

**MINUTES OF THE DECEMBER 10, 2024, CITY COUNCIL REGULAR MEETING**

A REGULAR meeting of the Hopewell City Council was held on Tuesday, December 10, 2024, at 6:30 p.m.

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

**CLOSED MEETING:**

Councilor Holloway makes a motion to go to go into a closed meeting pursuant to Va. Code Section § 2.2-3711 (A)(I) “to discuss and consider personnel matters, including board and commission appointments” (Hopewell Redevelopment and Housing Authority, Board of Zoning Appeals, Economic Development Authority, Planning Commission, Healthy Families, Department of Social Services, District 19, Recreation and Parks, Keep Hopewell Beautiful, Community Policy and Management Team, Historic Preservation Committee, Architectural Review Board); “the assignment and performance of specific appointees and employees of City Council” (City Attorney applicants) and VA Code § 2.2-3711(A)(30) “Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body and to the extent such discussion will be aided thereby”. (Procurement of real estate in Hopewell)

**ROLL CALL**

Councilor Harris-	Abstain
Mayor Partin-	Yes

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

**Motion Passes 6-0**

**Reconvene Open Meeting**

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

**ROLL CALL**

Councilor Haris-	Abstain
Mayor Partin-	Yes
Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes

**Motion Passes 6-0**

**CERTIFICATION:**

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

**ROLL CALL**

Councilor Haris-	Abstain
Mayor Partin-	Yes
Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes

**Motion Passes 6-0**

Councilor Joyner makes a motion to appoint Shantae Wheeler to the Social Services Advisory Board, Violet Taylor to the Hopewell/Prince George Healthy Families Advisory Board, Chris Lofstrom to Keep Hopewell Beautiful, Jennifer Lowery to Keep Hopewell Beautiful, and Zyannah Richardson to the Recreation Commission Board, Vice Mayor Gore seconds the motion.

**ROLL CALL**

Councilor Haris-	Abstain
Mayor Partin-	Yes
Vice Mayor Gore-	Yes
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes

**Motion Passes 6-0**

**WORK SESSION**

**WS-1- Zoning Text Amendment-** Christopher Ward, Director of Planning & Development

The meeting discussed a zoning amendment request to add "municipal facility" as an allowable use in the C-1 (Conservation) District and to define "municipal facility" in the zoning ordinance. The City of Hopewell is the applicant for this request, which specifically applies to two areas in Ward 2 of the city. Currently, these areas are zoned C-1 and allow municipal utilities but not municipal facilities. The purpose of the request is to facilitate the construction of a new burn building for the Fire Department at one of these locations, which would not qualify as a municipal utility. The discussion also touched on the potential for further development of these brownfield sites, which are currently limited in redevelopment potential due to their previous use for wastewater treatment and landfills. The mayor suggested exploring ways to make the district more

compatible for redevelopment, possibly by blending it with industrial zoning or qualifying it for brownfield redevelopment grants. However, the city planner noted that such changes would require further review and consultation with the Department of Environmental Quality (DEQ) and could involve starting the process over with additional public hearings. The meeting ended with no action being requested at this time, as this was a work session, and the matter will return for further discussion at a later public hearing.

Councilor Holloway asks can a motion be waived to allow for this to pass tonight. Mr. Ward explained this needs to be a public hearing requirement, so it will come back to the council as a public hearing and can pass at that time with one reading if five or more vote in favor of it.

**WS-2- Single Family Dwelling on a Non-Conforming Lot-** Christopher Ward, Director of Planning & Development

Mr. Ward began this work session item addressing a conditional use permit request from SRB Investors, LLC, to construct a single-family dwelling on a non-conforming lot located at Parcel number 0131210 on Atlantic Street in Ward Three. The property is zoned R-2 Residential Medium Density, but the lot in question is 60 feet wide, which is smaller than the required 75 feet for R-2 zoning, though it meets the 7,500 square foot size requirement. The proposed dwelling is a Cape Cod-style, two-story house with three bedrooms, two and a half baths, and 2,040 square feet. It is larger than the average home size in the area, which is 1,267 square feet. The design includes vinyl siding, which is consistent with the neighborhood. Staff recommended approval of the application with conditions, including minimum 12-inch eaves, 20% tree canopy coverage at full maturity, an asphalt or concrete driveway, brick or stone foundation on all sides with plantings, and construction in substantial conformance with the presented plans. The Planning Commission had already approved the application on November 14th with no modifications. The council was not asked to take action during the work session but was available for any questions. There were no questions for Mr. Ward for this work session.

**REGULAR BUSINESS**

The regular meeting was called to order. Roll call was taken. All councils are present. Pastor Hart leads prayer followed by the pledge of allegiance.

Councilor Pelham makes a motion to adopt the agenda, and Councilor Joyner seconds the motion. Discussion is made by Councilor Pelham to amend the agenda to change the order of the agenda to allow the Petersburg Symphony to be first in information and presentations, Councilor Joyner accepts the amendment.

**ROLL CALL**

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

**Motion Passes 7-0**

Councilor Joyner makes a motion to adopt the consent agenda, and Councilor Pelham seconds the motion.

**ROLL CALL**

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

**Motion Passes 7-0**

**INFORMATION/PRESENTATION**

**Petersburg Symphony:** Mayor Partin asks that all members of the Petersburg Symphony come to the front along with any former members of the City Council in

the audience along with current city council members. Councilor Pelham presents to the Petersburg Symphony by thanking them for their support. Dr. Kenneth W. Lewis, President of the Petersburg Symphony Orchestra (PSO), expressed his deep gratitude to the Hopewell City Council and residents for their unwavering support of the orchestra over the past decade. He highlighted that the council's financial contribution of \$4,000 in 2014, requested by the late Mrs. Mary Adams, allowed the PSO to host an annual concert at the historic Beacon Theater, a tradition that continues today. Dr. Lewis praised not only the financial support but also the community's moral backing, enthusiasm, and hospitality. He fondly remembered the concert at Grant's Headquarters in 2012 and mentioned a recent holiday concert in December 2023 that drew 800 attendees. Looking ahead, he invited the council and community to attend the PSO's upcoming performance at the Beacon Theater on March 9, 2024, featuring "Kicked Back Classics." He concluded by expressing the PSO's ongoing gratitude for the city's support. A certificate was presented to all current council members and to the formal councilors who were present.

#### **Fire Brief-** Ben Ruppert, Chief of Fire

The fire department is currently facing significant staffing challenges, as detailed in a recent presentation. The department normally operates with 48 full-time positions, but there are currently 12 vacancies, and 15 fewer personnel are available for daily shifts due to ongoing training for some new recruits. This shortage has led to frequent use of overtime and "drafting," where employees are required to stay beyond their scheduled shifts. Despite efforts to avoid further strain, including reducing the minimum staffing from 13 to 11 on certain days, the department has faced increased risks and fatigue among its staff. These staffing issues have impacted the department's ability to meet national fire service standards and deliver adequate emergency services. Additionally, the department now handles all EMS calls, a responsibility previously shared with the now-defunct Hopewell Emergency Crew. This shift has led to an increase in EMS calls and further strain on the department. Efforts to mitigate the challenges include better managing staffing levels and training to ensure safety during operations, but hiring new staff remains a key issue. The department continues to explore solutions to maintain service levels while addressing the ongoing staffing deficit. The department is facing significant staffing challenges, especially in EMS, which accounts for 82% of call volume. Currently, the EMS staff is overwhelmed, with many working long hours and experiencing burnout. The 24/48 schedule originally implemented for EMS staff is no longer sustainable, especially when additional overtime is required. To address this, the department has proposed switching to a

24/72 schedule, which would give staff an extra day off between shifts, helping with burnout and improving recruitment. This schedule is highly sought after, but it would require adding extra positions to accommodate the shifts. Despite challenges, including being the second-lowest paying department in the region, the department has advertised and made significant progress in recruiting new staff. Seven offers have been accepted so far, including three ALS providers and one firefighter. The department plans to continue its recruitment efforts and believes that addressing pay disparities with neighboring jurisdictions and offering career development opportunities will help retain staff and attract new talent.

Councilor Holloway asks Chief Ruppert do you already have any numbers as to what it would cost the city yearly if everybody in the department paid a set increase like 3% or 5%, or do we have anything already? Chief Ruppert answers he does not have that in front of him but he certainly is able to share that with him.

Councilor Pelham asks if it would be cheaper for them to purchase more ambulances to send people out with instead of sending out the big truck for each call if it's not a fire they are responding to. Chief Ruppert explained it would be time-consuming to operate in that way because if they are called to a fire while at the current call and they are not in their truck, they will have to return to the station to gear up in the truck before making it to the next call.

### **2020 Annual Comprehensive Financial Report – David Foley**

David Foley, a partner with Robinson Farmer Cox Associates, presented the results of the City's Fiscal Year 2020 audit. The audit process began in early October, with weekly status meetings held between the audit team and city management to discuss progress and open items. The audit was completed in June 2020, and the final report includes three key sections. First, an unmodified opinion on the city's financial statements, confirming they were prepared in accordance with generally accepted accounting principles. Second, a report on the city's internal controls over financial reporting, which noted material weaknesses related to monthly reconciliations and other internal control issues from previous years. Finally, the audit included a clean federal compliance report, with no findings or issues regarding federal awards. Moving forward, the team will begin the FY 2021 audit while continuing weekly meetings with city management to ensure smooth progress.

Councilor Joyner asks about the time constraints and, given they just finished 2020, what their expectations are with completing the turnaround for the annual

audits. Mr. Foley states it's contingent upon getting everything they need, so he says it would be assuming everything happens properly. It would be about 60 days.

Councilor Holloway asks what takes so long. What usually happens when you're requesting information? Mr. Foley says 60 days if they receive all the information. In the past it took longer because they were not receiving everything they needed right away. Councilor Holloway asks more questions about the process and how the process works.

Vice Mayor Gore makes a motion to extend the meeting to the completion of the agenda, Councilor Pelham seconds the motion.

**ROLL CALL**

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

**Motion Passes 5-2**

Councilor Pelham asked did the RBG not give them the information they needed, and that is the reason for the slow process? He explains when RBG came in 2020 had already happened, and they can't go back and change the past. So, Councilor Pelham asks how do you change that. Mr. Foley says you can't, but if 21 and 22 follow suit, they will have an unmodified opinion on the financial statements. Mr. Foley gives a detailed response explaining that while it's possible to go back and recreate reconciliations to support financial statements, the underlying internal control processes, which involve daily and monthly activities, cannot be retroactively fixed. Efforts are ongoing to improve these internal controls by working with city staff to implement new policies and procedures. However, the challenge remains that internal controls need to be managed moving forward, while the financial statements need to be supported through reconstructed reconciliations. These are two separate issues requiring different approaches. Dr. Manker steps in to state the draft for 2020 is nearly complete, with some internal processes still pending. The expectation is that the 2021 audit will begin in January, following the completion and upload of the necessary documents by the



Robert Bob Group.

Mayor Partin says he has a hard time believing 60 days is going to stick, and he asked does he needs to request an additional team to his firm to help expedite this process. Mr. Foley says he has the staff available to do this, and the 60 days is contingent on getting sufficient information. So, if they get some information in February but don't have enough to complete, the 60 days is prolonged. Mayor Partin asks for, in the future, when they ask for the documents, to CC the entire council on their requests so that everyone is aware of any requests being made.

Vice Mayor Gore emphasized the importance of clear communication and ensuring everyone is on the same page regarding the audit process. He recalled his initial concerns about the audit, where it became apparent only recently that the necessary financial documents had not been provided for the audit despite the belief that they had been. He acknowledged the quick turnaround after the clarification, noting that the delay stemmed from miscommunication about document submission. He explained that documents for the 2021 audit would not be requested until the 2020 audit was complete, as further changes could render the 2021 records outdated. Gore also clarified that the issue with audits began in 2016 when the city could not produce the necessary financial records. This problem persisted until the Robert Bob Group worked to recreate and prepare the financial statements for auditing. Moving forward, the groundwork laid by the Robert Bob Group will ensure the finance department can submit future financial records in a timely manner. However, material weaknesses will remain until 2023 due to the inability to change past records. She then emphasized the importance of ensuring that any outstanding documents, such as the Standard Operating Procedures (SOPs) and other work products from the Robert Bob Group, are requested before the holiday. She instructed the finance department to email and copy the counsel to request any missing documents, highlighting that there are still deliverables the city has paid for but not received. She stressed that these documents are crucial for the implementation of the work product and for applying the SOPs, and they need to be provided to the city as soon as possible to avoid further delays. She asked if anyone objected, but no one had an objection.

## **PUBLIC HEARING**

**PH-1 – Storm Water Fee Study (2<sup>nd</sup> Reading)**– Michael Campbell, Public Works Director

Michael Campbell addressed the council regarding the stormwater fee study,

introducing Deputy Director Mike Crocker to present detailed findings. The city's current stormwater management program has a \$4 monthly fee, which has been in place since 2015. A recent evaluation by CDM Smith found that the current utility rate structure is insufficient to meet the city's needs, particularly in regulatory compliance and capital investment. The utility generates about \$905,000 annually, covering basic staffing, maintenance, and office expenses but not addressing regulatory or capital needs. The staff presented several options for increasing the fee, with the least favorable option deferring capital investment until 2030. The preferred recommendation is to raise the utility rate by \$8, reduce the industrial credit to 20%, and establish a more stable funding source for regulatory compliance and capital projects. This increase would begin in FY 2025, with a goal of gradually bringing in just under \$2.4 million by FY 2027. A list of capital projects was also presented, highlighting the urgent need for increased funding. The staff requested council approval for the rate increase and to conduct a stormwater utility fee assessment every four years to ensure sufficient funding in future budgets.

Councilor Holloway raised questions about the impact of reducing the utility incentive. He clarified that reducing the incentive would raise the stormwater fee revenue from approximately \$905,000 to \$1.315 million, generating an additional couple of hundred thousand dollars. He then asked how much the total increase would be if the utility rate were raised by \$4. Deputy Director Crocker explained that with the \$4 increase, the total revenue would rise from \$905,000 to around \$2.2 million, generating an extra \$1.3 million. Councilor Holloway expressed concern about the significant 100% increase in the utility rate, noting the substantial impact this would have.

Councilor Pelham inquired about the proposed reduction in the utility credit, asking if the recommendation was for a 20% incentive instead of the current 90%. Deputy Director Crocker confirmed that the recommendation is indeed for a 20% incentive. Councilor Pelham thanked him for the clarification.

Mayor Partin expressed no objection to reducing the industrial incentive from 90% to 20% but emphasized his preference for stormwater billing to be tied to real estate taxes rather than monthly billing, as it would eliminate certain expenses and improve collection rates. He voiced concerns about justifying an additional tax increase, given that residents had already faced a real estate tax hike and were still waiting for completed capital projects, such as street paving, which had been delayed for several years. Deputy Director Campbell responded by explaining that

capital improvement projects were on schedule and that the stormwater program's regulatory compliance costs required urgent funding. The mayor disagreed, citing unfulfilled promises to pave streets since 2019, which he felt diminished citizens' confidence in further tax increases. Campbell countered by noting that while some projects had been delayed, stormwater funding was crucial to avoid further financial strain. The mayor remained unconvinced but indicated a willingness to support the stormwater fee increase once visible progress on street projects was made.

Councilor Holloway expressed strong opposition to the proposed tax increase, particularly the 100% increase in stormwater utility fees. He highlighted concerns raised by citizens, including struggles to afford basic needs like medication or food due to rising costs. Holloway emphasized that many citizens had already been burdened by previous tax increases, such as the real estate tax hike and assessments, which he considered a backdoor tax increase. He argued that such additional fees would only further strain residents and that alternative methods for funding should be explored. He also concurred with Mayor Partin's call for street repairs to be prioritized, noting the frequent complaints from constituents about poor road conditions. Holloway suggested that capital improvement projects should be addressed more efficiently, especially given the low cash flow and budget freezes, which hinder progress. He also acknowledged that some difficult decisions were necessary for long-term funding sustainability but believed that better management of available funds could alleviate the need for further tax hikes. Additionally, Holloway discussed a specific example of stormwater issues on Hampton Avenue, highlighting the high costs of repairs and the consequences of underfunding the stormwater program. While understanding the challenges, he advocated for reconsidering the proposed fee increase and exploring other budgetary options to avoid further burdening citizens.

Councilor Joyner expressed disagreement with some of her colleagues regarding the proposed 100% increase in the utility fee, acknowledging the financial burden but pointing out that the city's current situation is a result of previous councils' short-sightedness. She argued that the rate had not been increased in 10 years, despite significant inflation, and questioned how the city would address the issue without additional tax hikes. Joyner suggested that future utility fee assessments should be conducted every four years to ensure proper budgeting and sufficient funds. She also criticized the handling of surplus funds earlier in the year, noting that improper budgeting led to questioning of how the surpluses were allocated. While she agreed to reduce the utility fee incentive for industries, she ultimately supported the staff's recommendation for the fee increase, understanding that it was necessary to address

long-standing issues. Joyner emphasized the need for careful consideration of future tax increases but expressed confidence in the proposed solution, signaling her intention to support it in the upcoming vote.

Councilor Denton expressed concerns about the funding challenges for infrastructure projects in Hopewell, particularly the stormwater projects. She pointed out that the city does not generate significant profits and thus relies on taxpayers to fund these necessary improvements. Denton acknowledged the tough situation where the council must decide between funding the projects to improve the city's infrastructure or risking public dissatisfaction if these projects remain unaddressed. She referenced a specific example of a project on Heretic Avenue that had been delayed due to a lack of funds, highlighting the need for financial resources to move forward with similar initiatives. Denton emphasized that funding these projects is crucial, as economic development and general funds cannot resolve the issues. She supported the staff's recommendation to establish a dedicated utility fund through the stormwater utility fee, which would allow the city to prioritize infrastructure without overburdening other funds. Denton also shared her past experience in a similar situation, noting that such infrastructure challenges are common in many cities and that the problems are compounded over time. She expressed her commitment to addressing these issues and ensuring that the city's infrastructure is improved, even though it will require substantial funding and external assistance for larger projects.

Councilor Pelham discussed the city's stormwater projects and the challenges of funding them. She questioned how much the additional \$4 utility fee would help cover the costs of the ongoing projects, acknowledging that the fee would not be sufficient to fund a single project on the list. Pelham highlighted the issue of generating revenue through utility increases, which is typically used to support debt service and enable borrowing for larger projects. She noted that the city currently lacks the capacity to borrow due to insufficient incoming funds. Pelham proposed a solution of adding the stormwater utility fee to real estate taxes rather than charging individual citizens, which would increase revenue and reduce costs associated with data integrators. She emphasized that this approach would improve collection rates, shift the responsibility to property owners rather than renters, and help address some of the city's financial challenges, potentially saving significant costs. Pelham expressed support for this method as a more efficient way to fund stormwater projects while easing the financial burden on citizens.

Vice Mayor Gore expressed her understanding of the various perspectives on the proposed stormwater utility fee increase but emphasized her concern about adjusting fees outside of the regular budget cycle. She recommended that the discussion of such fee increases be incorporated into next year's budget planning process, which will begin in January or February. She noted that while the fee increase could still be implemented by July 1, it should be addressed within the broader context of the budget. Gore also reminded everyone that the proposed \$4 stormwater utility increase had already been discussed and included in the approved budget during a previous session. She cautioned that adjustments outside the budget cycle could disrupt the planning process and advised that any future fee proposals should be formally brought before the council during budget discussions. Gore further highlighted the importance of keeping the council informed about ongoing staff requests for such fee increases to avoid issues stemming from past miscommunications.

Councilor Holloway expressed concerns about the proposed stormwater utility fee increase, emphasizing that the city had already implemented several tax and fee increases this year, such as property taxes and trash fees. He suggested that the burden of additional fees should be considered within the context of the city's budget and allocated from the increased revenue generated by the recent tax hikes rather than adding a new fee. Holloway concurred with Vice Mayor Gore's view that such discussions should be part of the upcoming budget cycle, particularly since the increase in revenue from taxes had already raised the budget. He also highlighted the need to address immediate needs through the budget and not through new fees, pointing out that emergencies could be brought to the council for consideration as needed. Holloway ultimately recommended that the issue be handled during the budget discussions in January with the new council.

The mayor opened the public hearing but noted that no one had signed up to speak. However, the Mayor acknowledged a written public comment had been submitted and asked for it to be read aloud by Madam Clerk.

A written public comment was submitted by Catherine Pki from Ward One. She expressed her opinion that the industrial stormwater fee should be reduced to 20% and that the citizens' fee should not be raised. She also raised a concern about the 90% credit given to Hopewell's industries, questioning who authorized such a significant reduction. She criticized the city's financial practices, highlighting that Hopewell has been taken advantage of by industries and has experienced a lack of

accountability. She concluded by noting that living and thriving in Hopewell has historically been challenging.

Vice Mayor Gore makes a motion to table the discussion until March. Councilor Harris seconds the motion.

Josh, the Program Manager, explained the city's regulatory compliance requirements, specifically the need to reduce 85 pounds of total phosphorus by FY 27 to meet the MS4 permit. He emphasized that failing to meet these requirements could result in a consent order from the state. While the timeframe allows for planning and project implementation, the funding is crucial for executing these projects. He clarified that the city would not receive any funds until the next budget cycle, which starts in July. Even if the requested fee increases are implemented, the funds would not be enough to meet the phosphorus reduction goal. Additionally, without council approval for a lump sum of money, the city would be unable to proceed with the necessary projects.

## **ROLL CALL**

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

## **Motion Fails 4-3**

Councilor Joyner makes a motion to reduce the 90% industrial credit down to 20%. Councilor Holloway seconds the motion.

## **ROLL CALL**

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

Councilor Denton -	No
Councilor Pelham -	Yes
Councilor Holloway -	Yes
Councilor Joyner -	Yes

**Motion Passes 6-1**

Councilor Holloway makes a motion to remove the monthly Storm Water fee from the utility billing to the real estate taxes. Councilor Joyner seconds the motion.

Councilor Denton raised a concern about the potential impact of moving the stormwater fee to the real estate taxes, noting that it would primarily affect homeowners and not renters. She pointed out that rentals, which make up about 50% of Hopewell, also benefit from infrastructure such as roads and suggested that renters should contribute to these costs. Denton emphasized that while homeowners could pass the fee increase onto renters by raising rent, the burden would still fall mainly on homeowners. Michael Campbell clarified that the stormwater fee is based on a residential unit and would be billed to the homeowner if tied to real estate taxes. He explained that landlords could raise rent to cover the fee, but the liability for the fee would fall on property owners. Councilor Holloway pointed out that rental increases in Virginia have already gone up by 4.1% in 2024. He suggested that this increase would likely be enough for rental property owners to cover the additional \$4 per month stormwater fee, implying that the fee wouldn't impose a significant additional burden on landlords. Vice Mayor Gore confirmed that if the fee were moved to real estate taxes, it would be processed with the next real estate bill in June.

**ROLL CALL**

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

**Motion Passes 7-0**

**PH-2 – Single Family Dwelling on a non-conforming lot, Bank St.–** Chris Ward, Director of Planning & Development

Chris Ward presented a conditional use permit (CUP) request for a new single-family dwelling on a non-conforming lot at Parcel 0270240 on Bank Street in Ward One. The property, located in the Historic City Point District, is smaller than required by zoning, being 38 feet wide and 2,470 square feet, as opposed to the required 80 feet wide and 12,000 square feet. The proposed house is a one-story, three-bedroom, two-bath design totaling 1,056 square feet. The applicant, Value Corps LLC, has already received approval from the Architectural Review Board and the Board of Zoning Appeals for the design and necessary variances. The staff recommended approval of the CUP, contingent upon the house being built in substantial conformance with the approved plans. There were no public comments received during the public hearing or the Planning Commission meeting, where the request was unanimously approved. The applicant was present for any questions.

Councilor Joyner raised a question regarding the term "substantial conformance" in relation to the proposed house's design. She asked for clarification on what it means visually and aesthetically. Chris Ward explained that "substantial conformance" means the house must be built exactly as shown in the presented drawings. Any deviations from the approved plans would need to go through the Architectural Review Board (ARB), and if the changes are significant enough to impact the conditional use permit, the matter would need to come back before the Council. Councilor Joyner expressed satisfaction with the explanation.

The public hearing was opened, but no one had signed up to speak. The Mayor asked if anyone in the audience would like to address the issue, and it was then noted that there was one written public comment.

The public comment from Ms. Debbie Randolph, a resident of Ward One, expressed opposition to the proposed single-family dwelling on Bank Street. She cited two primary concerns: first, the size of the proposed home, which is less than 1,100 square feet, and the lack of recent improvements made by the company that owns the adjacent rental property. She suggested that the city-owned land nearby



could be better developed, potentially allowing for multiple larger homes, improving parking conditions, and preserving the area's quality. Her second concern was the inadequate parking on Bank Street, which she believes is already a significant issue. Ms. Randolph noted that adding more cars to the area would worsen the situation, especially since fire trucks cannot currently pass through due to narrow streets. She advocated for better planning that respects the historic area and provides quality housing and amenities.

Councilor Pelham makes a motion to approve the CUP as presented with conditions. Vice Mayor Gore seconds the motion.

Councilor Harris responded to Ms. Randolph's concerns about fire truck access on Bank Street. He confirmed that fire trucks face difficulty due to narrow turning and parking on both sides of the street, making it nearly impossible for them to pass. He mentioned that staff had already met with Public Works to explore solutions, such as restricting parking to one side, but he was unsure of the status of these changes. Councilor Harris also shared his personal experience living on Bank Street, noting that while fire trucks had never encountered issues during his time there, safety remained a valid concern. He emphasized that fire trucks could still fight fires by accessing the area from the Prince Henry or Maplewood sides, though they could not navigate down Bank Street itself. He acknowledged the broader challenge of street access, including issues with garbage pickup, and suggested that the city-owned vacant parcel could help improve the situation if developed.

They had further discussion in reference to the presenter's presentation.

## **ROLL CALL**

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

Councilor Pelham -	Yes
Councilor Holloway -	Yes
Councilor Joyner -	Yes

**Motion Passes 6-1**

Councilor Pelham makes a motion to direct the city manager to get Public Works to notify citizens that the street will be one-way parking at some point for the house. Councilor Holloway seconded the motion.

**ROLL CALL**

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

**Motion Passes 7-0**

**PH-2 – Rezoning Request- 2610 City point Rd.**– Chris Ward, Director of Planning & Development

Chris Ward presented a rezoning request for the property at 2610 City Point Road (Parcel 0140015), proposing a change from R-2 Residential to B-2 Limited Commercial. The request was discussed at a public hearing held by the Planning Commission on October 3rd, with advertisements and notifications sent out as required. The applicant, Ms. Lisa Brown, has provided proffers to limit the types of uses allowed under the B-2 zoning to low-impact activities, such as specific commercial and institutional uses, ensuring minimal impact on surrounding properties. The proffers also include operating hours from 7 AM to 9 PM, restrictions on live music, dancing, arcade games, and special events, as well as a ban on specific signage and illumination. Staff supports the rezoning, citing its alignment with traditional neighborhood design principles and its location on a

major collector road. The property has previously been used for commercial purposes despite its residential zoning, and its conversion to residential use is unlikely. There have been some objections, including one email requesting additional proffers, but also some support from a local resident. The Planning Commission and staff both recommend approval of the request, provided the proffers are adopted.

Councilor Holloway questioned the inclusion of restrictions on live music, dancing, and special events or charitable activities in the proffers for the rezoning of 2610 City Point Road. While recognizing the intention to minimize neighborhood impacts, Holloway expressed concerns about the need for such prohibitions, especially given the property's proximity to a church. He emphasized that the restrictions seemed overly broad and suggested that limiting operational hours (7 AM to 9 PM) could be sufficient. Holloway argued that such restrictions might not be necessary and that similar establishments, like Car Brothers, operate near residential areas without such limitations. He proposed that the proffers could be reconsidered, potentially removing these specific prohibitions to allow for more flexibility.

Ms. Brown, the applicant, expressed gratitude to the citizens of Hopewell and shared her efforts to create a high-quality soul food restaurant in the area, citing \$27,000 in renovations. She emphasized her dedication to improving the property, including landscaping, a private trash enclosure, and parking lot upgrades. She also highlighted her ownership of another property with fewer restrictions, questioning why this new property should have so many limitations. Brown mentioned that the building at 2610 City Point Road was previously used as a small restaurant and gym. She noted that she has already implemented responsible practices like minimizing traffic through deliveries. She disagreed with some of the proposed proffers, particularly the restrictions on live music, dancing, and special events, which she felt were unnecessary and discriminatory. Brown argued that such restrictions would limit her business's potential, especially as a small soul food restaurant, and she suggested removing them, particularly since existing noise ordinances should suffice to manage concerns. She clarified that while she had agreed to the proffers due to pressure, she felt the restrictions were unfair and not conducive to the success of her business.

Councilor Joyner expressed support for the proposed proffers, agreeing that they were appropriate given the location of the building. She acknowledged the building's history, mentioning that it had been a store and later a dance studio for many years. While she praised the applicant's efforts in bringing a soul food restaurant to the area, Joyner suggested that the building might have historical or architectural significance, particularly due to its old structure and ghost signage. She recommended that the Department of Historic Resources (DHR) consider reviewing the building to ensure its preservation for future improvements but clarified that this would not affect interior changes. Despite this suggestion, Joyner expressed her intent to keep the proffers as they were.

Mayor Partin expressed support for the proffers, emphasizing their importance in preserving the integrity of the established neighborhood. He noted that while the applicant may have a great vision for the property, the proffers would ensure that future owners adhere to the same standards and protect the community from potential negative changes. The Mayor also mentioned submitting a request to the Planning Commission for an additional proffer, asking the applicant to purchase a camera that would integrate with the city's overall surveillance system. He clarified that this would not be a license plate reader but part of the city's broader camera network, with the city covering ongoing costs after the initial capital investment by the applicant.

Ms. Brown expressed concerns about the additional costs she has incurred for renovations, including installing cameras around her building, which she believes should be sufficient for security. She acknowledged that the city's request for a camera system tied to the city's broader surveillance network was a reasonable idea but emphasized that she should not bear the cost of such installation, given the significant expenses she has already paid, including \$27,000 for renovations and improvements. She pointed out that previous businesses at the location were not asked to make similar investments. While she agreed to allow the city to install a camera on her building, she insisted that the city should bear the cost and that the camera system should remain intact if she were to sell the building in the future. She offered to sign an agreement ensuring that the camera would remain operational even under new ownership.

Councilor Denton expressed reservations about the proposed restaurant despite agreeing with the proffers. She acknowledged her familiarity with the neighborhood and noted that most of the petitions supporting the restaurant came from people outside the immediate area, including from other cities. She emphasized that her concerns stemmed from not wanting outside influences to affect her decision. Although she recognized the success of the business and the improvements made by the applicant, she remained unconvinced that the location was suitable for a restaurant, which was her main reservation. She also mentioned receiving additional petitions from residents of the immediate area, though there was some confusion about their inclusion in the packet.

Councilor Pelham suggested considering the inclusion of live music at the restaurant, proposing that it could be something subtle, such as a saxophone or a guitar player, rather than a full band. He argued that the size of the building would limit the potential for a loud band, and he didn't see any issue with having live music, such as a resident pianist or saxophonist, to entertain diners. He acknowledged concerns about noise, specifically differentiating between quiet and loud performances, but emphasized that this type of live music wouldn't typically cause issues before the noise ordinance kicks in at 10 p.m. He also disagreed with the restriction on special events or charitable activities outside the building, asserting that since the restaurant would close before the noise ordinance takes effect, these activities should not be restricted. Pelham proposed removing these restrictions from the proffers.

Councilor Holloway raised concerns about the potential double standard regarding noise restrictions, questioning why the proposed restaurant would face stricter limits on live music or DJ performances compared to churches in the area. He pointed out that churches, which also host events with music, can have services that run late into the evening, yet there seems to be no issue with their noise. Holloway asked Mr. Ward for clarification on the specific concern regarding noise at the restaurant, suggesting that noise from businesses, including live music, should be treated similarly to that of churches, as both would occur during the day and early evening hours. He expressed confusion about why the restaurant would

be held to different standards, especially considering the noise from churches, which is not typically restricted in the same way.

The mayor announced the opening of the public hearing. He indicated that only one person had signed up to speak, Anthony Sylvester, and invited him to address the meeting.

Anthony Sylvester addressed the meeting in support of the rezoning but emphasized that his support is contingent upon the proffers being attached. He highlighted that the rezoning process is essentially a "bargain and exchange," where the proffers are tied to the specific land use. He raised concerns about potential changes to the proffers, suggesting that altering them after the Planning Commission's approval could undermine the process and trust.

Sylvester acknowledged the value of the new business in the community, noting the opportunity for walking to purchase food, but emphasized the importance of protecting the integrity of the residential neighborhood. He agreed with Ms. Brown's offer to allow a camera installation, suggesting that the city use available resources for that purpose. Finally, Sylvester reiterated his support for the project, provided the proffers are maintained, as they reflect the historical residential nature of the area.

Susan Dent addressed the meeting by expressing concern about the rezoning of the property rather than the restaurant itself. She acknowledged that she does not have an issue with the restaurant but raised concerns about the zoning change from residential to B-2 (commercial). She explained that B-2 zoning is intended for limited commercial establishments along major travel streets and is designed to protect existing commercial areas. Dent emphasized that setting a precedent by placing a commercial establishment in a residential neighborhood could have long-term implications.

She also questioned the decision to invest significant money into property improvements before knowing whether the zoning would be approved, suggesting that this may imply a sense of assurance that the process would go through. Additionally, Dent highlighted the importance of considering traffic flow in the

area, as City Point Road is a major route for residents in the neighborhood, unlike other more heavily trafficked streets in the city.

Finally, she expressed her gratitude to the city council for reviewing public letters and emails but urged the Planning Commission to provide more transparency about the letters received during the process. Only two emails and one letter were mentioned without any details on whether they were in support or opposition.

Charles Bennett spoke in support of the rezoning, emphasizing his approval of the investment being made in the city. He expressed that when someone is willing to invest their money and take a chance on providing economic activity, it should be supported. Bennett also voiced his support for the process and the recommendations made by the staff.

Councilor Joyner makes a motion to approve the rezoning request with the proffers offered by the applicant as presented. Councilor Harris seconds the motion.

## **ROLL CALL**

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

## **Motion Passes 6-1**

Vice Mayor Gore makes a motion that after unfinished business they move on to adjourn council presentations and remove everything else pending to the Finance Committee meeting on the 17<sup>th</sup> to close off the year. Councilor Harris seconds the motion.

## ROLL CALL

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

### Motion Passes 5-2

## UNFINISHED BUSINESS

UB-1 – HR Conflict of Interest Policy Update- Dr. Concetta Manker, City Manager

Dr. Concetta Manke explained that the policy before the council was drafted at the request of the City Attorney. The policy consolidates various provisions from the Virginia Code into one city policy. Currently, the city has a conflict-of-interest policy within its handbook, but this new policy would expand on that. Manke clarified that if the city does not adopt this policy, it would still rely on the Virginia Code. The draft policy merely gathers all relevant code language into one document for local application. She noted that the City Attorney has indicated where each part of the policy was sourced from the Virginia Code. Dr. Manke then turned the floor back to the mayor for any questions or further discussion.

Mayor Partin raised concerns regarding the new conflict of interest policy and its potential legal implications. He mentioned that the Commonwealth's Attorney had some concerns about the interpretation of certain sections of the policy, particularly those related to the budget, personnel issues, salaries, and healthcare. Specifically, he pointed out Section 16, which addresses voting on budgetary matters that could



affect the economic interests of City Council members, drawing a parallel to past legal issues with a council member's actions.

Partin suggested that it would be prudent to sit down with the Commonwealth's Attorney to address these concerns before passing the policy in order to avoid potential legal troubles. However, Dr. Manke clarified that the policy consolidates state law, and there should not be any interpretation issues as it reflects the actual legal code. She emphasized that the purpose of the policy was to incorporate the law locally rather than reinterpreting it.

The discussion highlighted the importance of ensuring clarity and alignment with the law, particularly regarding conflicts of interest, and the need for City Council members to avoid situations where they hold conflicting roles as both employees and council members. The mayor made sure to place his concerns on the record to ensure transparency.

Vice Mayor Gore makes a motion to approve, adopt and implement the revised City of Hopewell HR Conflict of Interest Policy. Councilor Pelham seconds the motion. There was a discussion prior to the roll call of the motion.

Councilor Holloway discussed the implications of certain policies related to city employees, specifically safety officers and medical personnel, in regard to running for elected office. The key point made is that these individuals can run for a city council position, but before they can officially take their seat, they would need to either resign, be fired, or retire, according to state laws and local ordinances.

The Councilor emphasizes that the current ordinance essentially reinforces and clarifies existing laws, with the goal of ensuring that elected officials and city employees are in compliance with these rules. The city attorney confirmed the question about the understanding of this policy.

Councilor Joyner (female) is raising concerns regarding the current ordinance. She mentions that the Attorney General (AG) has issued an opinion that differs from the interpretation provided by the city attorney. She also notes that recent inquiries to the AG's office suggest that the ordinance may not hold up in court. Additionally, Councilor Joyner references comments made by the Commonwealth Attorney, which may further suggest potential issues with the ordinance.

In light of these concerns, she recommends that the council take more time to explore these legal matters before proceeding with a vote to adopt the ordinance.

They had further discussion in reference to the clarification of the Attorney General's opinion.

**ROLL CALL**

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

**Motion Passes 5-2**

Councilor Harris makes a motion to include presentations for council at the following week's Finance Committee meeting. Vice Mayor Gore seconds the motion.

**ROLL CALL**

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

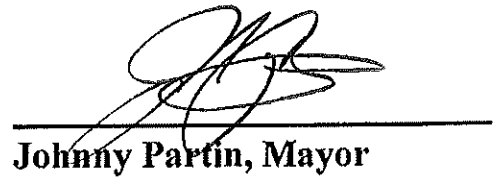
**Motion Passes 7-0**

**ADJOURNMENT**

Respectfully Submitted,

A handwritten signature in cursive script, reading "Brittani Williams", positioned above a horizontal line.

**Brittani Williams, City Clerk**

A handwritten signature in cursive script, reading "Johnny Partin", positioned above a horizontal line.

**Johnny Partin, Mayor**