificially divided so as to constitute a small purchase under this section.

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PROCUREMENT POLICY AND PROCEDURES

PURPOSE

In recognition of the City of Hopewell’s need to make purchases and enter into small contracts in order to ensure operational efficiency and to deliver timely and critical services, the Hopewell City Council hereby adopts the following small purchase policy and procedures for the City, pursuant to the authority vested in it by Va. Code Ann. §2.2-4303(G). It is the dual purpose of this policy to promote, support, and encourage investment in the local economy when purchasing or contracting for goods and non-professional services pursuant to this policy whenever such can be achieved and there is an objectively rational basis to do so.

This policy shall operate to delegate the City’s power to contract without formal competition and without first seeking approval by City Council under specific terms and conditions. Any contract not expressly approved by City Council or otherwise falling within these expressed conditions shall be deemed void and unenforceable.

This small purchase policy should be read in conjunction with the Virginia Public Procurement Act Va. Code Ann. §2.2-4300, *et seq*, as amended, (“the Act”) and shall apply to all public purchasing regardless of source.

Pursuant to Va. Code Ann. §15.2-1100, *et seq.*, and Art. IV, §2 of the Hopewell City Charter, the City Council reserves to itself all authority to bind the City by contract, except as expressly provided herein. The provisions of the Act shall govern all other procurement by the City.

DEFINITIONS

Contract means all types of agreements (e.g., purchase, purchase order, contract, change order), regardless of what they may be called for the procurement of goods, services, insurance, or construction.

Emergency shall exist when a breakdown in essential service occurs or under any circumstances when supplies are needed for immediate use in work which may affect the safety, health or welfare of the public. Within 30 days of emergency, the City Manager or designee shall submit to City Council a written report detailing the nature of the emergency as well as full fiscal and budgetary impact of the emergency including, if necessary, the potential for a supplemental budget appropriation necessitated by the emergency.

VALIDITY OF CONTRACTS

No public contract exceeding the value of \$_____ shall be valid and enforceable against the City unless it is signed and approved as to form by the city attorney or designee, as well as signed and approved as to substance (terms of the deal) by the city manager or designee. In consultation with the city manager or designee, the city attorney may develop standard terms and conditions, forms, or other checklists for use with or in administration of public contracts.

UNAUTHORIZED CONTRACTS

Contracts may not be artificially divided so as to constitute a small purchase.

GENERAL PROVISIONS

Employees are responsible for soliciting quotes for purchases as outlined below. Purchase orders submitted without the required quotes or a satisfactory explanation as to why quotes were not obtained (i.e., sole source, emergency, approved vendor) shall not be approved.

Up to \$ One verbal quote is required.

\$ Three verbal quotes must be obtained. The quote summary must be attached to the invoice. Physical records regarding the dates, contacts, and quotes received shall be retained in the department’s file for auditing purposes.

\$ Three written quotes are required. The actual written quotes shall be retained in the department’s file for auditing purposes Physical records regarding the dates, contacts, and quotes received shall be retained in the department’s file for auditing purposes.

\$ Three written quotes are required. Hard copies shall be attached to the purchase order.

\$ Must be competitively bid in accordance with the Act. City Council approval is required for all purchases in this category, except as provided for an emergency.

Items purchased more than once during a fiscal year (e.g. office supplies) do not need quotes every time a purchase is made. However, unless such purchases are made from an approved vendor list, competitive quotes for repeated purchases shall be sought at least once each year to ensure the vendors are competitive. Inasmuch as possible or feasible, employees should obtain goods and

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services through cooperative procurement with other local governments or units or by utilizing the Commonwealth of Virginia e-Marketplace.

SOLE SOURCE PROCUREMENT

Contracts for parts, supplies, or equipment that are available only from a single source shall be referred to as sole source purchases. Sole source purchase shall not be used for any type of service contracts. Sole source procurement may arise from the following instances:

1. Equipment for which there is no comparable competitive product or is available only from one supplier;
2. A part for which there is not commercially available substitute, and which can be obtained only from the manufacturer;
3. An item where ‘compatibility’ is the overriding consideration, e.g., computer software or hardware.

Purchases satisfying one or more of these requirements shall not be subject to competitive bidding; however, purchases exceeding \$_____ shall still be presented to City Council for approval. For all purchases submitted to City Council as a sole source procurement shall be accompanied by a written request to waive bids which shall also set forth the reason(s) for the request.

EMERGENCY PURCHASES

Emergency shall be defined as set forth herein. Whenever, in the judgment of the City Manager, an emergency situation requires the make of any purchase in excess of _____ but less than \$_____ prior to the next regular meeting of the City Council, the City Manager may make such purchase without waiting for the formal approval of the specific purchase by City

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Council but shall make a report thereof to the City Council at the next regular meeting of the City Council. If the emergency purchase is over \$_____, approval of the City Council is required and request therefor shall be accompanied by a written request to approve the emergency purchase which shall also set forth the reason(s) for the request.

CHANGE ORDERS

Subsequent to entering into a contract, change orders may become necessary. The City Manager shall have the authority to approve all change orders up to \$_____. Any change order, singularly *or in the aggregate*, that exceeds \$_____ must be approved by the City Council.

RECONCILIATION REQUIRED

Each department that utilizes this small purchase policy during any given month shall be required to reconcile all purchases executed during that month. To comply with this requirement, each department must designate the person/position who will be tasked with responsibility of reconciling the transactions of the department, and be responsible for investigating, resolving, and reporting out to the Finance Department (copy to City Manager) discrepancies, should such occur. The person/position designated for reconciling the transaction shall *not* under any circumstances be the person/position who initiated or authorized the underlying purchase. This requirement shall not be waived.

For purchases over \$_____, reconciliation shall require that the expense of the purchase match up and is verified by all documentation required by this policy. Reconciliation should be completed monthly. Reconciliation reports required for any month shall be due to the Finance Department (copy to City Manager) by no later than the 15th day of the following month. Department reconciliation reports shall be retained by Finance Department in accordance with

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general accounting principles and with all applicable provisions of state and federal law. Under no circumstances shall a department reconciliation report be destroyed prior to the completion of the comprehensive annual financial audit the fiscal year that covers the month for which the reconciliation report was generated.

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IR-8



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE:

Strategic Plan and Crime Meeting Transparency – Post Online Records for Public

ISSUE: City Council held three Town Hall Meetings in 2019 to develop a draft Strategic Plan. The resident feedback from those meetings is not posted online for the public to view. Additionally, City Council held several Advances to prepare the Strategic Plan. The first draft (skeleton) and the City Managers’ feedback is not posted online. Each step to include the date should be made available to the public. The Crime Meeting resident feedback should also be posted online.

RECOMMENDATION: Post resident feedback, skeleton (Advance Notes), City Manager’s bullet point submission, City Manager’s table submission and what the City Manager submits at the Feb. 1st Meeting.

TIMING: Immediate

BACKGROUND: None

ENCLOSED DOCUMENTS:

- None

STAFF:

None

FOR IN MEETING USE ONLY

SUMMARY:

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

MOTION: _____

Roll Call

SUMMARY:

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

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

ADJOURN