

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

(804) 541-2408

www.hopewellva.gov

info@hopewellva.gov

cityclerk@hopewellva.gov

CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3

Jasmine E. Gore, Vice Mayor, Ward #4

Rita Joyner, Councilor, Ward #1

Michael B. Harris, Councilor, Ward #2

Janice B. Denton, Councilor, Ward #5

Brenda S. Pelham, Councilor, Ward #6

Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, Interim City Manager

Danielle Smith, City Attorney

Brittani Williams, City Clerk

Bridetta Williams, Deputy Clerk

July 11, 2023

REGULAR MEETING

Closed Meeting- 6:00 pm

Work Session- 7:00 pm

Regular Meeting- 7:30 pm

6:00 p.m.

Call to order, roll call, and welcome to visitors

CLOSED MEETING

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Section §2.2-371 1 (A) (I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the extent such discussion will be aided thereby, and VA Code 2.2-3711 (A)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Roll Call

RECONVENE OPEN MEETING

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

WORK SESSION

WS-1- Conditional use permit APP, for 3400 Oaklawn Blvd. Hopewell VA.

WS-2- Conditional use permit APP, address 102 S 5th Ave. Hopewell VA.

REGULAR MEETING

7:30 p.m.

Call to order, roll call, and welcome to visitors

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Joyner.

SUGGESTED MOTION: To amend/adopt Regular Meeting Agenda Roll Call

CONSENT AGENDA

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

- C-1 **Minutes:** June 13, 2023
- C-2 **Pending List:**
- C-3 **Information for Council Review:**
- C-4 **Personnel Change Report & Financial Report:** HR Report
- C-5 **Public Hearing Announcements:**
- C-6 **Routine Approval of Work Sessions:**
- C-7 **Ordinances on Second & Final Reading:**
- C-8 **Routine Grant Approval:**

SUGGESTED MOTION: To amend/adopt consent agenda

INFORMATION/PRESENTATIONS

1. **Finance Report** – Michael Terry, Finance Director
2. **Police Report** – Chief Taylor
3. **Department Presentation**- Communications Director

PUBLIC HEARING

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

PH-1- Presentation of proposed FY23-FY24 CDBG (Community Development Block Grant) Sub recipients and funding Allocations – Chris Ward

COMMUNICATIONS FROM CITIZENS

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

Reports of City Manager:

Reports of City Attorney:

Reports of City Clerk:

Committees:

Councilors Request:

CR-1 – Councilor Request – Appointment of City Manager (Holloway)

Motion: _____

Roll Call:

REGULAR BUSINESS

R1 – Approval of Opioid Settlement Funds to City of Refuge – Dr. Concetta Manker

BOARD/COMMISSION VACANCIES

Architectural Review Board: 1 Vacancy
Community Policy and Management Team: 3 Vacancies
Crater District Area Agency on Aging: 1 Vacancy
District 19 Community Services Board: 1 Vacancy
Downtown Design Review Committee: 2 Vacancies
Historic Preservation Committee: 5 Vacancies
Hopewell Redevelopment and Housing Authority: 1 Vacancy
Hopewell Economic Development Authority: 2 Vacancies
Keep Hopewell Beautiful: 1 Vacancy
Planning Commission: 2 Vacancies
Récreation Commission: 3 Vacancies
School Board: 2 Vacancy
Social Services Advisory Board: 2 Vacancies

**CLOSED
MEETING**

WORK SESSION

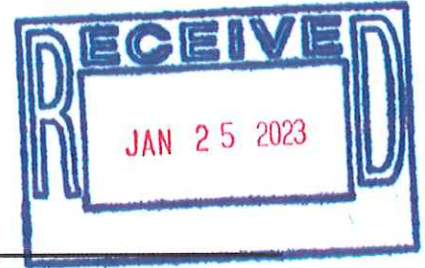
WS-1



The City
of
Hopewell, Virginia

Application #: 20230096

Permit #: _____



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

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION #

APPLICANT: William S. Dereski

ADDRESS: 5316 Hidden Hills Court
Prince George, VA 23875

PHONE #: 804-216-9300 FAX #: _____

EMAIL ADDRESS: wsdereski@gmail.com

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: _____

ADDRESS: Same as above
3400 Oaklawn Blvd

PHONE #: _____ FAX #: _____

PROPERTY ADDRESS / LOCATION:

PARCEL #: 0891395 ACREAGE: 0.226 ZONING: B4

*** 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. _____

City of Hopewell
Permits / Inspect
0203006-0006 dep'ta m.c. 01/25/2023 03:29PM
CONDITIONAL USE PERMIT - REVIEW
Payment Amount: 300.00
Check # 5659
300.00



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

PRESENT USE OF PROPERTY:

Rental Unit for Residence
for Dominic Holloway

THE CONDITIONAL USE PERMIT WILL ALLOW:

to use the property for business or residential

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.

N/A

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

N/A

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.

N/A

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.

William S Dereski
APPLICANT SIGNATURE

1-25-2023
DATE

William S DERESKI
APPLICANT PRINTED NAME

OFFICE USE ONLY

DATE RECEIVED _____ DATE OF ACTION _____
____ APPROVED _____ DENIED

____ APPROVED WITH THE FOLLOWING CONDITIONS:



3400 Oaklawn Blvd. – Sub-Parcel #089-1395
Owner: William S. Dereski
Conditional Use Permit for Single-Family Use

Staff Report prepared for the Hopewell City Council Work Session
July 11, 2023

Last Updated July 5, 2023

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

I. TENTATIVE SCHEDULE OF MEETINGS:

Planning Commission Public Hearing	June 8, 2023	Reccomended with Condition	Approval
City Council Work Session	July 11, 2023	No Action	
City Council Public Hearing	TBD	Pending	

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	B-4, Corridor Development District
Acreage:	.226 acres or 9,874 square feet
Legal Description:	REM PT OF LOTS 22-23-24 BLK 25 SUBDIVISION: WOODLAWN
Election Ward:	Ward 7
Land Use Plan Recommendation:	Corridor Commercial
Strategic Plan Goal:	Housing
Map Location(s):	Sub Parcel #: 089-1395
Zoning of Surrounding Property:	North: B-4 South: R-2 East: R-2 West: B-4
Public Notification:	N/A for work session

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request for a Conditional Use Permit from William S. Dereski to allow the Single-Family Dwelling use 3400 Oaklawn Blvd., also identified as Sub-Parcel #089-1395.

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 XI-A: Corridor Development District, Section A. Use Regulations

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

41. Single family dwellings, with a Conditional Use Permit issued by City Council, with all area, lot width, and setback requirements set on a case-by-case by Council in the 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.

Article XI-A: Corridor Development District, Section A. Use Regulations

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

41. Single family dwellings, with a Conditional Use Permit issued by City Council, with all area, lot width, and setback requirements set on a case-by-case by Council in the permit.

Article XVII-A: Nonconforming Uses, Section A. Continuation

Where, at the time of passage of this ordinance or any amendments thereto, lawful use of land and/or structures exist which would not be permitted by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

5. When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations of the district, and no nonconforming use shall thereafter be resumed.

V. SUBJECT PROPERTY:

The property is a corner lot located at the intersection of Oaklawn Blvd. and Wilmington Ave.. The property is approximately 70 feet along Oaklawn Blvd. and approximately 140 feet long along Wilmington for a total size of 9,800 square feet. The B-4 District allows for Single-Family Dwelling use with a Conditional Use Permit.

VI. APPLICANT'S POSITION:

The applicant seeks to allow the use of the property as a Single-Family Dwelling. It should be noted that the property already operates under a Single-Family Dwelling use

but the property owner did not secure an approved Conditional Use Permit prior to using the property in this manner.

VII. ZONING/STAFF ANALYSIS:

When considering a conditional use permit, the Planning Commission must consider the seven conditions outlined in Article XXI of the Zoning Ordinance. The Planning Commission may also impose conditions that are suitable to ensure the character of the neighborhood and zoning district in which the use is locating will not be adversely affected. In this case, the property is already operating as a Single-Family Dwelling without the proper approval so we must consider if this use should be allowed to continue.

The Comprehensive Plan states (page 177):

The existing mix of uses in the “edge blocks” north of Woodlawn Street and south of Oaklawn Boulevard have only modest redevelopment potential given current regulations that constrain the depth of the commercially zoned lots. Thus, the depth and other geometric characteristics of these lots are not feasible for most contemporary retail uses. In response, the Future Land Use Plan recognizes that corridor commercial uses are appropriate for the full depth of these blocks. For instance, the entire depth of the Woodlawn Street block extends to the railroad, while the FLUP establishes Virginia Street as the southerly boundary for corridor commercial and mixed uses.

Aerial Map of Surrounding Area – 3400 Oaklawn Blvd. – Parcel #089-1395



The existing conditions on this block of Oaklawn Boulevard reflect this reality as most of them are still used as single-family dwellings (11 of the other 13 structures on the block are used as single-family dwellings).

Historically, this property was constructed originally as a single-family dwelling (circa 1950) and has been used as a single-family dwelling and a retail shop until January 2021 when it converted to a sign shop. The use reverted to a single-family dwelling some time in 2022.

The Future Land Use Plan (FLUP) supports the transition of these properties along Oaklawn Boulevard from a residential use to a commercial use by labeling these properties under the Corridor Commercial designation. The FLUP recognizes the difficulty of certain properties to convert to a commercial use because they are undersized or lack proper means of access.

The applicant did not offer any arguments supporting the allowance of a single-family dwelling use at 3400 Oaklawn Boulevard. It appears that the applicant simply wants to have the option to use the property for either a commercial or residential purpose.

VIII. STAFF RECOMMENDATION:

Staff recognizes the challenges associated with properties that were constructed for one use to transition to a different use. In the case of 3400 Oaklawn, we know that this particular property had successfully converted to a commercial use in 2021. In addition, the property has sufficient area and access to meet commercial development requirements for parking unlike many other parcels along this block.

3400 Oaklawn Boulevard



The Comprehensive Plan specifically notes that this commercial corridor has unique challenges, yet the Future Plan Use Plan designates this corridor for commercial development. The conversion to commercial uses will take time; however, continuing to allow residential use along this corridor will only prolong the transition.

For these reasons, Staff recommends the approval of this application but with the following condition:

- The Single-Family Dwelling use will cease as a permitted use once the existing residential lease ends and the current residential tenants vacate the property.

IX. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends the approval of the request submitted by William S. Dereski to allow a Single-Family Dwelling use at 3400 Oaklawn Boulevard with the following condition:

- 1) The Owner of the property can continue to rent the property for single-family residential use for the next 12 months and then that use must cease.

3400 Oaklawn Blvd.– Parcel #089-1395 Conditional Use Permit

JULY 11, 2023



Conditional Use Application Information

Address: 3400 Oaklawn Blvd

Acreage: 0.226 Acres

Applicant: William S. Dereski

Ward: 7

Current Zoning: B-4 Corridor Development District

Future Land Use: Corridor Commercial

Request: CUP for single-family dwelling

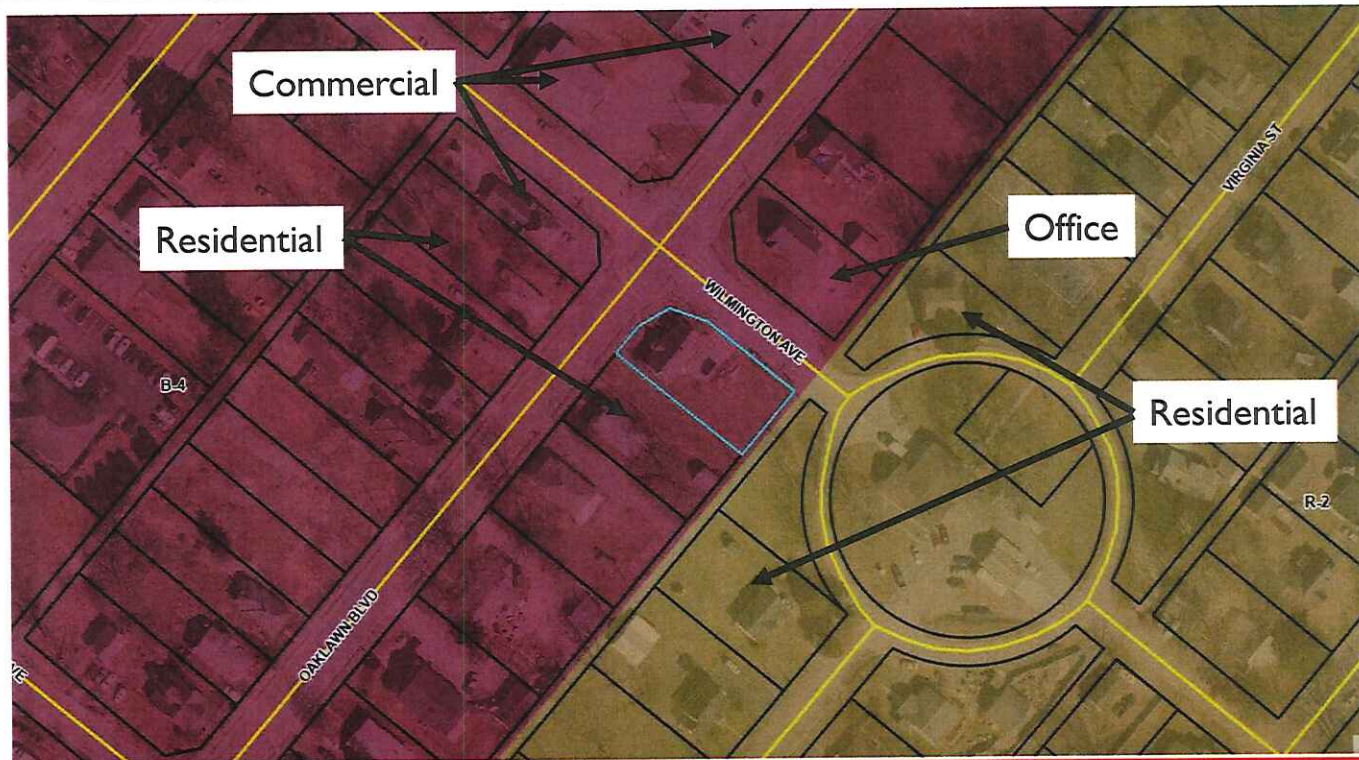


3400 Oaklawn Blvd.— Location Information

Request to allow use as a single-family dwelling.





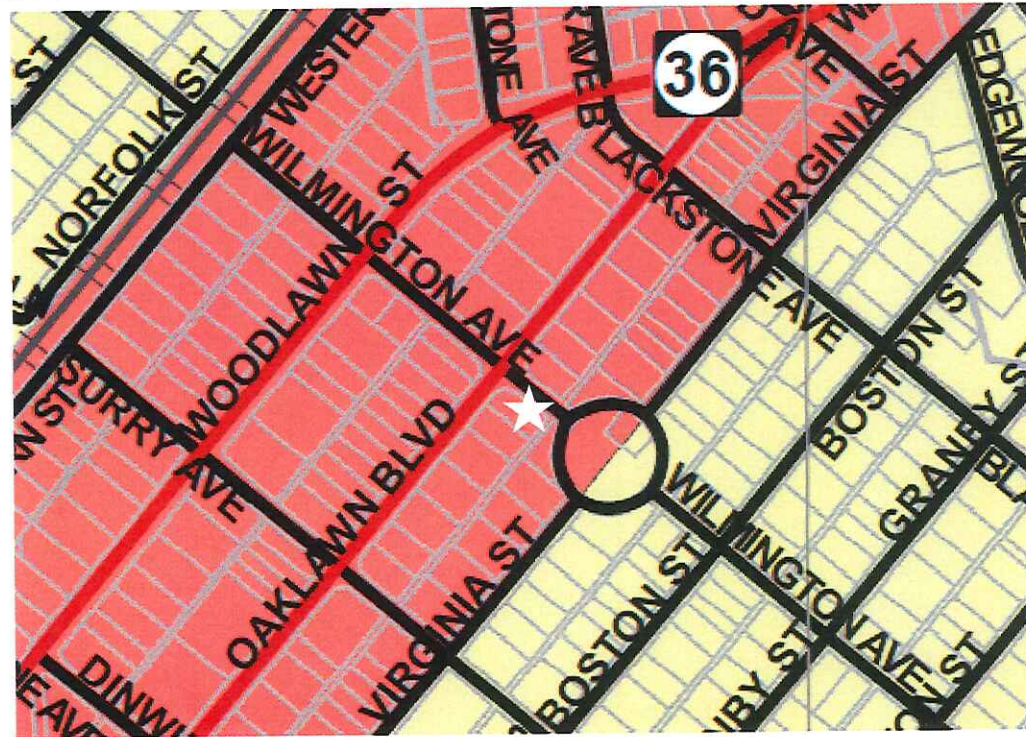
3400 Oaklawn Blvd.— Current Zoning & Land Use



3400 Oaklawn Blvd. – Future Land Use

Future Land Use Plan:

-  CORRIDOR COMMERCIAL
-  URBAN RESIDENTIAL



3400 Oaklawn Blvd. – Considerations

- Comprehensive Plan recognizes only modest redevelopment potential for the area.
- Depth and geometric characteristics are not feasible for most contemporary retail uses.
- Property had successfully converted to commercial use in the past and has sufficient rear yard to accommodate parking.
- Majority of properties on the block are used for residential.



CUP Approval Criteria

1. Will the proposed conditional use be in compliance with all regulations of the applicable zoning district?
2. Will the proposed conditional use endanger the public health, safety, morals, comfort, or general welfare?
3. Will the proposed conditional use be injurious to the use and enjoyment of other property in the immediate vicinity?
4. Will the proposed conditional use conform to the character of the neighborhood within the same zoning district in which it is located?
5. Will the exterior architectural appeal and functional plan of any proposed structure be at variance with the exterior architectural appeal and functional plan of the structures already constructed in the immediate neighborhood?
6. Does the public interest and welfare supporting the proposed conditional use sufficiently outweigh the individual interests which are adversely affected by the establishment of the proposed use?
7. Will the proposed use result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance?

Adapted from Article XXI, D, 1(d) of the Hopewell Zoning Ordinance; see staff report pg 3 for full text

Oaklawn Blvd. – Staff Recommendation

- Staff recommends permitting the single-family residential use on an interim-basis.
- Interim or short-term approval will respect the future land use plan's commercial designation, while acknowledging market realities of modern office and retail development.
- Staff recommends approval with the following condition:
 - I. The Single-Family Dwelling use will cease as a permitted use once the existing residential lease ends and the current residential tenants vacate the property.



Oaklawn Blvd. – Planning Commission Recommendation

Planning Commission recommends approval with the following condition:

- 1) Single-family Residential Use may continue for a period of 12 mos.

Vote: 2-1



Planning Commission Public Hearing: June 8, 2023

Questions?



WS-2



The City
of
Hopewell, Virginia

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

Application #: 20230413

Permit #: _____

City of Hopewell, VA
Permits / Inspect... - 20230413CUP - 2023
021267-0005 debra mc... 04/17/2023 11:15AM
CONDITIONAL USE PERMIT - REVIEW 300.00
Payment Amount: 300.00
Transaction Amount:
CHECK: 8420

CONDITIONAL USE PERMIT APPLICATION

APPLICATION FEE: \$300

APPLICATION #

APPLICANT: Anne B Crom
ADDRESS: 3812 Seminary Ave
Richmond, VA 23227
PHONE #: 8049379856 FAX #: _____
EMAIL ADDRESS: annebcrom@outlook.com



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: Anne B Crom, Trustee Of Lisa Black Living Trust
ADDRESS: 102 South 5th Ave
Hopewell, VA 23860
PHONE #: 8049379856 FAX #: _____

PROPERTY ADDRESS / LOCATION:
102 South 5th Ave, Hopewell, VA 23860

PARCEL #: 0111735 ACREAGE: 0.135 ZONING: B2 Ward: 2

*** 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:
Residence

THE CONDITIONAL USE PERMIT WILL ALLOW:

Access to back yard. Laundry.

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.

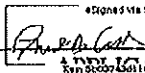
Health, Safety, & Welfare will improve by the back door and steps being moved to the back of

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

Change provides better access to back yard. Better steps. Permits moving washer and dryer

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.

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.



ANNE BLACK CROM SIGNATURE

04-15-2023

DATE

Anne Black Crom

APPLICANT PRINTED NAME

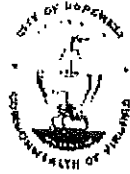
OFFICE USE ONLY

DATE RECEIVED 4-17-23

DATE OF ACTION _____

APPROVED _____ DENIED

APPROVED WITH THE FOLLOWING CONDITIONS:



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

04/17/2023 03:15PM debra m.
021267-0005 000189136
Payment Effective Date 04/17/2023

PERMITS / INSPECTIONS

CONDITIONAL USE PERMIT -
REVIEW

2023 Item: 20230413|CUP \$300.00
Payment Id: 303943

\$300.00

Subtotal \$300.00
Total \$300.00

CHECK \$300.00
Check Number 8420

Change due \$0.00



Thank you for your payment.

CUSTOMER COPY


11-1735

January 28, 1988

Ms. Glenna Mae Baker
102 South 5th Ave.
Hopewell, VA 23860

Dear Ms. Baker:

This is to advise you that the Hopewell City Council has approved the rezoning of the entire block 44, B Village bounded by Sixth Avenue, Fifth Avenue, City Point Road and Buren Street from RO-1 to B-2.


Milton Martin
Director of Development

MM:PM:kd
P-5B REZONE.44

cc: Real Estate Assessor
Zoning Administrator

11-1735



Anne B. Crom
102 South 5th Avenue
Conditional Use Permit Request

Staff Report prepared for the City Council Work Session on
July 11, 2023

Last revised on July 5, 2023

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

I. MEETINGS & WORK SESSIONS:

Commission and Governing Body	Date	Type of Meeting	Action
Planning Commission	June 8, 2023	Public Hearing	Recommended approval
City Council	July 11, 2023	Work Session	Pending
City Council	TBD	Public Hearing	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	N/A
Existing Zoning:	B-2, Limited Commercial
Acreage:	.135 acres
Owner:	Anne B. Crom, Trustee of Lisa Black Living Trust
Location of Property:	102 S. 5 th Avenue
Election Ward:	Ward 2
Land Use Plan Recommendation:	Downtown Residential Mixed Use
Sub-Parcel #	011-1735

Zoning of Surrounding Property: North: B-2
South: B-2
East: B-2, RO-4
West: B-2

Public Notification: N/A for work session
Adjacent Property Owners N/A for work session

III. EXECUTIVE SUMMARY:

A request from Anne B. Crom, Trustee of Lisa Black Living Trust for a Conditional Use Permit to increase the non-conformity of a single family detached home located at 102 S. 5th Avenue, also identified as Sub-Parcel #011-1735.

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 XVII. Nonconforming Uses

A. REPAIRS, MAINTENANCE, AND EXPANSION:

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done for any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixture wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structures or nonconforming portion of the structure, as the case may be, provided that the cubic content, existing when it became nonconforming, shall not be increased.
2. If a nonconforming structure or portion of a structure thereof, containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.
3. *No change or expansion of a structure containing a non-conforming use shall be allowed with the exception that:*
 - a. *The City Council may grant a Conditional Use Permit for alterations or additions to such structures provided that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen (15) percent of the gross floor area of the existing structure. (emphasis added)*

- b. An application for a Conditional Use Permit shall be made to and upon forms furnished by the Director of Development and shall include the minimum information required by Article XVIII (G)(3) of the Zoning Ordinance for a Conditional Use Permit.
- c. A Conditional Use Permit for the expansion of a structure containing a non-conforming use shall become null and void twelve (12) months from the date granted if no substantial work has commenced.
(Ord. 2002-02)

Article XXI, Amendments, Section D, 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.

V. SUBJECT PROPERTY:

The City of Hopewell has received an application from Anne B. Crom to expand a nonconforming use located at 102 S. 5th Avenue, further identified as Sub-Parcel #011-1735. The property is zoned B-2, Limited Commercial District. The applicant is requesting a Conditional Use Permit, in accordance with Article XVII, Nonconforming Uses, Section C – Repairs, Maintenance, and Expansion, to enclose a small porch for use as a laundry room.

VI. ZONING/STAFF ANALYSIS:

The enclosure of the rear porch was undertaken prior to the submission of the CUP request. The property located at 102 S. 5th Avenue is within the B-2 Limited Commercial zoning district where use as a single-family dwelling is non-conforming. Article XVII, Non-Conforming Uses of the Hopewell Zoning Ordinance states that:

The City Council may grant a Conditional Use Permit for alterations or additions to such structures provided that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen (15) percent of the gross floor area of the existing structure.

The enclosure of the rear stoop/porch totals 12 square feet which is only 1.4% of the gross square feet of the existing structure. Staff understands that the addition is so minor that it will have no impact on surrounding properties and supports the approval of the Conditional Use Permit with no conditions.

VII. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends by a vote of 4 to 0 to approve the Conditional Use Permit application for 102 S. 5th Avenue to enclose an existing stoop/porch on a non-conforming structure and increase the gross floor area by 12 square feet or 1.4%.

Attachment(s):

1. Application for Conditional Use Permit
2. Location Maps & Site Plan

Aerial Map highlighting 102 S. 5th Ave.



102 S. 5th Ave. Zoning District Area



102 S. 5th Avenue – Parcel #011-1735 Conditional Use Permit

JULY 11, 2023



Conditional Use Application Information

Address: 102 S. 5th Avenue

Acreage: 0.135 Acres

Applicant: Anne B. Crom

Ward: 2

Current Zoning: B-2, Limited Commercial

Future Land Use: Downtown Residential Mixed Use

Request: CUP for expansion of a non-conforming use, specifically to enclose a small porch for use as a laundry room



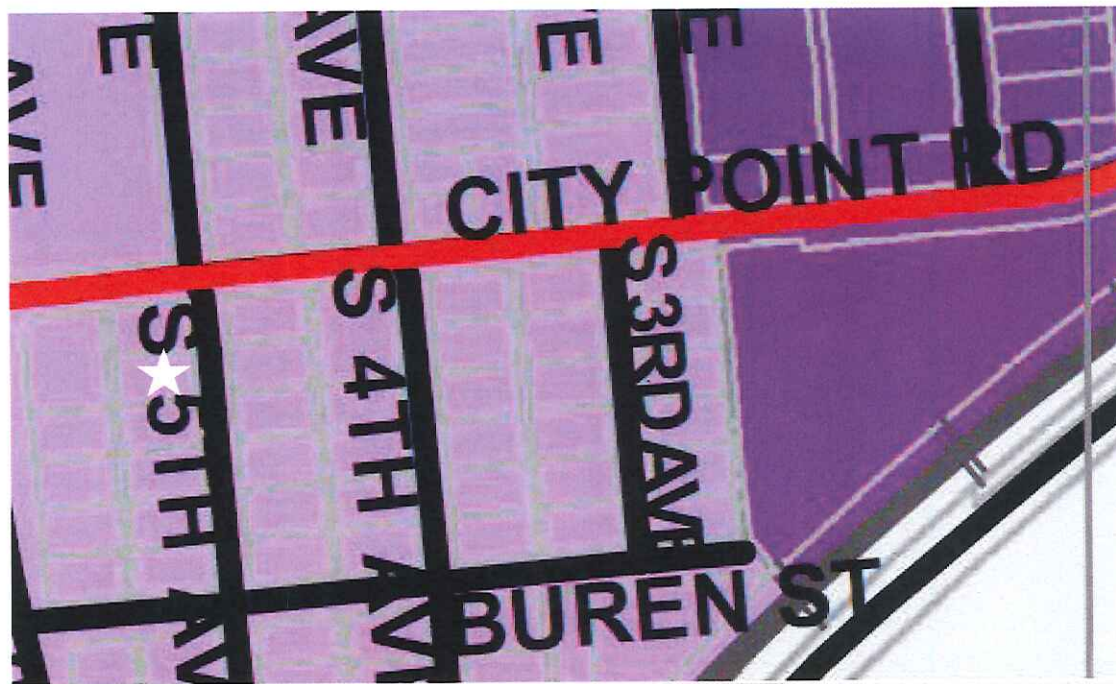
102 S 5th Ave.— Location & Zoning Information



102 S. 5th Ave. – Future Land Use

Future Land Use Plan:

 DOWNTOWN RESIDENTIAL MIXED USE



CUP Approval Criteria

1. Will the proposed conditional use be in compliance with all regulations of the applicable zoning district?
2. Will the proposed conditional use endanger the public health, safety, morals, comfort, or general welfare?
3. Will the proposed conditional use be injurious to the use and enjoyment of other property in the immediate vicinity?
4. Will the proposed conditional use conform to the character of the neighborhood within the same zoning district in which it is located?
5. Will the exterior architectural appeal and functional plan of any proposed structure be at variance with the exterior architectural appeal and functional plan of the structures already constructed in the immediate neighborhood?
6. Does the public interest and welfare supporting the proposed conditional use sufficiently outweigh the individual interests which are adversely affected by the establishment of the proposed use?
7. Will the proposed use result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance?

Adapted from Article XXI, D, I (d) of the Hopewell Zoning Ordinance; see staff report pg 3 for full text

102 S. 5th Ave. – Staff Recommendation

- While the use is non-conforming by zoning, residential use is compatible with the future land use designation.
- The City Council may grant a Conditional Use Permit for alterations or additions to structures containing a non-conforming use provided that the alteration or expansion to the structure containing a non-conforming use does not exceed fifteen (15) percent of the gross floor area of the existing structure.
- The enclosure of the rear stoop/porch totals 12 square feet which is only 1.4% of the gross square feet of the existing structure. Staff understands that the addition is so minor that it will have no impact on surrounding properties.
- Staff recommends approval with no conditions.



102 S. 5th Ave. – Planning Commission Recommendation

Planning Commission recommends approval with no conditions.

Vote: 4-0

Planning Commission Public Hearing: June 8, 2023



Questions?



REGULAR MEETING

CONSENT AGENDA

C-1

MINUTES OF THE JUNE 13, 2023 CITY COUNCIL REGULAR MEETING

A regular meeting of the Hopewell City Council was held on Tuesday June 13, 2023 at 6:00 p.m.

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

Closed Meeting:

Councilor Holloway and second by Councilor Pelham to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the extent such discussion will be aided thereby, and VA Code 2.2 -3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Roll Call:

Councilor Harris-	Yes
Mayor Partin-	Yes
Vice Mayor Gore-	Arrived at 6:25 p.m.
Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes

Motion Passes 6-0

RECONVENE OPEN MEETING:

Councilor Denton moved to reconvene open meeting and seconded by Councilor Joyner

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

CERTIFICATION:

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

Roll Call:

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

Councilor Holloway - Yes
Councilor Joyner- Yes

Motion Passes 7-0

REGULAR MEETING

Roll Call:

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

Motion Passes 7-0

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Holloway

Motion to move into Regular Meeting Agenda by Councilor Holloway and second by Councilor Denton

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

Motion to adopt the consent agenda by Councilor Joyner and second by Mayor Partin

Roll Call:

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

Motion Passes 7-0

INFORMATION/PRESENTATIONS

1. **Finance Report**- Michael Terry, Finance Director

Mr. Terry Presents the financial report for month ending May 31, 2023 which covers four sections: the finance and compliance reporting section, the operation and assignment, the budget for fiscal year 2024 and internal reporting. Mr. Terry explained the school got the two smaller funds completed meaning they did the cash, trial balance and detail work that needs to be done. Mr. Terry highlights operation and assignments, and goes into detail about payroll, accounting, procurement, real estate assessor, financial reporting, and budgeting. Mr. Terry concluded his report

explaining his team worked on the ones that could be processed easily thru Munis. He stated they are working with other departments to show how to use the right object code. When the current auditor gets to the time frame of 2020-2022, he can see there have been changes made eliminating prior concerns.

2. **Police Report-** Chief Taylor

Chief Taylor gave a slide presentation for the City of Hopewell crime summary from May 9, 2023 to May 31, 2023. Information was outlined such as violent crimes total from the report is -15 percent. Forceful rape is -75 percent. Robberies down -75 percent. Aggravated assault is up 23 percent. Violent crimes currently are -15 percent. Approximately 12 aggravated assaults are domestic violence cases. Property crimes and burglaries are -40 percent overall, larceny is 27 percent and there is an increase in motor vehicle thefts. Property crime total is -23 percent and major crimes are -22 percent. Mr. Taylor states there were 11 fatal opioid overdose deaths and 40 nonfatal, a grand total for 51. For shots fired there have been a total of 20 shots fired, which has been the lowest since 2020. Chief Taylor talks about Special events that are upcoming for the remainder of the year.

3. **Hopewell Downtown Partnership-**Heather Lyne

Heather Lyne presents information regarding the Hopewell downtown Partnership. She discusses commercial property improvements, five new brick and mortar businesses that opened, real property assessments in the district of the historic district of \$29,391,200.00. She discussed total food tax generated for the city of \$305,016.27. She went over vacancy rates of 50 percent in 2011 to 16.67 percent. She discussed a year of fun up-coming activities for 2023. She discussed paddle in the park and ways to register. She went over open house tour and reception, and passed around photos of previous successful events.

PUBLIC HEARING

PH-1 Amendment of Fiscal Year 2022-2023 Hopewell Public Schools
Operating Budget.

Supplemental appropriation amending the FY23 Hopewell Public Schools operating budget by a total of \$6,447,432.00 in additional federal, state and other grant funds increasing the total operation budget to \$74,931,313.00. Staff recommendations is for City Council to approve the resolution to amend the FY23 Hopewell Public Schools supplemental budget appropriation as it is presented. The Hopewell Public school division has received supplemental appropriations of state and federal funding along with grant funds in the total amount of \$6,447,432.00. HPS received federal American Rescue Plan Act grants, a Virginia Department of Health grant, a School Security Officer grant, a Project Hope grant, a School Based Health Workforce grant, state construction funds, a Digital mapping Grant from CDJS, a Gear Up grant, a John Randolph Foundation Grant, a School Security Equipment grant, a Head Start Carryover grant, and a Department of Behavioral Health and Development Services grant. These fund will increase the total Hopewell Public Schools Operating Fund to \$74,931,313.00

Motion to approve the resolution to amend the FY23 Hopewell Schools Supplemental Budget appropriation as presented by Councilor Joyner and second by Mayor Partin

Roll Call:

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

Motion Passes 7-0

PH-2- School Board Vacancies-There are three applicants that applied Carol Carr, Linda Hyslop and Ruth Johnson. Interviews will be scheduled at a later date with these applicants for the vacancies.

COMMUNICATIONS FROM CITIZENS

1. **Phillip Hughes** is a business owner in downtown Hopewell. He has a letter for city council and a signed petition from the business owners in downtown Hopewell about the event fees in downtown Hopewell. The charged amounts begin with \$250 then the commissioner of Revenue adds \$40. He goes on to say the entire fee amount is more than double his entire event for Celebrate America on July 1, 2023. Dr. Manker has supplied help for event holders to cover some of the fees. Some of the event participators want to cover the fees for the street festivals from their own pockets. He mentions several brick and mortar businesses have shut down since he has been in Hopewell within a year. Business owners of Hopewell want to be part of the solution. Event and street festivals create more foot traffic to Hopewell. He has partnered with several businesses in Hopewell to have a band, showcase of classic cars and inflatables at the Celebrate Hopewell event to create a fun family focused event. But there is a \$3,000.00 fee charged by the City of Hopewell. Business owners in the past held events and street festivals but stopped because of the fees they were charged by the City of Hopewell. He is asking for a motion to be made tonight to remove the fees for holding events for a year. The business owners are willing to hold several events throughout the year from local and surrounding areas if they can get help with the fees. Business owners are ready and willing to pour their own money into tourism and economic development. They are ready to make downtown Hopewell a more pleasant place. Information was handed to Dr. Manker for review and Motion consideration.
2. **Feedmore- Grace Calis**

Grace Calis Presents a Meals on Wheels program that delivers meals Monday thru Friday to homebound elderly and disabled individuals. Currently meals are delivered by help from volunteers and Doordash. A grant provided by Doordash from the pandemic helped solidify the food program at Feedmore but the grant is ending June 30, 2023. Her ask is advise and recommendations on how to better recruit more volunteers. The commitment is once a month minimum two hours. Mayor Partin informs Ms. Calis where the order of business is for the City Council and that she gives her information to Dr. Manker for a response. Direction from Vice

Mayor Gore leads G. Calis to give her information to the City Clerk as a point of contact for possible funding for Feedmore.

REGULAR BUSINESS

R-1 Fiscal Year 24 Operating and Capital Budget Resolution

Dr. Manker-City Council for consideration of the proposed FY24 City of Hopewell Budget and Resolution.

Dr. Manker is requesting the approval of the FY24 City of Hopewell Budget on the 2nd reading and approve the Budget Resolution. A public hearing for the FY24 City of Hopewell Budget was held on April 25, 2023. Adoption of budget is required by June 30, 2023. The proposed FY24 Operating and Capital Budget appropriates a total of approximately \$200,265,567.00 which is an increase of \$14,121,671.00(7.59%) increase over FY23. The proposed General Operating Fund is approximately \$62,511,781.00, an increase of \$5,098,362.00(9%) over FY23. She provides an overview of everything included in the FY24 Budget.

Some Q&A from the Council.

Motion to adopt the FY24 Budget Resolution as presented by Vice Mayor Gore and second by Mayor Partin

Roll Call:

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

Motion Passes 6-0

R-2 Extension of Time for Board of Equalization Interim City Assessor, Michael Chow is asking for City Council to extend the time for the Board of

Equalization in order to hear all pending appeals. Lost several board members since last fiscal year. Time is needed to provide training to new BOE members, schedule appointments with taxpayers and give public notice on the meetings and hearing times. The first available training date offered by the Dept. of Taxation was June 15, 2023. The requested extension is August 30, 2023. Mr. Chow is recommending action by June 13, 2023. City Council to provide ample time to allow the board to hear all the appeals. There are approximately 80 cases to be heard by the BOE.

Councilor Pelham moves to approve request as presented and second by Vice Mayor Gore

Roll Call:

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

Motion Passes 6-0

AJOURNMENT:

Mayor Partin ends meeting. No roll call was taken.

John B. Partin, Mayor



Brittani Williams, City Clerk

C-4

DATE: July 06, 2023
TO: The Honorable City Council
FROM: Yaosca Smith, Director of Human Resources
SUBJECT: Personnel Change Report – June 2023

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
CAMPBELL, MICHAEL	PUBLIC WORKS	DIR PUB WORKS	06/14/2023
FLORES, SERGIO	HOPEWELL WATER RENEWAL	ELEC & INST TECH III	06/14/2023
BRYANT, JOSEPH	RECREATION	PT GYM ATTEND	06/14/2023
SEMENTELLI, JOSHUA	STORMWATER	SW MS4 COORDINATOR	06/28/2023
PARKER, THOMAS	POLICE	POLICE OFFICER NON CAR DEV	06/28/2023
HAMLETT, BRENTON	HOPEWELL WATER RENEWAL	SAMPLE TECH	06/28/2023
HARRISON, BRE'ONNA	POLICE	SR ADMIN ASSISTANT	06/28/2023
FRIPP, HIKEEN	RECREATION	PT GYM ATTEND	06/28/2023
HARRIS, CANDACE	FINANCE	ASSISTANT FINANCE DIRECTOR	06/28/2023
STRINGFIELD, JHANE	TREASURER	DELIQ TAX COLL	06/28/2023

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

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
BYERLY, JERRY	HOPEWELL WATER RENEWAL	DIRECTOR WATER RENEWAL	06/13/2023
MICKELSON, SHEILA	VOTER REGISTRAR	ELECTION WORKER ASST CHIEF	06/27/2023
TYLER, SHANNA	HOPEWELL WATER RENEWAL	LAB TECH TRAINEE	06/12/2023
BYERLY, JERRY	HOPEWELL WATER RENEWAL	DIRECTOR WATER RENEWAL	06/13/2023

CC: Concetta Manker, Interim City Manager
 Jay Rezin, IT
 Laura Guglielmo, Sr. Executive Assistant
 Kim Hunter, Payroll
 Michael Terry, Finance Director

Arlethia Dearing, Customer Service Mgr.

INFORMATION/PRESENTATION

**City of Hopewell, VA
Finance Department**

**Financial Report
07.11.2023**

<u>Topic</u>	<u>Section</u>
• Financial and Compliance Reporting	1
• Operations and Assignments	2
• Budget FY2023-2024	3
• Internal Reporting	4

Section 1

Financial and Compliance Reporting

City and Schools Progress Fiscal Year 2019

Audit Status as of 06.30.2023:

The Auditor provided an initial rough draft 2019 financial report that included financial statement exhibits and schedules, notes and the schedule of expenditures of federal awards. They are making edits and updates as needed to provide a finalized draft to City Management.

Audit Status as of 05.31.2023:

The Auditor has advised City Management they anticipate providing a draft 2019 financial report the week of June 12, 2023.

Audit Status as of 04.30.2023:

As noted below the Auditor had advised their efforts to complete fieldwork continues and drafting of the 2019 financial report was initiated with a preliminary draft anticipated 04.20.2023.

However, on 04.23.2023 City Management was advised by the Auditor that their work on the Fiscal Year 2019 audit and draft was delayed due to the pause to respond to the State Audit Risk Assessment Team inquiries. Having responded, the Auditor advised City Management they have resumed their work on the Fiscal Year 2019 audit and plan to provide a draft as soon as possible.

Section 1

Financial and Compliance Reporting

(continued)

Audit Status as of 03.31.2023:

As noted below with recovery of the Auditor's staff from COVID-19, completion of fieldwork was resumed beginning March 1. The Auditor has advised that drafting of the 2019 financial report has been initiated with a preliminary draft anticipated 04.20.2023.

Audit Status as of 02.28.2023:

The Auditor advised that five (5) audit engagement staff members assigned to the City of Hopewell to complete the Fiscal Year 2019 audit had severe COVID -19 experiences. The completion of fieldwork and audit report issuance was not able to be done by the end of February 2023.

The combination of recovery and deployment of other available audit staff, the completion of fieldwork and report issuance begun March 1st.

Note: Attachment A provides additional information Fiscal Year 2019

- Closing, Reporting and Audit Workflow (CRAW) Process

Attachment A

City of Hopewell, Virginia
 Closing, Reporting and Audit Workflow (CRAW)

Date Start	Date Due	% Completion Status	Comment(s)
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Project Planning - Addendum

Fiscal Year Ended June 30, 2019	02.01.22	12.31.22	96%	Overall estimated % of completion as of 06.30.23
Phase:				
Annual Comprehensive Financial Report (ACFR)				
Cash reconciliations			100%	Complete 12.31.22
Beginning general ledger balance reconciliation			100%	Complete 12.31.22
Year end closing process			100%	Complete 12.31.22
Fund Balance classifications			100%	Complete 12.31.22
Pension Plan			100%	Complete 12.31.22
Other Postemployment Benefits (OPEB)			100%	Complete 12.31.22
Government Wide Reconciliations			90%	Pending Auditor
Financial Statement Preparation			90%	Pending Auditor
Auditor of Public Accounts (APA) Report			40%	Pending Auditor
Single Audit Report			90%	Pending Auditor

Section 1

(continued)

Financial and Compliance Reporting

City and Schools Progress Fiscal Year 2020

Pre-Audit Project Update as of 06.30.2023:

During the 02.09.2023 Special Meeting City Council authorized the Finance Director to identify seven (7) temporary accounting professionals that would be available to assist the City and/or Schools to prepare their financial records and documents for the Fiscal Year 2020 audit.

Three (3) pre-audit accounting professionals were identified as available and commenced working at the City by the end of the month of February 2023.

The remaining four (4) pre-audit accounting professionals are on board with one of the four being assigned to assist and support Schools.

Note: Attachment B provides additional information Fiscal Year 2020

- Closing, Reporting and Audit Workflow (CRAW) Process
- Finance Department Internal Prepared By Client (PBC) Work Plan Summary

Attachment B

City of Hopewell, Virginia
 Closing, Reporting and Audit Workflow (CRAW)

Date Start	Date Due	% Completion Status	Comment(s)
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Project Planning - Addendum

Fiscal Year Ended June 30, 2020 04.01.23 08.31.23 **45%** Overall estimated % of completion ** as of **06.30.23**

Phase:

Annual Comprehensive Financial Report (ACFR)

Cash reconciliations		65%	Work In Process 06.30.23
Beginning general ledger balance reconciliation		45%	Work In Process 06.30.23
Year end closing process		45%	Work In Process 06.30.23
Fund Balance classifications		35%	Work In Process 06.30.23
Pension Plan		5%	Work In Process 06.30.23
Other Postemployment Benefits (OPEB)		5%	Work In Process 06.30.23
Government Wide Reconciliations		-	
Financial Statement Preparation		-	

Auditor of Public Accounts (APA) Report

Single Audit Report -

Note: **Overall completion Includes City and School approximately 60% completion for the reporting period.

City of Hopewell, VA
Finance Department Internal
Prepared By Client (PBC)
Work Plan Summary
FY2020

PBC Work Plan Summary

1. Year end close process 32 Funds (28 City & 4 Schools)
2. Final Trial Balance all funds (i.e. Auditor's trial balance)
3. Account balances analysis, reconciliation, audit schedules preparation and compiling related support documentation:
 - Cash
 - Investments
 - Tax & Accounts Receivables/Revenues
 - Accounts Payables/Expenditures
 - Pension and Other Post Employment Benefit (OPEB)
 - Debt Service
 - Capital Assets
 - Enterprise Funds
 - Social Services
 - CSA
 - Fiduciary-Agency Funds
 - VDOT Street Maintenance
 - Sheriff
 - Parks and Recreation
 - Perpetual Care
 - Grants & Due From Other Governments
 - Inventory
 - Fund Balance

Attachment C

LEG.APA002 Audit Delay Notification



City of Hopewell

300 North Main Street
Hopewell, VA 23860

City of Hopewell Annual Comprehensive Financial Reports

The City of Hopewell's remediation implementation plan to bring current Annual Comprehensive Financial Reports (ACFR) --- Status Update:

- FY 15-16 ACFR – Completed 10.24.2018
- FY 16-17 ACFR – Completed 06.10.2019
- FY 17-18 ACFR – Completed 10.22.2021
- FY 18-19 ACFR – Estimated completion 07.31.2023
- FY 19-20 ACFR – Estimated completion 08.31.2023
- FY 20-21 ACFR – Estimated completion 10.31.2023
- FY 21-22 ACFR – Estimated completion 12.31.2023
- FY 22-23 ACFR – Estimated completion 03.31.2024

Delays due to:

- Finance Department staff turnover, transition and staffing
- Post implementation system issues
- COVID 19

Section 2

Operations and Assignments

- Accounts Payable
- Payroll
- Accounting
- Procurement
- Real Estate Assessor
- Financial Reporting and Budget

Section 2

Operations and Assignments

Accounts Payable 06.30.2023:	Number	Amount	
Process Invoices	1469	\$	5,780,647
Created Purchase Orders by AP	36	\$	550,326
Printed Checks/Wires/EFT	576	\$	5,780,647
Payroll:			
	Gross Pay	Employees	
06.01.2023	\$ 954,231	425	
06.15.2023	\$ 986,687	432	
Note A: City's Monthly & Quartely Payroll Reporting (Federal & State) are Current.			

Section 2

Operations and Assignments (Continued)

City of Hopewell, VA Operations and Assignments

Accounting:

Coordinated with Treasurer Office, Information Technology, Water Renewal and other the Departments on timely & accurate accounting and recording of transactions in Munis.

Procurement:

Automated Clearing House / Electronic Funds Transfer
(ACH/EFT) Program Update:

The total active vendors – 4068

Since 07.2022 to 06.30.2023 the Finance Department has increased the amount of ACH/EFT vendors from 55 to 385.

The vendors that are not being paid by ACH/EFT include the following:

Section 2

Operations and Assignments (Continued)

Procurement:

Automated Clearing House / Electronic Funds Transfer (ACH/EFT) Program Update:

- Utility companies- due to sending remits for individual accounts (Dominion Electric, Verizon, Sprint, etc.)
- One Time payees- Recreation Refunds, Courts, etc.
- Insurance payments for health care, etc.
- Credit Card payments- not allowed
- Certain Bond Payments- not allowed

Real Estate Assessor:

Assessor and our external contractors completed the reassessment process (residential and industrial properties) and responding to inquiry.

Section 2

Operations and Assignments (Continued)

Financial Reporting and Budget:

- Continued assistance to Departments with FY2023 budget inquiry and assistance.
- Continued to provide technical support and guidance pertaining to finalizing the FY2024 Operating and Capital Budget process.

Section 3

Budget FY 2023-2024

Budget Development Tasks FY 2023-2024	Date Start	Date Due	% Completion Status	Comment(s)
Perform Assessment & Planning Requirements for FY 2023 - 2024 Budget Development:	11.01.22	11.30.22	100%	Task completed 11.30.22
Annual Operating Capital Project Capital Improvement Plan (CIP)				
<u>Draft Proposed City Budget Calendar for FY 2023 - 2024</u> City Manager City Attorney City Administration & Staff School Administration & Staff City Council School Board	01.06.23	01.31.23	100%	Task completed 01.31.23
<u>Communicate Draft to Stake Holders:</u>	01.31.23	02.20.23	100%	Task completed 01.31.23
<u>Finalize City Budget Calendar for FY 2023 - 2024</u>	02.21.23	02.28.23	100%	Task completed 01.31.23
<u>Implement City Budget Calendar for FY 2023 - 2024</u>	03.01.23	05.26.23	100%	Task completed 06.30.23
<u>Prepare the approved FY24 City Budget for loading to the City's accounting administrative system (MUNIS)</u>	06.15.23	06.19.23	100%	Task completed 06.30.23
<u>Review & verify the loaded approved FY24 City Budget to the City's accounting administrative system (MUNIS)</u>	06.21.23	06.23.23	100%	Task completed 06.30.23
<u>Confirm & verify City departments having access to their loaded approved FY24 City Budget to the City's accounting administrative system (MUNIS)</u>	06.26.23	06.28.23	70%	Work in Process 06.30.23
Finance Department preparing DRAFT FY 2023-2024 Financial Plan (i.e. City budgetary document)	07.14.23	09.29.23		
New format online FY2024 Financial Plan posted to City Web Site				

Section 4

Internal Reporting

City Manager's Report on Transfers 07.01.2022 to 06.30.2023					
Activity Date	Account Description	Fund Type	From	To	Comment(s)
7/1-31/2022	Recreation Department Recreation Department	Rec Fund Rec Fund	\$ 4,000	\$ 4,000	Transfer for Pool Management Co to supplement lifeguard
8/1-31/2022	City Manager Transfers for Reporting Period-None				
9/1-30/2022	City Manager Transfers for Reporting Period-None				
10/1-31/2022	City Manager Transfers for Reporting Period-None				
11/1-30/2022	City Manager Transfers for Reporting Period-None				
12/1-31/2022	City Manager Transfers for Reporting Period-None				
1/1-31/2023	Economic Development Voter Registrar	General Fund General Fund	35000	35000	Transfer for Special Election (February 21st)
2/1-28/2023	City Manager Transfers for Reporting Period-None				
3/1-31/2023	Recreation Department Recreation Department	Rec Fund Rec Fund	\$ 4,000	\$ 4,000	Transfer for Pool Management Co to supplement lifeguard
4/1-30/2023	City Manager Transfers for Reporting Period-None				
5/1-31/2023	City Manager Transfers for Reporting Period-None				
6/1-30/2023	City Manager Transfers for Reporting Period-None				

Hopewell Police Department Crime Summary

July 11, 2023



HOPEWELL POLICE DEPARTMENT
 CRIME SUMMARY
 Reporting Date: June 26, 2023

Year-to-Date Comparison		Thru June 25th				
	2022	2023	# Change	% Change	5 Year Average	% Change to Average
MURDER	5	5	0	0%	3	92%
FORCIBLE RAPE	5	2	-3	-60%	2	0%
ROBBERY	15	4	-11	-73%	11	-64%
AGGRAVATED ASSAULT	25	34	9	36%	25	36%
Violent Crime Total	50	45	-5	-10%	41	10%
ARSON	0	3	3	#DIV/0!	1	400%
BURGLARY	28	18	-10	-36%	38	-53%
LARCENY	169	129	-40	-24%	178	-28%
MOTOR VEHICLE THEFT	25	25	0	0%	27	-8%
Property Crime Total	222	175	-47	-21%	244	-28%
Total Major Crime	272	220	-52	-19%	285	-23%

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

5 Year Average to 6/30

HOPEWELL POLICE DEPARTMENT
Reporting Date: June 26, 2023

Suspected Opioid Overdoses 6/30							
	2018	2019	2020	2021	2022	2023	Grand Total
Fatal	5	7	6	11	5	13	47
Non-fatal	10	27	40	46	29	47	199
Grand Total	15	34	46	57	34	60	246

Subject to change as
forensic results are returned

HOPEWELL POLICE DEPARTMENT
Reporting Date: June 30, 2023

Shots Fired Thru 6/30					
2018	2019	2020	2021	2022	2023
42	30	47	49	47	34

Upcoming Events

- 07-12-23-Community Walk- Cobblestone 1700-1900
- 07-20-23 – Get out and Talk BBQ Event at Woodlawn Baptist Church 1700pm – 1900.
- 07-22-23-Hopewell Block Party-Sponsored by the VDH & Recreation & Parks. School Supplies, Back to School Resources & Handouts will be distributed. Police will display a Patrol car & BBQ will be cooked for attendants.
- 07-27-23-Interim Chief Taylor will be speaking with youth at the Lead Center at 1:00pm

Homicide Arrest

On Saturday June 24, 2023 at 6:43 pm, Officers responded to the 1000 block of Langston Park Drive for the report of shots fired. Upon arrival officers located William Jamal Claiborne suffering from a gunshot wound Mr. Claiborne was pronounced deceased after being transported to Chippenham Hospital. Detectives continued to develop leads throughout the weekend which lead to the arrest of Jamari Antonio Taylor, 20 of Hopewell, and Christopher Miller, 19 of Chesterfield. Mr. Taylor and Mr. Miller have been charged with second-degree murder and use of a firearm in the commission of a felony. “ We want to thank our Officers and Detectives who worked tirelessly to bring justice to the loved ones of Mr. Claiborne said interim Chief Greg Taylor”

Jamari Taylor



Christopher Miller



Technology Success

- 4/10/2023-05/31/2023 -10 stolen vehicles recovered.
- Stolen firearm recovered.
- Catalytic Converter thief arrested

Looking to the Future

- Additional Technology
Expand current technologies to additional key areas throughout the city. 10 new sites has been recommended.
- Status of Current Technology Deployment
Remaining at 98% waiting on power connection.
- Real Time Crime Center
Site visit completed-Real Time Crime Center- Newport News Police Dept.
Working on a location-Still in process.
Researching available grant funding.

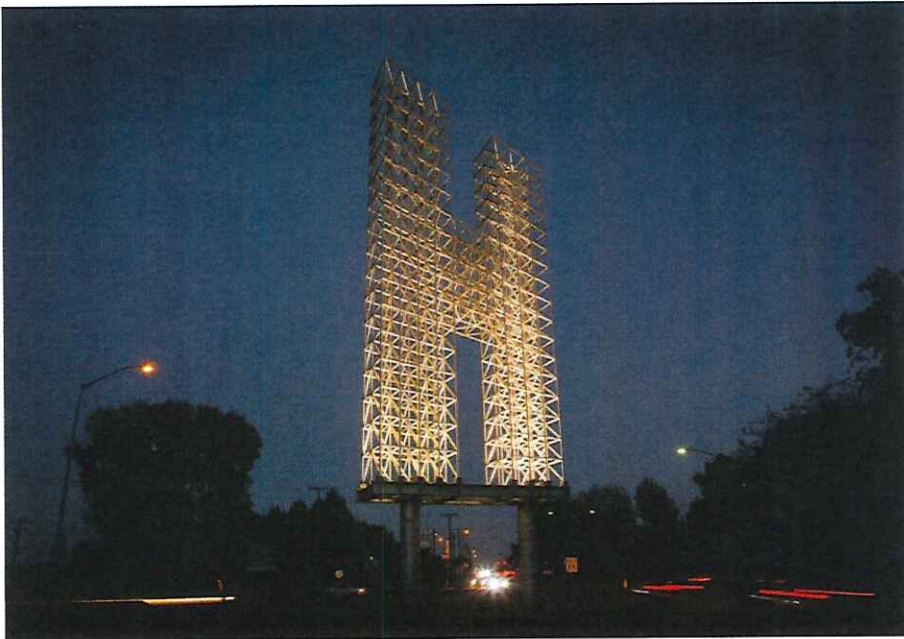


CITY OF HOPEWELL COMMUNICATIONS STRATEGY

J u l y 2 0 2 3 P r e s e n t a t i o n



TABLE OF CONTENTS



COMMUNICATIONS AND GOVERNMENT RELATIONS – CORE FUNCTIONS

1. Role of Community and Media Relations
2. Office and Department Support Process
3. Strategic Communication Planning Process

COMMUNICATION PRIORITIES FOR COMMUNICATIONS AND GOVERNMENT RELATIONS

1. Priority 1 – Lead Strategic Communication Efforts
2. Priority 2 – Create Opportunities for Effective Stakeholder Participation and Collaboration
3. Priority 3 – Provide Open and Timely Communication
4. Priority 4 – Reinforce Brand Identity
5. Priority 5 – Ensure a Well-Informed City Workforce
6. Priority 6 – Provide Measurements of Progress and Success

IMPLEMENTATION PLAN

COMMUNICATION TOOLS

ACKNOWLEDGMENTS

EXECUTIVE SUMMARY

PLAN PURPOSE:

The purpose of this Communications Plan is to clearly define the messages, priorities, strategies, and tools the City of Hopewell will use when communicating with the community. The Plan ensures the Hopewell story is told effectively despite interference, and engagement between the City and the community is implemented in a timely and effective manner. This Plan aligns with the strategic priorities of the city, furthering the mission and enhancing community pride.

PLAN GOAL:

The goal of the Communications Plan is to increase engagement and community understanding of City services, initiatives, and resources, and to record measurable outcomes that inform future communication. Furthermore, this Plan will help guide the priorities of the City's Communications and Government Relations division each year.

FOUNDATIONAL MESSAGING:

Communication efforts should consistently support the City's vision, mission, and goals, as well as align with City Council priorities.

VISION:

Hopewell is an inviting and safe community with thriving neighborhoods.

MISSION:

We are committed to the delivery of exceptional public services and building partnerships that promote economic prosperity and engaged neighborhoods.



STORYTELLING

The services delivered by every City department play a critical role in the lives of those in our community. We have a unique story to tell within each project and program the City oversees. The Community and Media Relations division helps to both create and sustain productive connections between City services and Hopewell community members, businesses, and visitors to tell the City's story, and listen to and share our community's stories.

CORE FUNCTIONS

The role of the Community and Government Relations division is to establish, nurture, and sustain a high level of trust in Hopewell's City government among residents, businesses, visitors, and other key stakeholders. The City must maintain its organizational integrity and a positive brand reputation through its strategic communication efforts. Community and Media Relations staff is a primary conduit for sharing timely, accurate, important, and relevant information to the people the City serves.

Strategic Communication Planning Process:

Implement City Council's strategic planning goals and guiding principles through thoughtful, essential, and effective communications. This form of communication is about telling the stories of Hopewell's services and how those services impact the community. By uncovering and sharing the human aspect of the City's work, we illustrate how implied goals are translated into action for our residents and businesses.

Communications Support for Offices and Departments:

As department leaders and City staff seek communications support for programs and projects, the Community and Media Relations division helps to ensure that projects, initiatives, and events are communicated through the lens of the Hopewell brand. The communications department works to develop and carry out successful strategies to engage the public in their local government through participation at events, through digital platforms, and with City services.

Brand Management:

The Community and Media Relations division ensures the Hopewell brand is being used consistently and brand messages are used appropriately and often in all communication efforts.

Emergency Communication:

This form of communication occurs unexpectedly and takes many forms. When a crisis occurs, the Community and Media Relations division will develop and position emergency messages, correctly and effectively disseminate information, prepare department leaders and emergency responders, and manage media relations.

COMMUNICATIONS PRIORITIES

PRIORITY #1: Lead Strategic Communication Efforts:

Work directly with Council, staff, and partners to ensure communication and outreach efforts, objectives, and outcomes align with the strategic goals of the organization and promote community understanding.

PRIORITY #2: Create Opportunities for Effective Stakeholder Participation and Collaboration

Encourage engagement through audience-appropriate, two-way communication and opportunities for constructive feedback.

PRIORITY #3: Provide Open and Timely Communication

Share accurate, non-biased information promptly through a variety of communication channels.

PRIORITY #4: Reinforce Brand Identity

Develop consistent messaging that builds and solidifies Hopewell's brand and tells the City's story with one voice.

PRIORITY #5: Ensure a Well-Informed City Workforce

Keep City employees informed and involved in public engagement so they can assist in telling the Hopewell story.

PRIORITY #6: Provide Measurements of Progress and Success

Track metrics to evaluate communication efforts and effectiveness in order to guide future communications programs and projects.

IMPLEMENTATION PLAN



HIGH PRIORITY

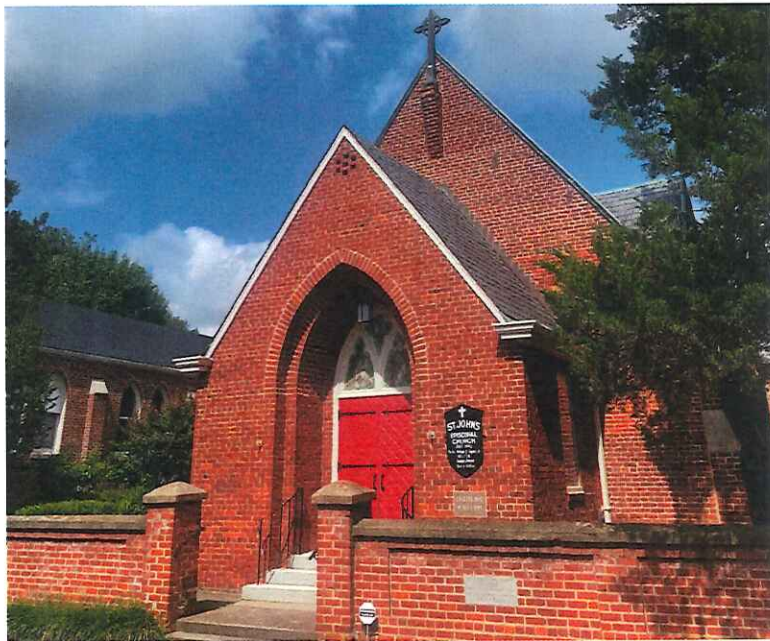
- Institute an engaging Employee Storyteller Program
- Identify ways of bring brand training to employees
- Integrate City vision, goals, and strategies into communication efforts

MEDIUM PRIORITY

- Collaborate with community organizations to market the City, serving as ambassadors of the Hopewell brand
- Collaborate with external advisory groups (either formal or informal) to ensure effective communication and marketing within the community
- Attend quarterly department meetings in order to create mini major project-specific communications plans
- Outline the City's Strategic Plan elements on the website
- Develop or retool community polls and micro-interactions
- Research and establish editorial calendars, along with a process of developing content for columns, editorials, and paid opportunities
- Develop a plan for multi-lingual translation services
- Develop and implement a City branding strategy

IMPLEMENTATION STRATEGIES

7



Since March 2023 the Communications department has:

- Re-established our print publication "City Currents" along with it's podcast
- Partnered with HPG Chamber of Commerce and Hopewell Downtown Partnership to collectively combine marketing efforts and establish a more unified brand strategy
- Taken a closer look at our brand and what Hopewell stands for
- Re-established the Citizen's Academy
- Created an updated City Social Media Policy
- Streamlined the special event policy in an effort to make our local business owners and citizen's aware of the steps to take when planning
- Taken on special event applications
- Become more active and personable across social media platforms
- Scheduled a city branding photoshoot
- Given weekly "Council Corner" Recaps on Facebook each Friday
- Worked alongside Fire and the EOC to implement Hopewell's new emergency communication system
- Worked with local printers and companies to develop print communications for local businesses to display



THANK YOU

PUBLIC HEARING

PH-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

**COUNCIL AGENDA ITEM TITLE: PUBLIC HEARING ON ALLOCATION OF
FY2024 CDBG FUNDING**

ISSUE: Staff and CDBG Committee members have identified FY2024 subrecipients and established funding levels for the new program year. The estimated FY2024 CDBG budget is \$236,121.

RECOMMENDATION: The City Administration recommends approval of the proposed FY2024 subrecipients and funding levels.

TIMING: The City Administration recommends action at after the public hearing.

BACKGROUND: The CDBG Committee reviewed and voted on the subrecipients and funding levels at a publicly advertised meeting held on May 17, 2023.

ENCLOSED DOCUMENTS: Summary of applications and proposed subrecipients with funding levels.

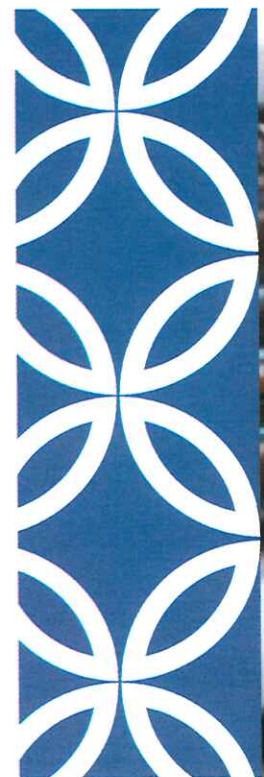
STAFF: Christopher J. Ward, Director, Department of Development

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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



COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Program Year 2023-2024

CONSOLIDATED PLAN

The City's 2020-2025 Consolidated Plan states the following goals.

- Rehabilitation of Housing
- Education, primarily adult and pre-school literacy
- Household Services including elderly and disabled
- Infrastructure
- Homelessness Prevention

GRANT PARAMETERS

The grant is divided into three categories:

- **Administration (20% cap)**
- **Public Service Programs (15% cap)**
- **Infrastructure & Housing Rehabilitation (65% or remaining)**

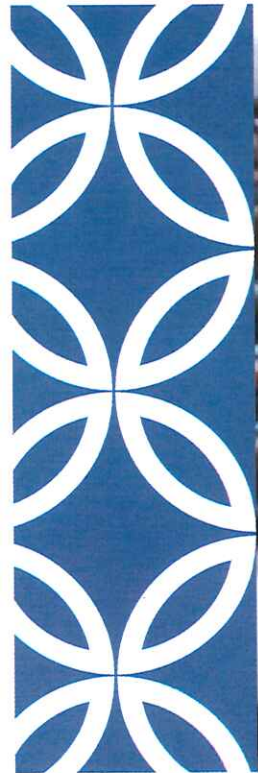
GENERAL ADMINISTRATION \$47,224 (20% CAP)

Recommended Amount	Project	Organization	Description	Goal
\$47,224	General Administration	City of Hopewell- Department of Development	Provides funds to manage all aspects of grants management for HUD funds including budgeting, written agreements, reporting, compliance management and monitoring, advertising and fair housing.	Maintain effective government with optimal management and service practices, fully compliant with federal programs

HOUSING REHABILITATION

\$156,897

Recommended Amount	Project	Organization	Description	Goal
\$90,000	Housing Rehabilitation	Project Homes	Rehabilitates homes owned by income eligible homeowner households	City Beautification; Neighborhood Revitalization
\$66,897	Housing Rehabilitation	Rebuilding Together	Rehabilitates homes owned by income eligible homeowner households	City Beautification; Neighborhood Revitalization



APPROVE FY2023-2024 CDBG BUDGET OF \$236,121.

PROVIDE AUTHORIZATION FOR THE CITY MANAGER TO
SUBMIT THE 4TH YEAR ANNUAL ACTION PLAN TO HUD.

RECOMMENDATIONS

COMMUNICATIONS FROM CITIZENS

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
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Action:

- Approve and File
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- 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: Approval of Opioid Settlement Funds to City of Refuge

ISSUE: The City’s participation in the proposed settlement of opioid-related claims in the National Opioid Settlements and their related claims related corporate entities.

RECOMMENDATION: Staff recommends the approval of Opioid Settlement Funds in the amount of \$70,000 to be donated to the City of Refuge in Hopewell, Virginia

TIMING: Action to be taken on July 11, 2023.

BACKGROUND: Participation Settlement of opioid-related claims against Janssen and distributors Cardinal, McKesson, and AmerisourceBergen and their related corporate entities was approved by city council in August 2021.

ENCLOSED DOCUMENTS: Summary of Key Provision on the Use of Funds

STAFF: Interim City Manager, Dr. Concetta Manker

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

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

Roll Call

SUMMARY:

Y N

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

Y N

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

**Summary of Key Provisions on the Use of Funds
Received from National Opioid Settlements**

**Authored by the
Virginia Office of the Attorney General**

Summary of Key Provisions on the Use of Funds
Received from National Opioid Settlements

Funds are now flowing to Virginia’s local government subdivisions from certain national opioid settlements. Specifically, the first two settlement payments from the national settlement with three major opioid distributors (McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation) have been distributed. Likewise, the first payment from the national settlement with the opioid manufacturer Janssen Pharmaceuticals, Inc. (a subsidiary of Johnson & Johnson) has been distributed.

As payments from these settlements are distributed and received, it is important for localities that receive settlement funds to keep in mind that the different settlements sometimes have different requirements regarding permissible uses of the funds, recordkeeping, and reporting. Additionally, the Commonwealth’s Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (MOU), which all Virginia localities have approved, also contains relevant provisions regarding the use of opioid settlement funds.

This document provides an overview and summary of certain key provisions in the MOU and the various settlement agreements that govern how those funds may be used, and what kinds of recordkeeping and reporting on the uses of those funds are required. **Please note that localities should consult with their county or city attorney or their outside counsel for specific legal advice regarding application or interpretation of the settlements’ terms.** Several factors can affect the permissible uses of settlement funds, and the recordkeeping and reporting requirements applicable to them. These factors include:

- The settlement from which the funds originated;
- Whether the locality receiving the funds is considered a litigating or non-litigating locality—i.e., whether the locality had initiated a lawsuit against the opioid company at the time of the settlement; and
- Whether the locality received the funds as a direct share payment from the settlement, or as a distribution from the Virginia Opioid Abatement Authority.

I. The Memorandum of Understanding

The MOU establishes a default allocation formula for opioid settlement funds in which 15% of the funds from any opioid settlement are allocated to the Commonwealth, 30% are allocated to participating local subdivisions, and 55% are allocated to the Opioid Abatement Authority. The 30% share allocated to the localities is divided into two equal components—15% is restricted to uses for opioid abatement and remediation, and 15% is “unrestricted.” The 15% share that is restricted to abatement uses is subject to a recordkeeping and transparency requirement, stating that “[u]pon request, a Participating Political Subdivision shall make publicly available information showing the purpose for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds.”

Moreover, the MOU also makes clear that any provisions in opioid settlement agreements that restrict the use of settlement funds to abatement purposes take precedence over and supersede the MOU's allowance for "unrestricted" funds. That is, if a settlement agreement requires that a greater percentage—or all—of the funds from that settlement must be used for abatement purposes, the settlement agreement's terms control, and some or all of the 15% MOU share to the localities that otherwise might have been "unrestricted" will be restricted to use for opioid abatement purposes.

Furthermore, in addition to the direct shares that localities receive from the settlements, localities also will receive settlement funds from the Opioid Abatement Authority. The Virginia statute that created the Authority provides that 15% of the Authority's share must be allocated for use by participating localities, to be distributed according to the schedule of allocation percentages attached to the MOU. Additionally, 35% of the Authority's share will be allocated for regional efforts (i.e., partnerships of at least two participating localities within a community services board region), and another 35% may be used or allocated by the Authority at its discretion. *See* Va. Code § 2.2-2374(D). So it might be possible for localities to receive additional settlement funds from the Authority. However, **any funds that a locality receives from the Authority must be used for abatement or remediation purposes, and such funds may not be used to supplant funding for an existing program, to continue funding for an existing program at its current level, or for indirect administrative costs.** *See* Va. Code § 2.2-2370(A).

Also, Virginia law includes a recordkeeping and transparency requirement for localities that receive funds from the Authority. Any locality that receives funds from the Authority must **"provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided."** *See* Va. Code § 2.2-2370(A)(5).

II. The Settlement Agreements

Some settlement agreements require that all settlement funds be used for abatement and remediation purposes, while others contain limited allowances for settlement funds to be used for non-abatement purposes. **However**, all of the settlement agreements **strongly encourage** settlement funds to be used for abatement and remediation. The settlement agreements that permit some funds to be used for non-abatement purposes make it clear that using settlement funds in this manner is **strongly disfavored**.

The relevant requirements of the specific settlement agreements from which localities are currently receiving funds are as follows:

A. The Distributors Settlement

Under the distributors settlement, **non-litigating localities** must use all of the funds they receive from this settlement for approved opioid remediation purposes. A list of approved opioid remediation purposes is appended to the Settlement Agreement as Exhibit E. The list is not meant

to be exhaustive, but it is extensive, and likely covers most, if not all, potential remediation purposes for which a locality might want to use opioid settlement funds. The list also identifies several “Core Strategies” that represent preferred remediation uses for opioid settlement funds.

The settlement agreement contains a limited allowance for **litigating localities** to use some settlement funds for non-remediation purposes. However, as noted above, this is strongly disfavored. Moreover, any such use of settlement funds comes with significant strings attached.

First, the distributors settlement agreement requires that at least 85% of the settlement payments made over the course of the settlement must be used for opioid remediation purposes. Failure to meet this threshold could result in a reduction of settlement payments to states that fall below it.

Moreover, 7.5% of the settlement payments from the distributors settlement (i.e., 25% of the localities’ 30% share) will be allocated to the Deficiency Fund established by the MOU, and will potentially be used to cover litigation costs and attorney’s fees for litigating localities. Therefore, as a practical matter, Virginia is already halfway to the “limit” for non-remediation use of funds for this settlement.

Second, the distributors settlement agreement imposes recordkeeping and reporting requirements in connection with any use of settlement funds for non-remediation purposes. **Any use of settlement funds for a non-remediation purpose must be recorded and reported to the settlement administrator and the settling distributors. The report must include the amounts in question and descriptions of the non-remediation purposes for which they were used.** The settlement agreement further states that all reports of non-remediation uses will be made publicly available.

Lastly, the definition of “opioid remediation” in the distributors settlement agreement includes a limited allowance for the use of settlement funds as reimbursement for past programs and expenditures that would qualify as approved opioid remediation purposes under the agreement. While the settlement agreement does not impose specific recordkeeping or accounting requirements for uses of settlement funds as reimbursement for past opioid remediation expenditures or programs, as a practical matter, any such use would need to be linked through documentation or accounting to a qualifying prior expenditure. Moreover, while the settlement agreement contains this allowance, the overall preference is for settlement funds to be used for future opioid remediation as much as possible.

B. The Janssen Settlement

In most relevant respects, the Janssen settlement agreement is similar to the distributors settlement agreement. Among other things, the Janssen agreement includes the same list of approved opioid remediation uses as the distributors settlement, which is appended to the Janssen Settlement Agreement as Exhibit E. Again, the list is not meant to be exhaustive, but it is extensive, and likely covers most, if not all, potential remediation purposes for which a locality might want to use opioid settlement funds. The list also identifies several “Core Strategies” that represent preferred remediation uses for opioid settlement funds.

One difference is that the Janssen settlement, unlike the distributors settlement, does not contain a specific provision prohibiting **non-litigating localities** from using settlement funds for non-remediation purposes. The Janssen settlement treats **litigating** and **non-litigating** localities alike with respect to the potential use of settlement funds for non-remediation purposes.

Like the distributors settlement, the Janssen settlement agreement contains a limited allowance for localities to use some settlement funds for non-remediation purposes. However, as noted above, this is strongly disfavored. Moreover, any such use of settlement funds comes with significant strings attached.

First, the Janssen settlement agreement requires that at least 86.5% of the settlement payments made over the course of the settlement must be used for opioid remediation purposes. **(Note that this threshold is higher than the threshold in the distributors settlement agreement.)** Failure to meet this threshold could result in a reduction of settlement payments to states that fall below it.

Again, 7.5% of the settlement payments from the Janssen settlement (i.e., 25% of the localities' 30% share) will be allocated to the Deficiency Fund and will potentially be used to cover litigation costs and attorney's fees for litigating localities. Therefore, as a practical matter, Virginia is already **more** than halfway to the "limit" for non-remediation use of funds for this settlement.

Second, like the distributors settlement agreement, the Janssen settlement imposes similar recordkeeping and reporting requirements in connection with any use of settlement funds for non-remediation purposes. Thus, **any use of settlement funds for a non-remediation purpose must be recorded and reported to the settlement administrator and to Janssen. The report must include the amounts in question and descriptions of the non-remediation purposes for which they were used.** The settlement agreement further states that all reports of non-remediation uses will be made publicly available.

Lastly, the definition of "opioid remediation" in the Janssen settlement agreement includes a limited allowance for the use of settlement funds as reimbursement for past programs and expenditures that would qualify as approved opioid remediation purposes under the agreement. While the settlement agreement does not impose specific recordkeeping or accounting requirements for uses of settlement funds as reimbursement for past opioid remediation expenditures or programs, as a practical matter, any such use would need to be linked through documentation or accounting to a qualifying prior expenditure. Moreover, while the settlement agreement contains this allowance, the overall preference is for settlement funds to be used for future opioid remediation as much as possible.

Date: November 30, 2022