

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

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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, City Manager

Danielle Smith, City Attorney

Brittani Williams, City Clerk

Bridetta Williams, Deputy Clerk

August 8, 2023

REGULAR MEETING

Closed Meeting- 6:00 PM

Work Session – 7:00 PM

Regular Meeting-7:30pm

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) (1) 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 – Collective Bargaining – Will Thetford and Caleb Kershner

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 Harris.

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:** July 11, 2023, July 18, 2023, July 25, 2023
- C-2 **Pending List:**
- C-3 **Information for Council Review:** Chief of Police Report
- 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. **Presentation from City's Financial Planner** – James Sanderson

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)

UNFINISHED BUSINESS

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)*

PH1 – Presentation of Proposed FY23-FY24 CDBG (Community Block Grant) Sub Recipients and funding Allocation –Chris Ward

PH2 – Conditional Use Permit APP, for 3400 Oaklawn Blvd, Hopewell, VA – Chris Ward

PH3 – Conditional Use Permit APP, Address 102 S 5th Ave, Hopewell, VA – Chris Ward

REGULAR BUSINESS

R1- Sub Division of 700 S. 15th Ave – Chris Ward

Reports of City Manager:

RC-1 - Discussion of Remaining ARPA Funds – Dr. Manker

Reports of City Attorney:

Reports of City Clerk:

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: 1 Vacancies
Keep Hopewell Beautiful: 1 Vacancy
Planning Commission: 2 Vacancies
Recreation Commission: 3 Vacancies
School Board: 2 Vacancy
Social Services Advisory Board: 2 Vacancies

**CLOSED
MEETING**

WORK SESSION

WS-1

The background of the slide is a solid teal color with a subtle, wavy, water-like texture. The text is centered and reads:

Collective Bargaining in the City of Hopewell

By representatives of Hopewell Chapter
Southern States Police Benevolent Association (SSPBA)

Introductions

- SSPBA Chapter Leadership
- Legal Team
 - Caleb Kershner
 - Will Thetford
 - Vance Stallings

Collective Bargaining in Virginia

- Before 1977 some jurisdictions participated in public sector collective bargaining until the Virginia Supreme Court nullified collective bargaining absent express authorization from General Assembly in *Commonwealth v. Arlington County Bd.*, 217 Va. 558 (1977).
- 40.1-57.2 was amended in 2020 to allow local municipalities to create an ordinance or resolution allowing for Collective Bargaining Process.
- City's ordinance provides the outer band of the terms to discuss and the bargaining units involved.
- Employee groups can require governing body to take a vote within 120 days of submitting petition evidencing 50% support.

Virginia Jurisdictions Adopting Collective Bargaining Ordinances

- City of Alexandria
- City of Arlington
- City of Richmond
- City of Charlottesville
- Loudoun County
- Fairfax County
- Town of Leesburg
- City of Portsmouth
- Prince William County
- Now being considered by Virginia Beach, Norfolk, Newport News, Winchester, and many other jurisdictions.

Why Collective Bargaining?

1. Creates a procedure for employees and City to create mutually beneficial working arrangements and terms and conditions through negotiation and voluntary discussion.
2. Incentive for recruitment and retention.
3. Address issues proactively rather than only once grievances, litigation, or other actions are necessary.

Basics of Collective Bargaining

What is a Bargaining unit? The group of employees who elect and are represented by a “bargaining agent” in collective bargaining with the City.

Commonly Virginia ordinances establish 3-5 bargaining units. E.g., Police, Fire, and General County or divide general county into different sub-groups.

What is the proposed Police bargaining unit?

It is traditionally all sworn uniformed employees of the police department *below* a certain rank. The local employees in Hopewell desire that the bargaining unit include those below the rank of deputy chief.

What is an Exclusive Bargaining Agent?

- The only labor organization recognized by the City to bargain collectively for the employees in the bargaining unit.

What issues are subject to bargaining?

- Terms and conditions of employment, including wages, salaries, and all forms of monetary compensation;
- benefits;
- personnel policies and practices, working conditions, and hours and scheduling of work, subject to management rights.

How Would Collective Bargaining Work Under the Proposed Ordinance

1. The City will appoint a labor relations administrator (LRA) to create election process regulations and any other necessary regulations.
2. Interested bargaining units, may petition to have an election once a potential bargaining agent has the support of at least 30% of the unit.
3. The LRA will administer a secret-ballot election for any qualifying bargaining units regarding what eligible organization they want to represent them or if they elect to have no representatives and keep the status quo.
4. Once there is a bargaining agent representing a unit the agent's bargaining team will work with the City's negotiation team to establish ground rules and submit initial proposals
5. The parties negotiate proposals.
 - A. If the parties are able to negotiate a voluntary agreement on all matters – the parties proceed to ratification.
 - B. If the parties are unable to reach agreement on some matters (impasse) - the parties proceed to impasse mechanism in the City ordinance, which in this case should be the help of a mediator, and if necessary, an arbitrator to break the gridlock.
6. Ratification. The Agreement is not final until it is not only agreed to by the negotiation teams, but (a) ratified by the organization (usually through its membership) and (b) approved by City Council.

Protections for the City

- The City sets boundaries in the Ordinance.
- The City does not give up its inherent “Management Rights” by entering collective bargaining.
- Virginia law still allows the City Council to have ultimate say on matters of appropriations.
- Collective bargaining is designed to cause the parties to come to a voluntary agreement to address matters that are important to all parties.
- The initial process takes some time so it would not be for at least one, if not two, fiscal years before any bargained agreement would be implemented.
- Strikes, while permitted for private sector employers, are already prohibited for many City employees by State law, are prohibited by the SSPBA for its members, and may be prohibited by the bargaining ordinance (as is a part of proposed ordinance).

What are the next steps?

1. Consider and approve the Ordinance allowing Collective Bargaining
2. The City will appoint a labor relations administrator (LRA).
3. Continue in the collective bargaining process.
4. In order to ensure that there is sufficient time for the ultimate collective bargaining agreement to be worked into the next fiscal year's budgeting process most collective bargaining ordinances have certain time frames to when bargaining must be initiated and completed in order to be included in a particular fiscal year. As proposed
 - A. March 1 – Written Request to Initiate Bargaining
 - B. April 1 – Beginning of Negotiations
 - C. September 1 – Negotiations Conclude or proceed to impasse process
 - D. The agreement would then be implemented for the fiscal year beginning the following July 1.
 - E. The parties may voluntarily agree to extend these deadlines, but are intended to ensure there is sufficient time between the end of negotiations and the budgeting process in the spring.

Timeline

If the ordinance is passed this year:

1. The organization and first elections could occur this fall/winter
2. Collective bargaining initiation and proposals could come as early as March 1, 2024
3. Negotiations would occur Spring-Fall 2024
4. The ultimate collective bargaining agreement would not take effect until July 1, 2025.

ORDINANCE NO. XXXX

An ORDINANCE to amend and reordain Chapter 2 of the Code of the City of Hopewell, Virginia, Administration, *Article III City Employees, by adding the following sections*

THE CITY COUNCIL OF HOPEWELL HEREBY ORDAINS:

Section 1:— That the Code of the City of Hopewell, Virginia, as amended, be, and the same hereby is, added as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE III - COLLECTIVE BARGAINING

Sec. 100 - Statement of Policy.

It is the public policy of the City of Hopewell and the purpose of this article to promote orderly and constructive relationships between the city and its employees subject, however, to the supreme right of the citizens of the city that their government honor guarantees for their health, safety, welfare, and the uninterrupted operations and functions of government. Because unresolved disputes between the city and its employees are detrimental to the public and to city employees, adequate means must be established for their speedy and effective resolution. Within the limitations required by the greater public interest, and recognizing that amicable relationships are required between the city and its employees, the City Council has determined that the overall policies set forth here may best be accomplished by (1) granting to city employees the right to organize and choose freely their representatives; (2) permitting the city to negotiate and bargain in good faith with employee organizations representing city employees and to enter into written agreements evidencing the result of such bargaining; and (3) establishing procedures to provide for the protection of the rights of the city, city employees and the public at large.

The council establishes this policy with the intent that city employees enjoy the right to bargain collectively within parameters that promote a government that provides ethical, effective and efficient services that are responsive to the community and focused on improving quality of life through the services of well-qualified staff who value and work to actively promote policies to advance all things reasonably necessary to achieve organizational excellence, while at all times elevating principles of cooperation, ethics, honesty, initiative, and learning.

Sec. 101 - Definitions.

As used in *this* article, the following terms shall have the meanings ascribed to them in this section:

Administrative employee means an employee whose primary duty is the performance of office or non-manual work directly related to or in furtherance of the management or general business operations and services of the city.

Arbitration means the procedure by which the city and an exclusive bargaining representative when involved in a labor-management dispute, as defined in this article, submit their differences to a third party for a final and binding decision subject to the provisions of this article.

Benefits means all forms of non-wage compensation.

City means the City of Hopewell acting through its City Manager or the City Manager's designee.

Collective Bargaining means to perform the mutual obligation of the City, by its representatives, and the exclusive bargaining representative of employees in an appropriate bargaining unit to meet and negotiate in good faith at reasonable times and places, with the good faith intention of reaching an agreement and remaining in effect until superseded by a new agreement, regarding terms and conditions of employment including terms and conditions of employment, including wages, salaries, and all forms of monetary compensation; benefits; personnel policies and practices, working conditions, and hours and scheduling of work, provided that matters reserved as City management rights in Section 3-10-4 are subject to collective bargaining only as provided therein. Any agreement reached by collective bargaining shall be subject to appropriation of funds by the City Council.

The City shall not negotiate as to matters controlled or preempted by any federal or state constitutional provision, law, rule or regulation.

Collective bargaining agreement means the written legal contract between the City and an exclusive bargaining agent representing the employees in a bargaining unit authorized by this article and resulting from collective bargaining as defined in this section.

Confidential employee means any employee who works in or for:

- (1) the office of the City Council;
- (2) the office of the City Manager;
- (3) the office of the City Attorney;
- (4) the Department of Human Resources or other department or position in which the employee has authorized access to confidential city personnel files;
- (5) the Office of Management and Budget; or
- (6) is a secretary, administrative assistant, management analyst, or any other position, wherever assigned and however those titles may be changed from time to time, with authorized access to confidential information pertaining to City budgetary and fiscal data relevant to subjects within the scope of collective bargaining as set forth in this article.

Employee means any employee of the City, except it does not include anyone who is:

- (1) an employee of the courts or of any local constitutional officer, i.e., officers elected pursuant to Article VII, Section 4 of the Constitution of Virginia;
- (2) a confidential employee, as defined in this section;
- (3) a managerial employee, as defined in this section;
- (4) a supervisor, as defined in this section;
- (5) an intermittent, temporary or seasonal employee, as defined in this section;
- (6) an intern or volunteer;
- (7) a member of a board or commission, or other appointee of any public body as defined by state law; or
- (8) an attorney whose responsibilities include providing legal advice to the City or performing legal research for the City as a client.

Employee organization means an organization in which employees participate, and that exists for the purpose, in whole or in part, of representing employees in collective bargaining concerning labor disputes, wages, hours, and other terms and conditions of employment.

Exclusive bargaining representative and *exclusive bargaining agent* mean the employee organization recognized by the City as the only organization to bargain collectively for all employees in a bargaining unit (as defined in section 105).

Impasse means the failure of the City and an exclusive bargaining representative to reach agreement in the course of collective bargaining negotiations.

Intermittent employee means irregular or variably recurring, hourly employment that is less than full time in any calendar year.

Labor-management dispute means a difference of position as between the City and an exclusive bargaining agent concerning administration or interpretation of the collective bargaining agreement between them; negotiability disputes; action challenged as a prohibited practice under Sec. 115; and questions of eligibility of disputes for resolution by arbitration. It shall not include an individual grievance as defined by Virginia Code Section 15.2-1507(A)(1).

Lockout means any action taken by the City intended to interrupt or prevent the continuity of work properly and usually performed by employees for the purpose of coercing or intimidating employees in the exercise of their rights conferred by this article or influencing their exclusive bargaining agents' positions in collective bargaining contract negotiations.

Managerial employee means any individual who:

- (1) has responsibility for a unit or sub-unit of a division of an agency or department;
- (2) participates in the formulation of policy;
- (3) is significantly engaged in executive or management functions;
- (4) is charged with the responsibility of directing the implementation of management policies, procedures, or practices; or
- (5) is involved in administration of collective bargaining agreements or human resources or personnel decisions, including, but not limited to, staffing, reductions-in force/layoffs, reorganizations, hiring, discipline, evaluations, pay, assignments, transfers, promotions or demotions.

Mediation means an effort by a neutral, third-party factfinder chosen under the terms of this article to assist confidentially in resolving an impasse, as defined in this section, arising in the course of collective bargaining between the City and the exclusive bargaining agent of a bargaining unit, or the first step prior to arbitration of a labor-management dispute other than a prohibited practice claim or charge.

Professional employee means an employee exempt from the Fair Labor Standards Act and whose primary duty is the performance of work:

- (1) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or
- (2) Requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

Seasonal employee means an employee who is hired into a position for which the customary annual employment is four (4) months or less and for which the period of employment begins each calendar year in approximately the same part of the year, such as summer or winter, for reasons related to work demands that arise during those parts of the year.

Supervisor means any individual who customarily and regularly devotes a majority of work time to supervision of two or more employees and has authority to hire, transfer, suspend, layoff, recall, promote, demote, discharge, reward or discipline other employees, or adjust grievances, or effectively to recommend any such actions. With respect to the Fire Department, "supervisor" includes all personnel at the rank of battalion chief or above. With respect to the Police Department, "supervisor" includes all personnel at the rank of deputy chief or above. The City Manager or City Manager's designee shall meet and confer with Police and Fire supervisors ineligible to bargain collectively regarding matters within the scope of collective bargaining as

specified in this article with the specific intent to address salary compression, as commonly defined or understood, resulting from collective bargaining with eligible Police and Fire uniformed employees.

Strike means action of an employee of the City in concert with two or more other such employees for the purpose of obstructing, impeding, or suspending any activity or operation of the City (see Virginia Code § 40.1-55) or inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of City employment.

Technical employee means an individual whose work requires a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized postsecondary school education or through equivalent on-the-job training.

Temporary employee means an individual who is employed for not more than 180 days in a 24-month period.

Sec. 102 - Employee Rights

- (a) Employees shall have the right to organize, form, join, assist, and pay dues or contributions to employee organizations, to bargain collectively through an exclusive bargaining representative of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection insofar as such activity is not inconsistent with this article or prohibited by any other applicable law. Employees shall also have the right to refrain from any or all such activities.
- (b) A collectively bargained agreement provision that violates the rights of employees set forth in this section shall be void. A collectively bargained agreement provision that establishes a time period for the exercise of an employee right set forth in this section shall not violate this section. The City and each employee organization will refrain from any intimidation, coercion, or harassment of employees who choose to exercise their rights under this article.

Sec. 103 - City's Rights and Authority.

- (a) This article shall not be deemed in any way to limit or diminish the authority of the City to manage and direct the operations and activities of the City to the extent authorized and permitted by law. Thus, to the extent not inconsistent with a collective bargaining agreement, the City retains exclusive rights including, but not limited to, the rights:
 - (1) to determine the type and scope of work to be performed by City employees, and the manner in which services are to be provided;
 - (2) to direct the work of employees and determine the number of employees to perform any work or service;
 - (3) to hire, promote, transfer, assign, retain, classify and schedule all employees and to suspend, demote, discharge, or take other disciplinary action against employees in accordance with applicable law and regulations;

- (4) to relieve employees from duties by layoff or other reduction-in-force due to lack of work, changed working conditions/requirements, budget limitations or for other reasons in the City's reasonable business judgment and not prohibited by law;
- (5) to introduce new, or different services, methods, equipment, or facilities;
- (6) to contract for, expand, reduce, sell, transfer, convey, eliminate or change in any way the operations of general government, as well as any department, office or part thereof;
- (7) to establish and change standards of behavior or performance, staffing levels, job qualifications and job descriptions;
- (8) to determine the kind, type, location and use of City-owned equipment or facilities, provided that the City does not require use or operation of unsafe equipment or the unsafe operation of equipment;
- (9) to maintain the efficiency and integrity of the operations entrusted to the City;
- (10) to do all things reasonable and necessary to carry out the mission of the City; and
- (11) to retain the ability and authority to continue to implement the current administrative regulation in the management of probationary employees.

(b) In accordance with Virginia Code §40.1-57.2 and other applicable law, nothing in this section, any provision of this article or the terms of any collective bargaining agreement shall impair or restrict the authority of the City Council to establish its budget and appropriate funds in its discretion.

Sec. 104 – Employee Activity on Official Work Time and Use of City Communication Systems.

(a) Employees shall have the right to hold informal conversations and interactions with one another to discuss workplace and employee organization issues while on duty, provided that such conversations do not interfere with the employee's job duties. Employee organizations shall not hold formal meetings that interfere with the work time of employees, except as provided for in this Article or in a collective bargaining agreement.

(b) Employees shall have the right to use City electronic communication systems to discuss employee organization business or activities, or employee organizing activity.

(c) In the absence of a collective bargaining agreement or a provision in such an agreement governing employee labor relations activity on official time, any employee representing an employee organization that has been recognized as an exclusive bargaining agent in the negotiation of an agreement under this article shall be authorized official time in amounts reasonable for such purposes, including attendance at impasse resolution proceedings.

Sec. 105 - Bargaining Units.

The City shall recognize only the following bargaining units for the purposes of collective bargaining:

- (a) Police: The police employees' bargaining unit shall consist of all sworn employees of the police department, except those excluded by definition in Sec. 101;
- (b) Fire and Emergency Medical Service: The fire and emergency medical services employees' bargaining unit shall consist of the uniformed fire employees, including fire marshals, except those excluded by definition in Sec. 101;
- (c) Other bargaining units may be approved by the City Council which may include any of the following:
 - (1) Labor & Trades: Those eligible classes of employees associated with maintenance and skilled crafts, i.e., job classes of workers performing duties that result directly in the comfort and convenience of the general public, or contribute to the maintenance of capital assets, land and infrastructure of the City, except those excluded by definition in Sec. 101; and
 - (2) Professional: Those non-supervisory and non-managerial employees within the definition of "professional employee" as set forth in Sec. 101; and
 - (3) Administrative and Technical: Those non-supervisory and non-managerial employees within the definition of "administrative employee" or who perform office support work and who are not confidential employees excluded from collective bargaining within the definition set forth in Sec. 101.

Sec. 106 – Labor Relations Administrator.

- (a) A labor relations administrator (LRA or the administrator) shall be appointed by the city manager in the manner set forth in subsection (c) of this section to effectively administer this article as it governs exclusive bargaining representative selection, certification and decertification procedures, labor-management disputes as defined in section 101, and choice of mediator(s) and/or arbitrator(s) as needs arise under this article or under any collective bargaining agreement.
- (b) The administrator must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interest of the City or any employee organization, including an exclusive bargaining agent for a bargaining unit permitted under *this* article.
- (c) Subject to confirmation by the City Council, the City manager shall appoint the labor relations administrator who shall be selected for a 4-year term from no more than 3 (three) nominees jointly agreed upon and submitted by: (i) representatives of those employee organizations that have notified the City manager or City manager's designee of their interest in representing bargaining units permitted by this article, if no exclusive bargaining agents

have been recognized at the time the selection process begins, or (ii) by the exclusive bargaining agents of the bargaining units permitted by this article, and (iii) an equal number of designees of the City manager. If the Council does not confirm the appointment on the recommendation of the City manager, an appointment must be made from a new agreed list of 3 (three) nominees compiled in the same manner.

- (d) The administrator's services shall be subject to termination by mutual agreement of the City manager and a majority of the exclusive bargaining agents of the bargaining units permitted by this article, and with council approval.
- (e) If the administrator dies, resigns, becomes disabled, or otherwise becomes unable or ineligible to continue to serve within six (6) months of initial appointment, the City manager shall appoint a new administrator from the list from which that administrator was selected, subject to council confirmation, to serve the remainder of the previous administrator's term. Otherwise, the administrator vacancy shall be filled as provided in subsection (c).
- (f) An administrator appointed under this section may be reappointed as provided in subsection (c).
- (g) The terms of payment for the services of the administrator shall be paid as specified by contract with the City.
- (h) The administrator shall:
 - (1) hold and conduct elections for certification or decertification pursuant to the provisions of this article and issue the certification or decertification or cause these actions to occur.
 - (2) request from the City or an employee organization, and the City or such organization shall provide, any relevant assistance, service, and data that will enable the administrator to properly carry out duties under this article.
 - (3) hold hearings and make inquiries, administer oaths and affirmations, examine witnesses and documents, take testimony, and receive evidence, and compel by issuance of subpoenas the attendance of witnesses and the production of relevant documents in proceedings within the responsibility of the administrator under this article.
 - (4) investigate and attempt to resolve or settle, as provided in Section 113 - Mediation and Arbitration, charges of either the City or an employee organization engaging in prohibited practices as defined in this article. However, if the City and a certified representative have negotiated a labor-management dispute resolution procedure, the administrator must defer to that procedure to resolve any dispute that properly may be submitted to the procedure, absent a showing that the deferral results in the application of principles contrary to this article. The administrator must defer to state procedures in any matter governed by the Law-Enforcement Officers' or

Firefighters and Emergency Medical Technicians' Bill of Rights set forth in the Virginia Code, or to any other such procedure dictated by state statute.

- (5) determine unresolved issues of employee inclusion in or exclusion from the bargaining units permitted under this article
- (6) obtain any necessary support services and make necessary expenditures in the performance of duties, subject to appropriation.
- (7) determine any issue regarding the negotiability of any collective bargaining proposal.
- (8) Exercise any other powers and perform any other duties and functions specified in this article of an administrative nature.

Sec. 107 - Recognition of Exclusive Bargaining Agent.

A bargaining agent shall be the exclusive representative of all employees in an appropriate bargaining unit described in Section 105 if the employee organization is selected by a majority of the employees voting in an appropriate bargaining unit in an election conducted pursuant to this article and rules and procedures adopted by the LRA.

- (a) In the event that more than one (1) employee organization files a request for recognition or for election within ten (10) calendar days after a first request for recognition or for election has been filed, an election to select an exclusive bargaining agent shall be held under the rules and procedures adopted by the LRA. If an employee organization receives a majority of the votes cast by the employees voting in an appropriate bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided, however, that the City manager/designee or an employee organization may file exceptions to the election with the LRA alleging that there has been misconduct which has affected the outcome of the election, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions. Any cost of such election shall be shared equally by the parties involved.
- (b) "Administratively acceptable evidence" to support a petition for certification within the meaning of Virginia Code §40.1-57.2(C), for certification by representation election, or for decertification (see Section 109) may consist of a combination of membership cards or a membership roster, evidence of dues payment, or other evidence of bargaining unit employees' desire to be represented by an employee organization for collective bargaining purposes. An authorization that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 et seq.) including, without limitation, electronic authorizations and voice authorizations, shall be valid for employees' authorization for representation for purposes of a petition filed by a labor organization for exclusive representation. The determination by the LRA (or of the City manager or manager 's designee in the absence of the LRA) of the sufficiency of a showing of majority support or for a representation election shall not be subject to challenge by any person or employee organization or by the City.

Sec. 108 - Request for Election.

- (a) An employee organization may request an election be held by submitting a petition for an election to the LRA who shall notify the City manager pursuant to its rules and procedures. The petition must represent a showing of interest by at least thirty (30) percent of the employees in a bargaining unit permitted by this article.
- (b) Any additional interested employee organization must submit a petition of intervention to the LRA, which must be accompanied by a showing of interest by thirty (30) percent of the employees in the appropriate bargaining unit within ten (10) days of notice of the pending election.
- (c) An election under this article shall be held within forty-five (45) calendar days after written notice to all parties of the determination by the LRA of a valid petition for election in accordance with guidelines established by the LRA. If an employee organization receives a majority of the valid ballots cast by the employees in a permitted bargaining unit, it shall be recognized by the City as the exclusive bargaining agent, provided unless and until the LRA certifies a different organization or otherwise decertifies the agent in accordance with rules set forth in this section. In an election in which none of the choices on the ballot receives a majority, a runoff election shall be conducted in which the ballot shall provide for a selection between the two choices or parties receiving the highest and second highest number of ballots cast in the election. However, the City or the employee organization may file exceptions with the LRA in accordance with its rules, and the City need not recognize the employee organization pending the resolution of any process to review those exceptions.
- (d) Nothing in this article shall require or permit an election in any bargaining unit within twelve (12) months after a previous election has resulted in the recognition of an exclusive bargaining representative or a determination that the employees choose no representation in such bargaining unit.
- (e) No party shall have an advantage over the other in gaining access to employees during organizational or representation campaign activity. Unless there is a recognized bargaining representative, interested employee organizations will receive the same access to bargaining unit employees as is currently provided to outside organizations under City policies and practices for facility use and attendance at any meeting of such organizations under these circumstances is voluntary and open to all prospective bargaining unit employees.

Sec. 109 - Decertification/Withdrawal of Recognition

- (a) Recognition of an employee organization as the exclusive bargaining agent for a bargaining unit permitted by this article shall continue only so long as such organization satisfies the criteria of this article
- (b) If a petition for decertification of a recognized exclusive bargaining agent is presented to the LRA showing that at least fifty (50) percent of the employees in the bargaining unit no

longer want the employee organization to be their bargaining agent, then the LRA shall hold an election pursuant to section 108 of this article.

- (c) A petition for decertification of a recognized exclusive collective bargaining agent in an appropriate unit may be filed in a thirty-day (30) period between the one hundred eightieth (180th) and one hundred fiftieth (150th) day prior to expiration of any existing collective bargaining agreement for that bargaining unit or any time after that collective bargaining agreement has expired.
- (d) For a period of one (1) year following recognition or certification of an exclusive bargaining agent, no decertification petitions may be filed.
- (e) The employee organization no longer shall be recognized as the exclusive bargaining agent of the employees in the bargaining unit if a majority of the employees in the appropriate bargaining unit vote in the decertification election to no longer be represented by the employee organization and a final outcome of that election has been certified by the LRA.

Sec. 110 – Rights Accompanying Exclusive Representation.

Any employee organization recognized as the bargaining agent for employees in an appropriate bargaining unit shall have the following rights:

- (a) To speak on behalf of all members of the unit and shall be responsible for representing the interests of all members of the bargaining unit without discrimination and without regard to employee organization membership.
- (b) To meet at reasonable times and places to engage in good faith collective bargaining on matters that, under this article, may be the subject of collective bargaining, in an effort to reach an agreement, subject to the tentative approval of the City manager or the City manager 's designee with responsibility for the employees in the bargaining unit.
- (c) To meet with bargaining unit employees on the premises of the City in non-secure areas during times when the employees are on break or in a non-duty status. Any other employee organization that has submitted a petition and established a valid question concerning representation of the bargaining unit shall also be permitted to meet with bargaining unit employees with the same limitations. This subsection shall not restrict an exclusive bargaining agent and the City from negotiating for greater access to employees by the exclusive bargaining agent as provision of a collective bargaining agreement.
- (d) To receive quarterly a list of all bargaining unit employees, as well as to be informed of all new hires within ten (10) days.
- (e) To meet with newly hired employees, without charge to the pay or leave time of any of the employees for a maximum of 30 minutes, within 30 calendar days from the date of hire, during new employee orientations, or if the City fails to conduct new employee orientation, at individual or group meetings.

- (f) To use City communications systems to communicate with employees regarding collective bargaining, the administration of collective bargaining agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the exclusive bargaining agent.
- (g) To be the only labor organization eligible to receive from the City amounts deducted from the pay of employees as authorized by written assignment of the employees, for the payment of regular and periodic dues to the exclusive bargaining agent, unless two exclusive bargaining agents of City employees agree that they can both receive deductions from the same employee. Any such authorization may be revoked in accordance with the terms of the authorization which shall provide a period of irrevocability of not more than one year. An authorization that satisfies the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 et seq.), including, without limitation, electronic authorizations and voice authorizations, shall be valid for employees' authorizations for payroll deductions and authorization for representation for purposes of a petition filed by an employee organization for exclusive representation.
- (h) To be represented at any formal discussion between one or more representatives of the City and one or more employees in the bargaining unit or their representatives concerning (1) any matter that is within the scope of collective bargaining as set forth in the definition of collective bargaining (see Section 101); or (2) any examination of bargaining unit employees by a representative of the City in connection with an investigation if the employee reasonably believes that the examination involves matters covered by any collective bargaining agreement then in effect, and the employee requests representation. The City shall inform the employee that he employee has a right to union representation prior to any such discussion or interview, and the employee shall have a right to request union representation before proceeding with the discussion or interview.
- (i) Notwithstanding any other provision in this section, an individual employee may present a personal complaint, concern or question at any time to the City without the intervention of an employee organization, provided that any such organization that is recognized by the City as the exclusive bargaining agent for the bargaining unit in which the employee is a member is afforded an effective opportunity to be present and to offer its view at any meetings held to adjust the matter and that any adjustment made shall not be inconsistent with the terms of any applicable collective bargaining agreement. Such employee or employees who utilize this avenue of presenting personal complaints, concerns or questions to the City shall not do so under the name, or by representation, of an employee organization.
- (j) The requirements set forth in this section establish the minimum requirements for access to and communication with bargaining unit employees by an exclusive bargaining representative. These requirements shall not prevent the City and the exclusive bargaining representative from bargaining for greater access to or communication with employees.

Sec. 111 - Good Faith Bargaining.

- (a) A written request for bargaining must be submitted by the exclusive bargaining agent to the City manager or the manager 's designee no later than March 1, and negotiations must begin by April 1 and conclude by September 1 of any year where an agreement is sought to be effective at the beginning of the next fiscal year, in order to accommodate the City budget process. Failure of the parties to reach agreement by September shall constitute impasse and trigger impasse resolution procedures under this article.
- (b) Nothing in this article requires either party to make any concessions or agree to the other party's proposals.
- (c) Good faith bargaining shall not include submission of or a response to a proposal that:
 - (1) Violates the rights of employees as set forth in 102; or
 - (2) Impairs, restricts, or delegates the authority of the City as set forth in Section 103(b).
- (d) The City manager shall designate or appoint the City's representative (s) in collective bargaining negotiations in the manager's sole discretion.
- (e) If an employee organization serves as the exclusive representative of more than one bargaining unit, it shall consolidate its bargaining with the City and negotiate a common master agreement on all matters not unique to particular bargaining unit.

Sec. 112 - Approval of Tentative Agreement

- (a) When an exclusive bargaining agent and the City reach a tentative agreement, they shall reduce it to writing and execute it signifying the approval of the bargaining agent and the City bargaining representative. No agreement shall be effective or enforceable:
 - (1) unless a fiscal impact study(ies) of the tentative agreement provisions, conducted as bargaining proceed s, has been prepared by the City Office of Management and Budget; and
 - (2) the City Council specifies by resolution no later than the last day of December its good faith commitment to appropriate funding necessary for the City to meet obligations under the tentative agreement as set forth in the fiscal impact study provided for in this section, with the understanding that any such resolution remains subject to actual appropriation. If the Council does not resolve to fund any provision(s) of the tentative agreement requiring appropriation or other Council action, the resolution shall state the reason(s), and the City Manager and the exclusive bargaining agent must re-open negotiations on those provisions only, with the understanding that any such negotiations shall be scheduled as promptly as possible with the good faith objective to negotiate provisions that may be acceptable to the Council for its consideration within the City's budget approval schedule. Upon presentation to the Council of any tentative agreement re-negotiated under this subsection, the Council shall consider and specify by

resolution as soon as practicable its good faith commitment to appropriate funding necessary for the City to meet obligations under the tentative agreement, or its intention not to do so, with the understanding that any such resolution remains subject to actual appropriation; and

(3) the tentative agreement is approved by:

- a. The City Manager or City Manager's designee with supervisory responsibility for the employees in the bargaining unit, as evidenced by signature, which may be an electronic signature made in accordance with applicable state law; and
- b. The exclusive representative by ratification of the tentative agreement in accordance with the bargaining representative's governing procedures, and evidenced by the signature of an authorized agent which may be an electronic signature made in accordance with applicable state law.

(b) A written agreement shall be contrary to public policy and therefore shall not bind the parties or be enforceable by either party to the extent that it is not the result of good faith bargaining as defined in Section 111.

Sec. 113 - Mediation, Dispute Resolution, and Factfinding.

(a) Mediation.

- (1) Labor-Management Disputes: The City and an exclusive bargaining agent shall discuss the feasibility of resolution of labor-management disputes informally by discussion between the parties' designees before resort to formal mediation or arbitration. Failure to actually engage in such informal resolution prior to submitting a labor-management dispute or prohibited practice claim for mediation or arbitration shall not be a ground for dismissal of a claim under this article. In the event that the City and the bargaining agent are unable to informally resolve a labor-management dispute if and when engaged, either party or the parties jointly may submit the dispute to the LRA for mediation or arbitration, if applicable, pursuant to procedures instituted by the LRA.
- (2) Impasse: In the event that the City and the bargaining agent are unable to reach a collective bargaining agreement within one hundred twenty (120) days after their first meeting or October 5, whichever is earlier, an impasse may be called by either party and resolution may be sought by submission of any unresolved issues for mediation by the LRA or a mediator selected through procedures established by the LRA. The parties shall jointly request mediation within five (5) days of a declared impasse. The LRA or other mediator shall set reasonable deadlines for all steps of the mediation process. Negotiations on all matters shall continue throughout impasse procedures.

- (3) The mediation process is advisory only, and the LRA or other mediator shall have no authority to bind either party.
 - (4) The mediation process and any comments, statements, or suggestions from the LRA or other mediator or the parties and any documents evidencing the same made or created during the mediation process shall not be disclosed except as required by law. Communications between an exclusive bargaining representative and the employees that it represents regarding the mediation process shall not constitute public disclosure under this Section.
 - (5) The parties shall share the costs of mediation equally.
- (b) Arbitration: If the City and exclusive bargaining agent are unable to reach agreement resolving any labor-management dispute submitted to mediation as provided for in this article by any deadline set forth in procedures provided in this article or adopted by the LRA, the labor-management dispute shall be submitted to final and binding arbitration subject to the plenary authority of the City Council to determine whether to appropriate funding for the tentative agreement. Such arbitration shall be conducted pursuant to procedures adopted by the LRA which shall, at a minimum, require the parties' joint selection of an arbitrator and shall provide for timing requirements that ensure the conclusion of impasse proceedings on a schedule that complies with Section 112. The parties shall share the costs of arbitration equally. In making a determination under this subsection, the arbitrator shall consider the following factors:
- (1) Stipulations of the parties;
 - (2) The interests and welfare of the public;
 - (3) The financial ability of the employer to meet the financial obligations in the proposed collective bargaining agreement;
 - (4) The overall compensation presently received by the employees involved in the arbitration;
 - (5) Comparison of wages, benefits, and working conditions of the employees involved in the arbitration proceedings with the wages, benefits, and working conditions of other persons performing similar services in the public and private sectors, if applicable;
 - (6) Past collective bargaining agreements between the parties, including the past bargaining history that led to the agreements, or the pre-collective bargaining history of employee wages, benefits, and working conditions;
 - (7) Comparison of working conditions of other City personnel; and

(8) Such other factors that are normally or traditionally taken into consideration in the determination of wages, benefits, and working conditions of employment through voluntary collective bargaining, mediation, arbitration, or otherwise between the parties, in the public sector.

(c) Grievance Procedures: Any grievance, mediation, arbitration, or other resolution procedure negotiated by the parties and available to challenge disciplinary or other personnel actions set forth in Virginia Code Section 15.2-1506, et seq., shall comply with the minimum requirements set forth in the statute(s), as well as any other statutory grievance rights of law enforcement officers and fire and emergency medical employees.

Sec. 114 - Strikes and other Job Actions.

Pursuant to Virginia Code § 40.1-55, any employee of the City or of any agency or authority of the City who, in concert with two or more other such employees, strikes or willfully refuses to perform the duties of their employment shall be deemed by that action to have terminated their employment and shall be ineligible for employment in any position or capacity during the next 12 months by the City, the Commonwealth of Virginia or any county, city, town or political subdivision of the Commonwealth or any department of any such public entities. The City agrees that no lockout shall take place.

Any employee organization determined to have violated this section shall cease to be accorded recognition under this article, shall cease to receive any dues or fees collected by paycheck withholding and shall not be accorded recognition or receive any dues or fees collected by paycheck withholding for a period of one (1) year.

Sec. 115 - Prohibited Practices.

Neither the City nor any exclusive bargaining agent shall refuse to negotiate in good faith with respect to matters within the scope of collective bargaining as defined in Section 101.

(a) The City and its agents shall not:

- (1) Interfere with, restrain or coerce employees in the exercise of rights granted by this article;
- (2) Dominate or interfere in the administration of any employee organization;
- (3) Encourage or discourage membership in any employee organization, committee, or association including by discrimination in hiring, tenure, or other terms and conditions of employment, provided that use of County property and time for meetings and the County's communication system for employee organization business, as may be permitted by this Article or a collective bargaining agreement, shall not be deemed encouragement prohibited by this subsection;
- (4) Discharge, discriminate, or retaliate against any employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under this article or because the employee has formed, participated in leadership in, joined, or chosen to be represented by any exclusive bargaining agent;

- (5) Deny the rights accompanying certification as the exclusive bargaining agent as conferred by this article;
- (6) Refuse to participate in good faith in any agreed-upon impasse resolution procedures or those set forth in this article; or
- (7) Refuse to reduce a collective bargaining agreement to writing and sign such agreement provided all conditions for an enforceable agreement, as set forth in this article, have been met.

(b) No employee organization or its agents shall:

- (1) Interfere with, restrain, or coerce any employee with respect to rights granted in this article or with respect to selecting an exclusive representative;
- (2) Willfully fail to represent an employee who is in a bargaining unit exclusively represented by the employee organization fairly regarding matters within the scope of collective bargaining, and without discrimination;
- (3) Refuse to bargain collectively with the City as provided in this article; or
- (4) Refuse to participate in good faith in or violate any agreed-upon impasse resolution procedures or those set forth in this article.

(c) Prohibited practice charge procedures:

- (1) Proceedings against a party alleging a violation of this Section shall be commenced by filing a charge with the LRA within 120 days of the alleged violation, or acquiring knowledge thereof, and causing a copy of the charge to be served upon the accused party in the manner of an original notice as provided in Section 116. The accused party shall have 10 days within which to file a written answer to the charge. The LRA may conduct a preliminary investigation of the alleged violation, and if the LRA determines that the charge has no legal or factual basis, they may dismiss the charge. If the charge is not dismissed, the LRA shall promptly thereafter set a time and place for a hearing. The parties shall be permitted to be represented by counsel or other designated representative, summon witnesses, and request the LRA to subpoena witnesses and the production of records on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.
- (2) The LRA may designate a hearing officer to conduct any hearing. The hearing officer shall have such powers as may be exercised by the LRA for conducting the hearing and shall follow procedures adopted by the LRA for conducting the hearing. The decision of the hearing officer may be appealed to the LRA and the

LRA may hear the case de novo or upon the record as submitted before the hearing officer.

- (3) The LRA shall provide for an official written transcript to report the proceedings, the costs of which shall be borne equally by the parties.
- (4) The LRA shall fill its findings of fact and conclusions. If the LRA finds that the party accused has violated any provision of this Section, the LRA may issue an order directing the party to cease and desist engaging in the violation and may order such other reasonable affirmative relief as is necessary to remedy the violation. Under the provisions for court review of arbitration awards set forth in the Uniform Arbitration Act (Virginia Code §§8.01-581.01 et seq.), the LRA may petition the circuit court for enforcement of an order made under this Section.
- (5) Any party aggrieved by any decision or order of the LRA may within 21 days from the date such decision or order is filed, appeal to the circuit court to obtain judicial review pursuant to the provisions for judicial review set forth in the Uniform Arbitration Act, Virginia Code §§8.01-581.01, et seq.

Sec. 116 - Time Limits.

Any time limits in this article may be extended by written agreement of the City, the employee organization, and any other appropriate parties.

Sec. 117 - Notices.

Any notice required under the provisions of this article shall be in writing, but service of any such notice shall be sufficient if mailed by certified mail, return receipt requested, addressed to the last-known address of the parties, unless otherwise provided in this article or by the rules of the LRA, which rules shall provide for the electronic service of documents. Refusal of certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice.



SIMMS SHOWERS LLP

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

305 Harrison Street, SE, 3rd Floor, Leesburg, Virginia 20175 ■ (703)771-4671 ■ Fax: (703)771-4681 ■ www.simsshowerslaw.com

May 4, 2023

City Council
300 N Main Street
Hopewell, Virginia 23860

Dear City Council,

Our firm represents the Hopewell Chapter of the Southern States Police Benevolent Association (SSPBA) as represents does many other SSPBA chapters and members throughout the state. The SSPBA is dedicated to serving the needs of law enforcement employees as law enforcement personnel, in turn, supports and protects citizens. We have been working closely with local officers, led by Michael Redavid, to initiate the collective bargaining process in the City of Hopewell pursuant to Virginia law.

As you may know, Virginia Code Section 40.1-57.2 was amended in 2020 to allow collective bargaining by municipal employees. Since that time, many jurisdictions have now implemented collective bargaining by adopting collective bargaining ordinances or resolutions, and some have even completed the process to establish their first collective bargaining agreements.

The members of the Hopewell Chapter of the SSPBA reached out to us for assistance in initiating collective bargaining and drafting a proposed Collective Bargaining Ordinance to submit to the City Council. As § 40.1-57.2(C) provides, once the Hopewell County SSPBA submits its petition, the Council has only 120 days to consider and vote on an ordinance on the topic.

However, the members asked us to reach out voluntarily first, as they appreciate the working relationship they have developed with Council and wanted to send a draft to Council to consider without the pressure of a timeline if the Council is willing to engage and consider adopting an ordinance on the subject.

This draft reflects ordinances composed by the City of Alexandria and the City of Fairfax with the assistance of their own counsel as well as taking into consideration other ordinances passed by Virginia municipalities for collective bargaining.

We invite the City of Hopewell to review this Proposed Ordinance as it considers the needs of the City and its law enforcement officers. We understand different stakeholders and others will certainly hold an opinion on this draft. As such, we would like this process to be a participatory experience for all involved. Our firm and the local Chapter would also like to be a resource and involved in this process as well, as our experiences will be valuable.

We look forward to working with the City of Hopewell in this process.

Please feel free to contact our office if you have any questions or concerns at (703) 771-4671 or you can email me at wrt@simsshowerslaw.com.

Sincerely,

A handwritten signature in blue ink that reads "William R. Thetford Jr." in a cursive style.

William R. Thetford Jr.

J. Vance Stallings

Simms Showers LLP

Counsel to Hopewell Chapter of the SSPBA

REGULAR MEETING

CONSENT
AGENDA

C-1

MINUTES OF THE JULY 11, 2023 CITY COUNCIL REGULAR MEETING

A regular meeting of the Hopewell City Council was held on Tuesday July 11, 2023 at 6:00 p.m.

PRESENT: John B. Partin, Mayor
Jasmine E. Gore, Vice Mayor (Late, 6:25 p.m.)
Rita Joyner, Councilor
Michael B. Harris, Councilor
Janice B. Denton, Councilor
Brenda S. Pelham, Councilor
Dominic R. Holloway, Councilor

CLOSED MEETING:

Councilor Joyner moves to go into closed session and motion is seconded by Councilor Holloway 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 Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Councilor Harris-	Yes
Mayor Partin-	Yes

Motion Passes 6-0

RECONVENE OPEN MEETING:

Councilor Joyner moved to reconvene open meeting and seconded by Mayor Partin

Roll Call:

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

Motion Passes 7-0

Councilor Denton moves to appoint Ruth Johnson and Linda Hyslop to the School board, motion was seconded by Councilor Holloway.

Roll Call:

Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Councilor Harris-	Yes
Mayor Partin-	Yes
Vice Mayor Gore -	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 Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Councilor Harris-	Yes
Mayor Partin-	Yes
Vice Mayor Gore -	Silent (yes, (<i>Qui tacit</i>
	<i>consenti</i> – Silence assumes consent, Parliamentary Law and
	Parliamentary Procedure, 3 rd ed.)

Motion Passes 7-0

WORK SESSION

WS-1-Conditional use permit for 3400 Oaklawn Boulevard Hopewell, VA

The City of Hopewell has received a request for a Conditional Use Permit from William S. Dereski to allow the Single-Family Dwelling use for this property also known Sub-Parcel #089-1395. The reason a conditional use permit is needed at this time is because a business zoning approval application

was approved two (2) years ago. An allowable use supersedes a non-conforming use and cannot go back to allowable use according to the ordinance. This block is the last remaining residential block remaining in this stretch of Oaklawn Boulevard. All the other blocks surrounding is primarily commercial. Staff recommends to the planning commission to allow for the single family residential use to continue until the existing residential lease is terminated. Planning commission did not agree to the open ended nature of that condition. After discussion the planning commission recommended to allow the existing residential use to continue for a period of 1 year with a vote of 2 to 1. Chris Ward opened the floor for questions.

WS-2-Conditional use permit for 102 S 5th Avenue Hopewell, VA

Parcel #0111735, Ward 2, Limited Commercial downtown residential, mixed use. The CUP is for an expansion. The property owner wants to enclose a small rear porch to use as a laundry room. The enclosure took place prior to a CUP application. Per the non-forming section, you can expand the property no more than 15 percent of the existing structure. The addition totals 12 sq. feet, making it 1.4 percent of the gross floor area. Planning commission agrees with staff recommendations to approve the CUP application with no conditions on a 4 to 0 vote. Chris Ward opens the floor for questions to which there were none.

Mayor Partin calls regular meeting to order.

Roll Call:

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

Motion Passes 7-0

Prayer by Reverend Danny Tucker, followed by the Pledge of Allegiance led by Councilor Joyner

Motion to adopt the Regular Meeting Agenda by Councilor Joyner and second by Mayor Partin

Roll Call:

Councilor Denton-	Yes
Councilor Pelham-	Yes
Councilor Holloway-	Yes
Councilor Joyner-	Yes
Councilor Harris-	Yes
Mayor Partin-	Yes
Vice Mayor Gore -	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 June 30, 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 gave information to focus on the year 2019 and 2020 compliance requirements. The city and schools have jointly provided the auditor with all of the information requested to do a review and audit up to December 2022. The auditor is in the process of drafting his audit opinion and findings to be delivered to Council next week. Moving on to year 2020, Council permitted the finance department to secure additional support units for areas such as schools. Having the additional support, the city and schools are about 45 percent completed. The city audit section began June 30, 2023, with the uploading of 2020 schedules and other requested documents. Uploading information to the auditor will continue until we have provided everything necessary to complete the review and audit for 2020. Mr. Terry highlights operation and assignments, and goes into detail about accounts payables, payroll, accounting, procurement, real estate assessment, assessor's office, financial reporting, and budgeting. In conclusion, it was a balanced budget for month end June 30, 2023. There was no use of unassigned fund balance and no cross funding transactions. Mr. Terry concluded his report.

2. **Police Report-** Chief Taylor

Chief Taylor gave a slide presentation for the City of Hopewell crime summary for July, 2023. Information was outlined such as violent crimes total from the report is down -10 percent, Property Crimes down -21 percent,

Major crimes down -19 percent. Chief Taylor states there were 13 fatal opioid overdose deaths and 47 nonfatal, a grand total for 60. There have been a total of 34 Shots fired thru June 30, 2023 as he compared with 2019 was lowest shots fired. Chief Taylor talks about Special events that are upcoming for the month of July 2023. Chief Taylor outlines details of a significant arrest on Saturday June 24, 2023 at 6:43pm. Police responded to a report of shots fired. William Jamal Claiborne, died, after being transported to Chippenham Hospital for a fatal gunshot wound. Jamari Antonio Taylor, 20, of Hopewell and Christopher Miller, 19, of Chesterfield were charged with 2nd degree murder and Use of a Firearm in Commission of a Felony. Update on Real Time Crime Center, for the police department is about 98 percent complete. We are in the process of researching funding.

3. **Department Presentation**-Kayla Hawks, Communications Director

Kayla presents information in her new role as Communications Director for the Communications department. She shares the department summary of The Plan Purpose, Plan Goal, Foundational Messaging, Vision and Mission. Community and Government Relations division core functions include: Strategic Communication Planning Process, Communications Support for Offices and Departments, Brand Management and Emergency Communication. Kayla Hawks goes thru communication priorities step by step. Her implementation plan is set forth in High Priority or Medium Priority and involves one or more implementation strategies.

Motion to extend meeting and waive the rules by Vice Mayor Gore and second by Mayor Partin

Roll Call:

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

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

Motion Fails 3-4

AJOURNMENT:

Mayor Partin ends meeting. No roll call was taken.

John B. Partin, Mayor

Brittani Williams, City Clerk

MINUTES OF THE JULY 18, 2023 CITY COUNCIL SPECIAL MEETING

A SPECIAL meeting of the Hopewell City Council was held on Tuesday July 18, 2023 at 6:30 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 Joyner moves to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) and second by Vice Mayor Gore 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 CAL:	Councilor Pelham-	Yes
	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	Yes
	Mayor Partin-	Yes
	Vice Mayor Gore-	Yes
	Councilor Denton-	Yes

Motion Passes 7-0

RECONVENE OPEN MEETING:

Councilor Denton moves to reconvene open meeting and seconded by Councilor Pelham

ROLL CAL:	Councilor Pelham-	Yes
	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	Yes
	Mayor Partin-	Yes
	Vice Mayor Gore-	Yes
	Councilor Denton-	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 CAL:	Councilor Pelham-	Yes
	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	Yes
	Mayer Partin-	Yes
	Vice Mayor Gore-	Yes
	Councilor Denton-	Yes

Motion Passes 7-0

Motion made by Councilor Pelham and second by Joyner to amend agenda to include “Community from Citizens” forum at this special meeting

ROLL CALL:	Councilor Pelham-	Yes
	Councilor Holloway-	No
	Councilor Joyner-	Yes
	Councilor Harris-	No
	Mayer Partin-	Yes
	Vice Mayor Gore-	No
	Councilor Denton-	No

Motion Fails 3-4

UNFINISHED BUSINESS

UB-1 – Dr. Manker, Interim City Manager, stated staff recommends approval of opioid settlement. The City entered into a settlement agreement in March 2021 and started receiving settlement payments this year (FY 2023). The staff recommends that the city council approve the funds of \$70,000.00 to be donated to the city of refuge in Hopewell VA.

Councilor Harris moves to approve the opioid settlement in funds in the amount of \$70,000.00 to be donated to the City of Refuge in Hopewell, VA, Councilor Holloway seconds the motion.

Councilor Pelham expresses appreciation to councilors for their support in the opioid funds approval. Councilor Pelham signs a conflict of interest act transactional disclosure statement stating she is a board member of the city of Refuge but will participate in the vote fairly, objectively, and in the public interest.

<u>ROLL CALL:</u>	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes
	Vice Mayor Gore-	Yes
	Councilor Denton -	Yes

Motion Passed 7-0

UB-2-Appointment of City Manager

Motion to approve Commonwealth of Virginia, support for City Manager
 Council begin to discuss the appointment of the City Manager. Councilor Joyner makes a motion to approve the commonwealth of Virginia's offer for financial support, Councilor Pelham seconds the motion and makes a friendly amendment to say it is in support of an interim city manager. There was open discussion in reference to this motion. Councilor Joyner speaks in regard to the state being very generous in giving opportunity of a fiscal assessment and offering additional provision of 6 months of an interim CEO and CFO with an offer to make interim city manager the deputy and mentored by an expert in the field. Councilor Joyner began to read the letter from the state in which time Vice Mayor Gore called a point of order rule 203 no councilor shall speak longer than 3 minutes on any one item. Attorney Smith confirmed the rule. Next Councilor to speak was Councilor Harris, who attempted to make a motion to appoint Concetta Manker as City Manager, Councilor Pelham calls point of order because there is a current motion on the floor, the motion to accept the commonwealth's offer is repeated and a vote is called. Roll call is taken to end discussion on current motion.

ROLL CAL:	Councilor Pelham	Yes
	Councilor Holloway:	Yes

Councilor Joyner:	No
Councilor Harris:	Yes
Mayor Partin:	No
Vice Mayor Gore:	Yes
Councilor Denton:	Yes

Motion Pass: 4 -3

Following motion to end discussion there is a roll call for the motion itself from Councilor Joyner to approve the state offer.

ROLL CAL:	Councilor Pelham	Yes
	Councilor Holloway:	No
	Councilor Joyner:	Yes
	Councilor Harris:	No
	Mayor Partin:	Yes
	Vice Mayor Gore:	No
	Councilor Denton:	No

Motion Fails: 3-4

Immediately following roll call, Councilor Harris moves to puts his motion back on the floor to have Concetta Manker appointed as full time City Manager, Councilor Holloway seconds motion. Vice Mayor Gore calls for the vote. They take a vote to end discussion on Councilor Harris's motion,

ROLL CAL:	Councilor Pelham	No
	Councilor Holloway:	Yes
	Councilor Joyner:	No
	Councilor Harris:	Yes
	Mayor Partin:	No

Vice Mayor Gore:	Yes
Councilor Denton:	Yes

Motion Pass: 4 -3

Roll call is immediately taken for Councilor Harris's motion to appoint Concetta Manker as City Manager.

ROLL CAL:	Councilor Pelham	No
	Councilor Holloway:	Yes
	Councilor Joyner:	No
	Councilor Harris:	Yes
	Mayor Partin:	No
	Vice Mayor Gore:	Yes
	Councilor Denton:	Yes

Motion Pass: 4 -3

Vice Mayor Gore moves to adjourn.

ROLL CALL:	Councilor Pelham:	Silent (yes, qui tacit Consenti – Silence assumes consent, Parliamentary law and Parliamentary Procedure, 3 rd ed.)
	Councilor Holloway:	Yes
	Councilor Joyner:	No
	Councilor Harris:	Yes
	Mayor Partin:	No
	Vice Mayor Gore:	Yes
	Councilor Denton:	Yes

Motion Pass: 5 -2

Johnny Partin, Mayor

Brittani Williams, City Clerk

MINUTES OF THE JULY 25, 2023 CITY COUNCIL SPECIAL MEETING

A SPECIAL meeting of the Hopewell City Council was held on Tuesday July 25, 2023 at 6:30 p.m.

PRESENT: John B. Partin, Mayor
Jasmine Gore, Vice Mayor (Late, 6:45pm)
Janice Denton, Councilor
Rita Joyner, Councilor
Dominic Holloway, Councilor
Michael Harris, Councilor
Brenda Pelham, Councilor

CLOSED MEETING:

Councilor Joyner and it was second by Councilor Holloway to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including evaluation and performance of employees of any public body and the extent such discussion will be aided thereby followed by an Open Session at 7:30 P.M.

ROLL CAL:	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	Yes
	Mayor Partin-	Yes
	Vice Mayor Gore-	(Late, 6:45pm)
	Councilor Denton-	Yes
	Councilor Pelham-	Yes

Motion Passes 6-0

RECONVENE OPEN MEETING:

A motion was made by Councilor Denton and second by Councilor Joyner to reconvene open meeting.

ROLL CAL:	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	(Excused)
	Mayor Partin-	Yes
	Vice Mayor Gore-	(Excused)
	Councilor Denton-	Yes
	Councilor Pelham-	Yes

Motion Passes 5-0

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 CAL:	Councilor Holloway-	Yes
	Councilor Joyner-	Yes
	Councilor Harris-	(Excused)
	Mayor Partin-	Yes
	Vice Mayor Gore-	(Excused)
	Councilor Denton-	Yes
	Councilor Pelham-	Yes

Motion Passes 5-0

A motion was made by Councilor Joyner and seconded by Councilor Pelham to amend agenda to allow “Communications from Citizens” before R-1.

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

Motion Fails 4-3 Must be a unanimous vote

A motion was made by Councilor Pelham and seconded by Mayor Partin to amend the agenda to add “Communications from Citizens” after R-1

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

Motion Fails 6-1 Must be a unanimous vote

The city council held a meeting to go over City council rules and make updates and changes if necessary. The City attorney's office will present the updates and changes to City council for their review.

101. **Robert's Rule of Order; Parliamentarian; Presiding Officer**- No Change

102. **Roll Call; Quorum**- No Change

103. **Temporary Chair**- No Change

105. **Voting Methods**- Remove the wordage "Discipline". To avoid voting upon Council member roll call, 'silence' may be considered a 'Yes' vote and shall be documented for that meeting as well as the meeting minutes as a 'Yes' for the motion with an acknowledgement of (silent) by the voting councilor.

203. **Discussion Limitation**- When a councilor wants to speak at a meeting, they can do so up to two(2) times per topic and for a maximum of five(5) minutes each time.

204. Voting Order- No Change

205. Motions- No Change

206. Reserved- No Change

207. Dissent or Protest- No Change

208. **Attendance**- Notification of all City Council meetings will be given by the City Clerk both verbally and in writing using communication methods of cellphone and email.

209. Excuse During Meeting-No Change

301. Regular Meetings- No Change

302. **Special Meetings**- Any one Council member who calls for a special meeting needs to make the request in writing to the City Clerk. The purpose of the Special meeting will be stated in the written request. The council member requesting the Special meeting will set the agenda and run the meeting. The agenda set for the Special meeting can only be adjusted or cancelled by the council member who requested the meeting.

303. **Agenda**- CAF's are not a requirement for council members to have an item on the agenda. Backup documents, if necessary, can be submitted by the deadline to submit an item for the agenda. The city clerk must issue a written draft of the meeting agenda to the Mayor and Vice Mayor prior to the council meeting date for review. Council request is to move "Communication from Citizens" before "Information/ Presentations" on the agenda.

306. **Time Limit**- The 3-hour clock starts at 7:30 pm for Regular meetings, 6:30 pm for standalone Work Sessions and Special meetings or by the council member who requested the meeting will set the start time. The city clerk is to inform the presenter at the time of his/her presentation they have 10 minutes to speak on topic. Unsure what is meant by 10:30 pm language?

403. **Minutes and Recordings**- Meeting Minute drafts with the water mark has to be publicly posted on-line within 10 business days of the meeting until the official minutes have been approved by council.

404. **Clerk of Council**- The word "back-up" will be replaced with "Deputy" when explaining the position of Deputy City Clerk.

405. **Communications from Citizens and Others**- The speaking time from

three(3) minutes to five (5) minutes for a maximum of 30 minutes total.

407. **Suspension of Rules (Waive the Rules)** - Attorney Smith will review Roberts Rules with respect to rule #306, waive the rule to extend a meeting and rule #407, suspend/waive the rules at any time for the remainder of the meeting. Vice Mayor Gore clarifies the changing of rule #407 does not have any effect on rule #306
408. **Safety**- The last sentence shall be removed from the rule: “There shall be no smoking, eating or drinking allowed during council sessions; however, members of council and support staff shall be allowed, at the discretion of the Mayor, to have drinks during council sessions”.
411. **Work Session Policy**- The removal of the paragraph which states “The City Manager will represent the City’s administrative staff at the work session. With Council approval and the City Manager’s recommendations, staff and outside agencies may make presentations to the Council. Again, presentations do not include public comment.” All presentations, will be approved by the Mayor and Vice Mayor ONLY.
412. **Flowers and Donations**-
- A. **Illness**
Flowers or gift basket not to exceed \$75.00 to Council members in the hospital once they have been admitted.
 - B. **Death**
2. Flowers, or in lieu of flowers, a contribution will be sent to a charitable organization in memory of a current or former member of Council(ten years), not to exceed \$75.00. Remove Ten years in Language.
413. **Disclosures**- Attorney will verify the annual filing date for the Statement of Economic Interest. The language in the ruling will be changed to meet whatever the state requires for the annual filing date. The city clerk shall

provide a receipt to the council members that the information has been received. The city clerk will send notification to the remaining council members, directors, community, etc., who still needs to file their Statement of Economic Interest information.

414. **Council Chamber/Conference Room, Use of-** The change is to define the area of council chambers as the entire floor to include the alcove, the conference room and the chambers are under the control of the city clerk. Council has the explicit right and shall take precedence over any department requesting use of any space deemed the council chambers.

M. Denial of Application/Cancellation of Contracts

1. The **City Clerk/ City Council** reserves the right to deny any application or cancel any permit when it deems such action to be in the best interest of the City.

415. **Travel Policy-** This shall be removed from the rules:

C. Travel expenses under \$100 do not require Council approval, provided sufficient funds have been budgeted for such expenses.

417. **Protocol For Open Committee Meetings-** Councilor Joyner points out in this rule, you have a 72-hour window for all meetings notices but a Special meeting or Council meeting only needs to be a 12-hour notice. Council acknowledges the need for a change in the language and meaning of: "All meetings will be announced at least 72 hours prior to the meeting". Vice Mayor Gore makes the suggestion this language should change to Council standing committee meetings, boards and commissions must be advertised within three(3) business days.

Meeting has been adjourned by Mayor Partin at 9:31 pm

Johnny Partin, Mayor

Brittani Williams, City Clerk

C-3

Hopewell Police Department Crime Summary

August 8, 2023



HOPEWELL POLICE DEPARTMENT
 CRIME SUMMARY
 Reporting Date: August 2, 2023

Year-to-Date Comparison		Thru July 30th				
	2022	2023	# Change	% Change	5 Year Average	% Change to Average
MURDER	7	5	-2	-29%	3	67%
FORCIBLE RAPE	7	2	-5	-71%	4	-44%
ROBBERY	19	6	-13	-68%	13	-52%
AGGRAVATED ASSAULT	36	40	4	11%	31	29%
Violent Crime Total	69	53	-16	-23%	50	6%
ARSON	0	4	4	#DIV/o!	1	567%
BURGLARY	34	18	-16	-47%	45	-60%
LARCENY	205	154	-51	-25%	207	-26%
MOTOR VEHICLE THEFT	32	27	-5	16%	32	-16%
Property Crime Total	271	203	-68	-25%	284	-29%
Total Major Crime	340	256	-84	-25%	335	-23%

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

5 Year Average to 7/31

HOPEWELL POLICE DEPARTMENT
Reporting Date: August 2, 2023

Suspected Opioid Overdoses 7/31							
	2018	2019	2020	2021	2022	2023	Grand Total
Fatal	5	8	7	12	5	14	51
Non-fatal	12	29	52	55	43	52	243
Grand Total	17	37	59	67	48	66	294

Subject to change as
forensic results are returned

HOPEWELL POLICE DEPARTMENT
Reporting Date: August 2, 2023

Shots Fired Thru 7/31					
2018	2019	2020	2021	2022	2023
42	30	47	49	47	40

Upcoming Events

- 08-09-23-Promotion ceremony for Sgt. Clifford Taylor will be held in Police Multipurpose Room at 2:00pm.
- 08-10-23-Good to Great graduation ceremony will be held at the school board office at 7:00pm, five students will graduate.
- 08-17-23-Get Out & Talk Cookout- To be held at Crystal Lake from 5:00pm-7:00pm.
- 08-24-23- "Cover the Cruiser"- To benefit Special Olympics to be held at WAWA from 11:00am-1:00pm .

Technology Success

- 4/10/2023-07/31/2023 -12 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 have been approved awaiting installation starting date.
- **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.

C-4

DATE: August 02, 2023
TO: The Honorable City Council
FROM: Yaosca Smith, Director of Human Resources
SUBJECT: Personnel Change Report – July 2023

APPOINTMENTS:

NAME	DEPARTMENT	POSITION	DATE
COLEMAN, NICOLE	HOPEWELL WATER RENEWAL	ADMINISTRATIVE SUPPORT MGR	07/12/2023
KIRKSEY, MICHELLE	FINANCE	SENIOR FINANCIAL ANALYST	07/24/2023
BORN, THERESA	FINANCE	RE ASSESSOR	07/24/2023
JOHNSON, LYNESSA	PUBLIC WORKS	EXEC ASST	07/26/2023
MUNDEN, CARISSA	POLICE	COMMUNICATIONS OPERATOR	07/26/2023
CATHCART, DEREK	DEVELOPMENT/NEIGHBORHOOD SVS	PT INTERN - PAID	07/31/2023
PAREKH, ANKITA	DEVELOPMENT/NEIGHBORHOOD SVS	PT INTERN - PAID	07/31/2023

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

REMOVALS:

NAME	DEPARTMENT	POSITION	DATE
JONES, VICTOR	HOPEWELL WATER RENEWAL	WASTERWATER OPS SUPERINTENDENT	07/26/2023
EDWARDS, STEPHEN	STORMWATER	STRM WTR PROG MGR	07/11/2023
STRINGFIELD, JAHNE	TREASURER	DELIQ TAX COLL	07/27/2023
BANKS, ANNA	POLICE	POLICE OFFICER NON CAR DEV	07/21/2023
GROPP, JAMES	PUBLIC WORKS	PW MAINT SPEC	07/25/2023

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 Internal
FY2020
Prepared By Client (PBC)
Work Plan Status
7.31.2023**

FY20 Internal PBC Work Plan Status

Category	Items Requested	Completed			Compl. Uploaded	
		Y	N	%	Y	%
1 Financial Reporting /Other	39	28	11	72%	24	62%
2 Cash and Investments	7	6	1	86%	3	43%
3 Accounts Receivable/Revenues	17	17	0	100%	17	100%
4 Accounts Payable/Expenditures	11	10	1	91%	10	91%
5 Capital Assets	14	13	1	93%	14	100%
6 Debt Service	15	12	3	80%	12	80%
7 Enterprise Funds	10	7.5	2.5	75%	5	50%
8 Social Services	10	10	0	100%	10	100%
9 Fiduciary - Agency Funds	4	4	0	100%	2	50%
10 CSA	3	3	0	100%	3	100%
11 VDOT - Street Maintenance	4	4	0	100%	4	100%
12 Sheriff	4	4	0	100%	4	100%
13 Statistical Section	16	12	4	75%	11	69%
14 Parks and Rec	2	2	0	100%	2	100%
15 Perpetual Care	<u>1</u>	<u>1</u>	<u>0</u>	100%	<u>1</u>	100%
Totals	157	133.5	23.5	85%	122	78%

COMMUNICATIONS FROM CITIZENS

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 subrecipient funding levels and authorizes the City Manager to submit the 4th Year Annual Action Plan to HUD.

TIMING: The City Administration recommends action at the August 8, 2023 public hearing. HUD requires action before August 16, 2023 or the City will not be funded for the program year.

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

SUMMARY:

- Y N Councilor Rita Joyner, Ward #1
Y N Councilor Janice Denton, Ward #5
Councilor Michael Harris, Ward #2
Councilor Brenda Pelham, Ward #6
Mayor John B. Partin, Ward #3
Councilor Dominic Holloway, Sr., Ward #7
Vice Mayor Jasmine Gore, Ward #4

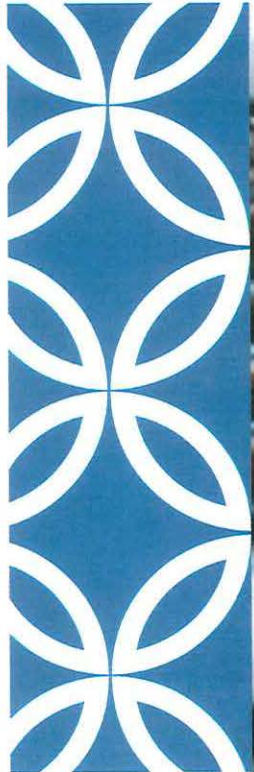
MOTION: _____

Roll Call

SUMMARY:

- | Y | N | |
|--------------------------|--------------------------|-----------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 |

- | Y | N | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |



COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Program Year 2023-2024

MISSION OF HUD & PURPOSE OF CDBG PROGRAM

- The City of Hopewell is a Community Development Block Grant (CDBG) Entitlement community.
- HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all.
- CDBG fund expenditures must meet at least one of three national objectives:
 - 1) Benefit to Low-to-Moderate Income persons
 - 2) Prevention or elimination of slums and blight
 - 3) Urgent Need

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

PAST AND CURRENT CDBG FUNDING

Year	Allocation
2018	\$177,848
2019	\$190,398
2020	\$210,670
2021	\$225,151
2022	\$225,305
2023	\$236,121
Total FY17 - FY23	\$1,265,493

GRANT PARAMETERS

The grant is divided into three categories:

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

2023-2024 CDBG BUDGET RECOMMENDATIONS



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

**PUBLIC SERVICE
\$35,418 (15% CAP)**

Recommended Amount	Project	Organization	Description	Goal
\$7,000	Yellow Card Program	Hopewell Food Pantry	Provides food on a monthly basis to seniors and disabled persons in Hopewell	Household Services
\$10,000	Child Abuse Prevention	Healthy Families	Provides counseling to at-risk families	Youth Services
\$15,000	Domestic Violence Intervention	The James House	Provides housing assistance and case management support for victims and families of violence.	Family Services
\$32,000 TOTAL				

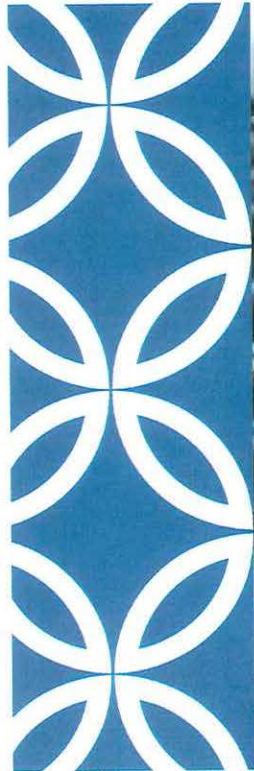
HOUSING REHABILITATION

\$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

FY 2023-2024 PROPOSED BUDGET

Budget Item	Recommended Funding	Description
HUD Allocation	\$236,121	
Public Service (13.5% of total allocation)	\$32,000	Program to support victims of domestic violence, food pantry, youth services, and financial literacy
Housing Rehab (66.5% of total allocation)	\$156,897	Housing rehabilitation of qualified owner-occupants
Administration (20% of total allocation)	\$47,224	



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

PH-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: PUBLIC HEARING ON CONDITIONAL USE PERMIT (CUP) APPLICATION TO EXPAND A NON-CONFORMING USE AT 102 S. 5TH AVENUE

ISSUE: The property located at 102 S. 5th Avenue is non-conforming use and CUP approval is required to expand a non-conforming use under Article XVII of the Hopewell Zoning Ordinance.

RECOMMENDATION: The City Administration recommends taking action on the CUP application.

TIMING: The City Administration recommends action at the August 8, 2023 public hearing.

BACKGROUND: City Staff and the Planning Commission recommend approval of the CUP with no conditions.

ENCLOSED DOCUMENTS: Staff Report and CUP Application

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 | | | |

Roll Call

SUMMARY:

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4

Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7



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

Staff Report prepared for the City Council Regular Meeting on
August 8, 2023

Last revised on August 2, 2023

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

I. MEETINGS & WORK SESSIONS:

Commission and Governing Body	Date	Type of Meeting	Action
Planning Commission	June 8, 2023	Public Hearing	Recommended approval
City Council	July 11, 2023	Work Session	N/A
City Council	August 8, 2023	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: July 25 & August 1, 2023
Adjacent Property Owners July 20, 2023

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





The City
of
Hopewell, Virginia

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

Application #: 20230413

Permit #: _____

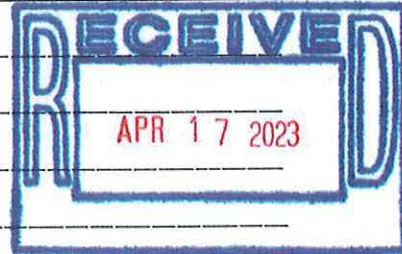
City of Hopewell, VA
Permits / Inspect... - 20230413CUP - 2023
021267-0005 debra mc... 04/17/2023 11:15AM
U -
CONDITIONAL USE PERMIT - REVIEW 300.00
Payment Amount: 300.00
Transaction Amount:
CHECK: 8420

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.

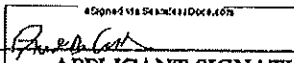
Health, Safety, & Welfare will improve by the back door and steps being moved to the back of

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.


APPLICANT SIGNATURE

04-15-2023

DATE

Anne Black Crom

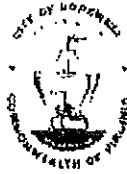
APPLICANT PRINTED NAME

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 23060

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



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
Permit # 20230096/ICUP - 2023
020306-0006 debrs m.c. 01/25/2023 03:29PM
CONDITIONAL USE PERMIT - REVIEW
Payment Amount: _____
Contracting Amount: _____
300.00
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:

PH-3



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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

Order of Business:

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

Action:

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

COUNCIL AGENDA ITEM TITLE: PUBLIC HEARING ON CONDITIONAL USE PERMIT (CUP) APPLICATION TO ALLOW SINGLE-FAMILY DWELLING USE AT 3400 OAKLAWN BOULEVARD

ISSUE: The property located at 3400 Oaklawn Blvd. requires CUP approval for use as a Single-Family Dwelling per Article XI-A of the Hopewell Zoning Ordinance.

RECOMMENDATION: The City Administration recommends taking action on this application.

TIMING: City Council action is requested on August 8, 2023 public hearing.

BACKGROUND: City Staff recommends approval of the CUP application with the condition that the Single-Family Dwelling use ceases when the current lease ends and the current resident vacates the property. Planning Commission recommends approval of the CUP application with the condition that the Single-Family Dwelling use ceases after 12 months.

ENCLOSED DOCUMENTS: Staff Report and CUP Application

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 | | | |

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



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

Staff Report prepared for the City Council Regular Meeting
 August 8, 2023

Last Updated August 2, 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	Recommened with Condition	Approval
City Council Work Session	July 11, 2023	N/A	
City Council Public Hearing	August 8, 2023	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:	July 25 & August 1, 2023
Adjacent Property Owners:	July 20, 2023

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request for a Conditional Use Permit from William S. Dereski to 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.

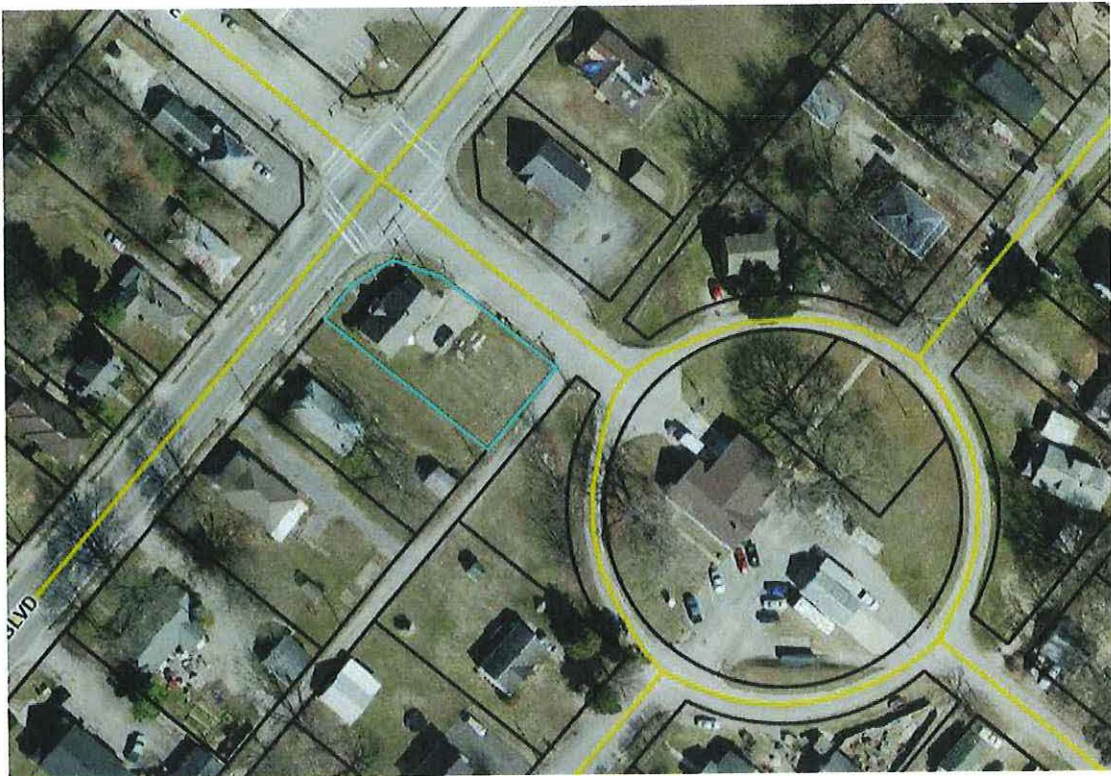
VII. ZONING/STAFF ANALYSIS:

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) Single-family use must cease after a period of 12 months..



**Applicant: Delta Citation LLC
Subdivision of 700 S. 15th Avenue**

Staff Report prepared for the
City Council Regular Meeting

August 8, 2023

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

I. INFORMATIONAL MEETING:

Planning Commission	July 13, 2023	Rec. Approval
City Council	August 8, 2023	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: N/A
 Existing Zoning: B-3, Highway Commercial District
 Sub-Parcel #: 045-0200
 Owner: Delta Citation LLC
 Size of Area: 2.211 acres
 Proposed Use: Commercial Use
 Location of Property: S. 15th Ave. bounded by railroad right-of-way to the south and west and divided by Elm St.
 Election Ward: Ward 6
 Land Use Plan Recommendation: Corridor Commercial

III. EXECUTIVE SUMMARY:

The City of Hopewell has received a request from Delta Citation LLC to subdivide one non-contiguous parcel (#045-0200) into three parcels.

IV. SUBJECT PROPERTY:

The property is located in the B-3, Highway Commercial Zoning District. In this district, a property must contain at least 5,000 square feet and 50 feet of frontage along the public right of way to be subdivided. The existing parcel (#045-0200) has been developed and currently contains two primary structures. Elm Street currently divides this parcel making it non-contiguous.

V. ZONING/STAFF ANALYSIS

The applicant proposes to subdivide the parcel (#045-0200) into three Sub-parcels:

- New Sub-Parcel #045-0201: Part of Lot 3 and Lots 4-10, Block 2 (±0.964 acres)
- New Sub-Parcel #045-0202: Lots 11-16, Block 2 (±0.495 acres)
- New Sub-Parcel #045-0203: Lots 10-32 & Vacated Alley, Block 6 (±0.752 acres)

Each new parcel meets the requirements to subdivide.

VI. APPLICABLE CITY REGULATIONS

The provisions of the Subdivision Ordinance that are germane to this subdivision request include the following:

*Article 6, Preparation, Approval and Recording of Subdivision Plats,
Section 6-10, Approval of Preliminary Plat:*

"The City shall refer the preliminary plat to the Planning Commission and to the City Council for Council's information. The Planning Commission shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the Subdivision Ordinance, Zoning ordinance and any other applicable City plans or ordinances. Within sixty (60) days of the preliminary plat submission to the Planning Commission, the subdivider shall be advised in writing by formal letter of approval, approval with conditions or disapproval of the preliminary plat."

*Article 6, Preparation, Approval and Recording of Subdivision Plats,
Section 6-14, Approval of Final Plat:*

"The final plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this ordinance, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of Council. Approval of final plat shall be written on the face of the plat by the Council."

III. COMPREHENSIVE PLAN ANALYSIS

Land Use Plan Recommendation:

The 2028 Comprehensive Land Use Plan/Map recommends this area for Corridor Commercial. This request is consistent with this designation.

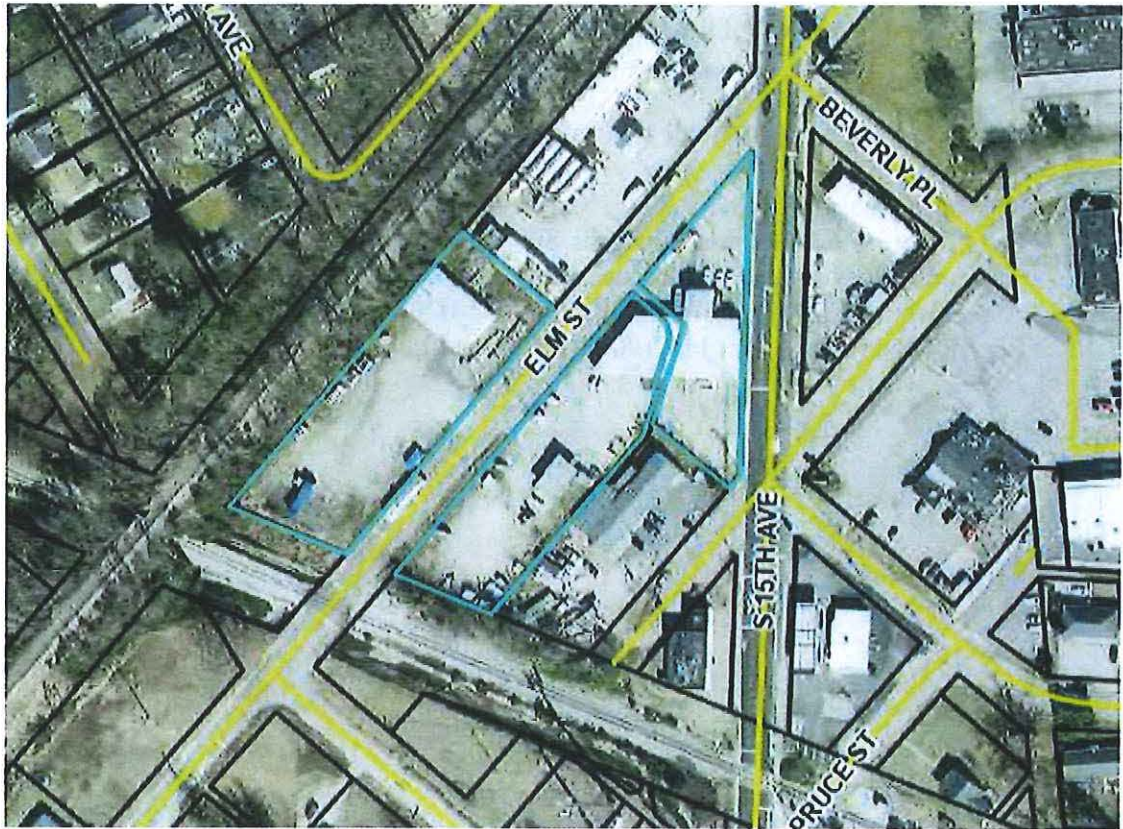
VII. STAFF RECOMMENDATION:

The subdivision meets the requirements of the Subdivision and Zoning Ordinance. Staff recommends approval of the subdivision request submitted by Delta Citation LLC.

VIII. PLANNING COMMISSION RESOLUTION:

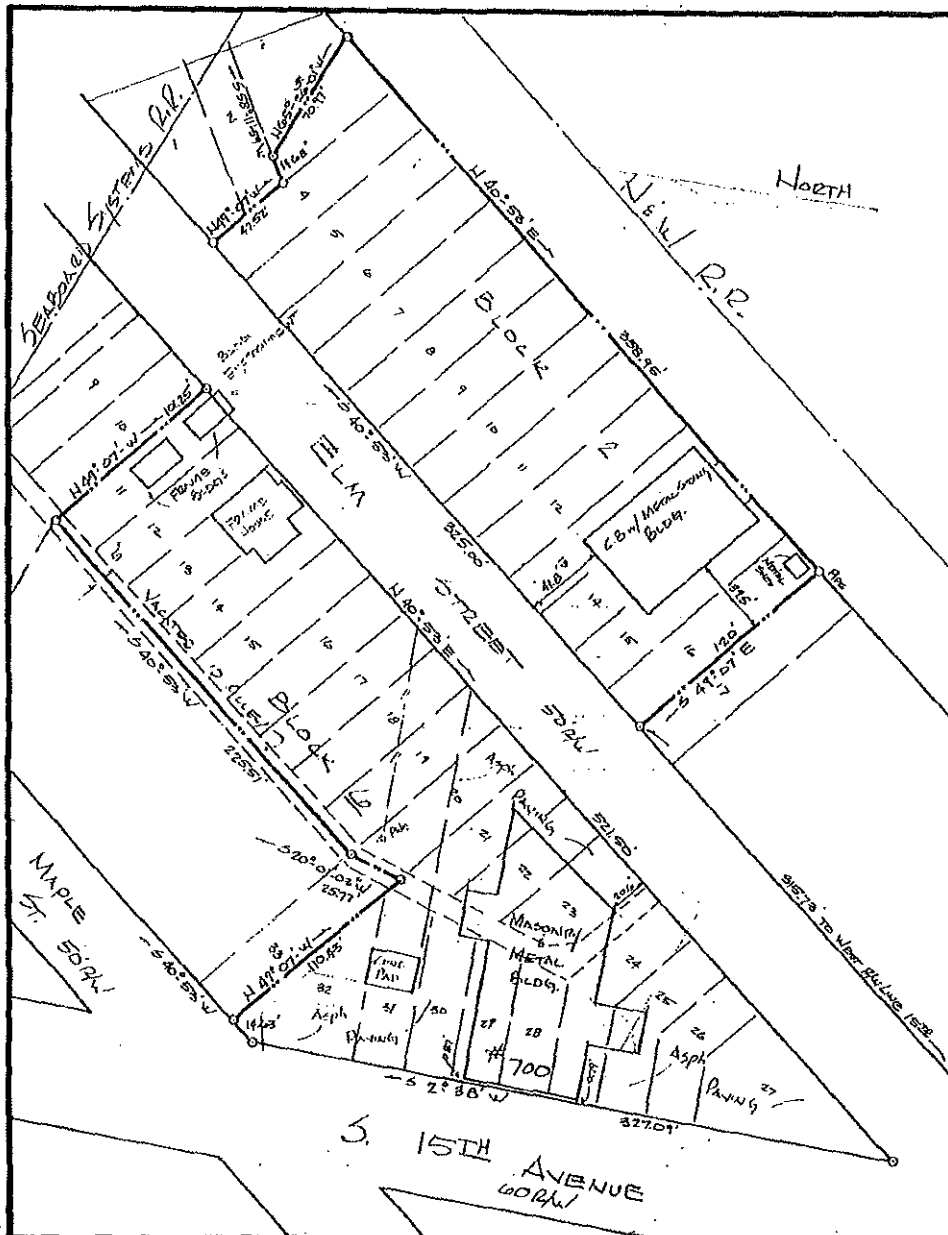
In accordance with Article VI., Preparation, Approval and Recordation of Subdivision Plats, Section 6-9, of the Hopewell Subdivision Ordinance, the Planning Commission, recommends to *approve* the request submitted by Delta Citation to subdivide 700 S. 15th Ave., also currently identified as Parcel #045-0200 into three Sub-Parcels to be known as Lot 4R (#045-0201), Lot 11R (#045-0202), and Lot 10R (#045-0203).

Aerial of 700 S. 15th Avenue



Attachments:

- Subdivision plat
- Subdivision application



This is to certify that on this date I surveyed the property shown on this plat and that the title lines and walls of the buildings are as shown on this plat. The buildings are structurally within the title lines and there are no encroachments of other buildings on this property except as shown on this plat. The property shown on this plat is Not located in a HUD Defined Flood Hazard Area.

PLAT SHOWING PROPERTY OF:
RANDOLPH MOTORS, INC.
 Lots 4 thru 10 & Portions of B, Box 2
 Lots 11 thru 32 & Portions of Alley, Box 6
 HOPEWELL HEIGHTS
 HOPEWELL, VIRGINIA

J.K. TIMMONS & ASSOCIATES, P.C.
 ENGINEERS & SURVEYORS & PLANNERS
 HOPEWELL, VA.

SCALE	DATE		
1" = 60'	MARCH 19-86	B603-18	543-10

REGULAR BUSINESS

R-1

INTEREST IN PROPERTY: OWNER OR AGENT

IF YOU ARE NOT THE OWNER OF THE PROPERTY, PLEASE PROVIDE DOCUMENTATION THAT GIVES YOU PERMISSION TO APPLY FOR THIS APPLICATION.

D. OWNER INFORMATION

OWNER: SAME AS OWNER, P. 1

ADDRESS: _____

PHONE #: _____ FAX #: _____

EMAIL ADDRESS: _____

E. ENGINEER/SURVEOR INFORMATION:

ENGINEER/SURVEYOR: TIMMONS

ADDRESS: 4701 OWENS WAY #900
PRINCE GEORGE, VA 23875

PHONE #: 804-541-6600 FAX #: _____

EMAIL ADDRESS: _____

SUBMISSION REQUIREMENTS

*SIX (6) COPIES OF A PLAT OF THE SUBDIVISION / ADMINISTRATIVE RESUBDIVISION
MUST ACCOMPANY THIS APPLICATION*

- FOR A SUBDIVISION, THE SUBDIVISION PLATS MUST BE ON 18" x 24" SHEETS AND FOLLOW THE GUIDELINES SET FORTH IN ARTICLE 6-13 OF THE SUBDIVISION ORDINANCE.
- FOR AN ADMIN. RESUB., THE "BOUNDARY LINE ADJUSTMENT" (BLA) PLATS MUST FOLLOW THE GUIDELINES SET FORTH IN ARTICLES 6-15 AND 6-16 OF THE SUBDIVISION ORDINANCE.

