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MINUTES OF THE CITY COUNCIL MEETING HELD MAY 12, 2009

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 12, 2009, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
N. Gregory Cuffey, Vice Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
Gerald S. Stokes, Councilor
K. Wayne Walton, Councilor

Edwin C. Daley, City Manager
Thomas E. Lacheney, City Attorney
Julie B. Sharp, Acting City Clerk

ABSENT: Ann M. Romano, City Clerk

Mayor Pelham opened the meeting at 6:35 PM. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Cuffey	-	present
Councilor Bailey	-	present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Stokes	-	present
Councilor Walton	-	present

CLOSED SESSION

Motion was made by Councilor Walton, and seconded by Vice Mayor Cuffey, to convene into Closed Session to discuss Boards & Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A) (1). Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

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Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

Prayer was offered by Rev. Rudolph Dunbar, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Harris, and seconded by Councilor Emerson, to approve the Consent Agenda: Minutes: Work Session April 7, 2009, Regular Meeting April 14, 2009, WS April 28, 2009, and Special Meeting May 5, 2009; Pending List; Information for Council Review: TSB Agenda 4/7/09 & minutes 2/3/09; HRHA agenda 4/14/09, minutes 2/9/09, Spec. Mtg. 3/4/09, & meeting change from 5/11/09 to 5/18/09; HRWTF Commission Agenda 4/20/09 & minutes 1/26/09; HCIP mtg. changed to 5/11/09; District 19 CSB minutes 3/26/09; Recreation Comm. agenda 5/13/09 & minutes 4/8/09; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: May 26, 2009; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Police Week & Peace Officers Memorial Day & Employee of the Quarter Presentation. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Mayor Pelham presented the proclamation to recognize and observe Police Week & Peace Officers Memorial Day to Chief Steve Martin.

PROCLAMATION

WHEREAS, the Congress and the President of the United States have designated May 15, 2009 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the law enforcement agency of the City of Hopewell play an essential role in safeguarding the rights and freedoms of the citizens of the City of Hopewell; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their Bureau of Police, and that members of our Bureau of Police recognize their duty

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to serve the people by safeguarding the life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Bureau of Police of the City of Hopewell has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE, BE IT RESOLVED, I, Brenda S. Pelham, call upon all citizens of the City of Hopewell and upon all patriotic, civil and educational organizations to observe **the week of May 10 through 16, 2009**, as

Police Week

with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon all citizens of the City of Hopewell to observe **Tuesday May 12, 2009**, as

Peace Officers Memorial Day

in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 12th day of May 2009.

/s/ Brenda S. Pelham, Mayor
City of Hopewell, Virginia

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Mayor Pelham presented the City of Hopewell, Employee of the Quarter plaque to Elsie Johnson of the Hopewell Police Department.

PUBLIC HEARING - PROPOSED FY 2009/2010 CITY BUDGET

This was the night advertised for a public hearing to receive citizen comments regarding the proposed FY 2009/2010 City Budget.

The public hearing was opened at 7:50 PM.

James Cofield, 3408 Ontario Drive, Prince George, asked for continued funding of \$4,000 to operate Heritage Gardens.

Gloria Jean Garris, 1514 Rhoadmiller Street, Richmond, staff member of the Feed More Agency (Meals on Wheels) asked for council's consideration in the upcoming budget.

Willie L. Brown, 1301 Masters Court, Chesapeake, Tim Reid Foundation, on behalf of the Virginia Scholarship and Youth Development Foundation, requested that the City continue supporting the foundation with a donation of \$10,000.

Chris Sutton, 3540 Willow Creek Drive, Disputanta, requested that Council continue support of the Virginia Scholarship and Youth Development Foundation. His daughter was a recipient of the scholarship program. He asked for the continued support of the program to allow our youth to grow and learn and become great leaders in our community.

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Patrick Vincent, P.O. Box 1231, Prince George, coordinator for South Centre Corridors expressed concern that his organization had not been included in the upcoming budget and asked for reconsideration of their budget request.

Ruth Chandler, 3320 Stilwoker Drive, Chesapeake, shared an email from Elise Johns an University of Virginia student in support of the Virginia Scholarship and Youth Foundation and asked for Council's continued support.

Shannon Wood, 606 Freemont Street, Hopewell and Mary Forbes, Hopewell, on behalf of Hooray for Hopewell thanked Council for their recommendation of \$10,000 from the City.

Bettina Coghil, 6404 Courthouse Road, Prince George, on behalf of Riverside Criminal Justice Agency asked that Council reconsider the budget-recommend funding of \$80,000 to their original request for funding of \$93,000.

Steve Dickinson, 409 Cockade Avenue, Petersburg, Legal Aid Justice Center requested continued support for legal aid.

Steve Thomas, 3509 N. Colonial Drive, Hopewell, spoke in support of the \$1,000 budget item for FOLAR.

There being no other speakers, the public hearing was closed at 8:20 PM.

PUBLIC HEARING - GARCIA DEVELOPMENT, LLC - REQUEST FOR A CONDITIONAL REZONING AND AMENDMENT OF THE ZONING DISTRICT MAP

This was the night advertised for a public hearing regarding Garcia Development, LLC's, request for a conditional rezoning and amendment of the Zoning District Map. The applicant requested a conditional rezoning of the subject property because the current zoning does not allow multi-family dwellings. The R-4 Zoning District, Residential Apartments, is the only residential zoning district that will accommodate high density multi-family units. The required density of multi-family units in the R-4 Zoning District is 2,000 square feet for each one-bedroom unit, 2,400 square feet for each two-bedroom unit, and 2,800 square feet for each three-bedroom unit. The proposed development consists of thirty-one (31) one-bedroom units, seventeen (17) two-bedroom units, and two (2) three-bedroom units. The R-4 Zoning District density requirements will allow the proposed Mallonee Lofts project.

The subject property, Parcel No. 300-0252, is zoned R-2, Residential Medium Density and is proposed to be rezoned to R-4, Residential Apartments. The property, which consists of 3.7 acres, is situated at the corner of City Point Road and North 12th Avenue. The future land use is designated as Public Use in the 2001 Comprehensive Land Use Plan for the City of Hopewell. Public Use is defined as large facilities or lands owned by the City.

There being no speakers, the public hearing was closed at 8:30 PM.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Harris to approve the rezoning and zoning map amendment as outlined in the staff report. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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PUBLIC HEARING - NOMINEES OR APPLICANTS TO THE SCHOOL BOARD TO FILL ONE TERM EXTENDING 7/1/09-6/30/12

This was the night advertised as a public hearing to receive public comments regarding nominees or applicants to the School Board to fill one term extending July 1, 2009 through June 30, 2012. Section 22.1-29 of the State code states that "No nominee or applicant whose name has not been considered at the public hearing shall be appointed as a school board member." Terms of office for School Board members are three years with terms commencing on July 1. Talent Bank Resumes were received in the Office of the City Clerk until Tuesday, May 5, 2009. Mayor Pelham announced that Dr. William Henry, Robert B. Thompson, III, Charles P. Cartin, and Rev. Phillip E. Andrews had requested consideration for appointment.

The Public Hearing was opened at 8:31PM.

Dr. William Henry, 3001 Princess Anne Street, Hopewell, expressed to council that it was an honor and privilege to serve on the school board and asked for consideration of reappointment to continue his service on the board.

There being no other speakers, the public hearing was closed at 8:35 PM.

Mayor Pelham requested that the City Manager schedule interviews with those candidates interested in appointment.

COMMUNICATIONS FROM CITIZENS

James R. Jones, 2700 River Run Road, Prince George, addressed council regarding the state of our housing in the City of Hopewell. He advised council that the demand for business supplies are down and that houses are not selling in the city. The city cannot afford to keep adding to the cost of building houses in the city, the market is very tough.

There being no other speakers, the Communications from Citizens was closed at 8:50 PM.

UNFINISHED BUSINESS - 2009 REAL ESTATE TAX RATE

Motion was made by Councilor Emerson, and seconded by Councilor Harris, to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of 1.01. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	no
Councilor Walton	-	no
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	no
Councilor Bailey	-	no
Councilor Harris	-	yes

Motion was made by Councilor Walton, and seconded by Vice Mayor Cuffey, to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of .98, with 1.5¢ to debt service of the schools and 1.5¢ to the capital fund of the police department. Councilor Emerson requested to amend the motion to leave out the 1.5¢ allocations. Councilor Walton did not accept his amendment. Upon the roll call, the vote resulted:

Councilor Emerson	-	no
Councilor Stokes	-	no

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Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	no
Councilor Harris	-	no

Motion was made by Councilor Emerson to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of .98. There being no second, the motion died.

Motion was made by Councilor Stokes, and seconded by Vice Mayor Cuffey, to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of .95. Upon the roll call, the vote resulted:

Councilor Emerson	-	no
Councilor Stokes	-	yes
Councilor Walton	-	no
Mayor Pelham	-	no
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	no

Motion was made by Councilor Emerson, to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of .99. There being no second, the motion died.

Motion was made by Councilor Emerson, to resolve to approve Ordinance No. 2009-09, Real Estate Tax Rate Ordinance, on one and only reading with a tax rate of 1.00. There being no second, the motion died.

Being unable to reach a consensus, pursuant to the provisions of Virginia Code §58.1-3321, a tax rate of 101 percent of the previous year's real property tax levies is adopted.

ORDINANCE NO. 2009-09

REAL ESTATE TAX RATE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL that there is hereby levied for the tax year beginning on January 1, 2009, a tax at the rate of \$.96 per One Hundred Dollars (\$100.00) of assessed valuation on real estate, and vehicles without motor power used, or designated to be used, as mobile homes or offices within the entire City of Hopewell as it now exists.

At 9:20 PM Mayor Pelham called for a ten minute recess. The meeting reconvened at 9:30 PM.

UNFINISHED BUSINESS - RESOLUTION - RICHMOND COMMUNITY ACTION AGENCY

At the City Council Work Session held on April 28, 2009, Tom Wagstaff gave a PowerPoint presentation from the Richmond Community Action Agency who had proposed to provide services to the City of Hopewell in the amount of \$50,000, with no match from the City, resulting from stimulus funds the agency had received.

Motion was made by Councilor Harris, and seconded by Councilor Bailey, to resolve to adopt the Resolution for the Richmond Community Action Agency. Upon the roll call, the vote resulted:

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Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

RESOLUTION

Designation of Capital Area Partnership Uplifting People, Inc. as the City of Hopewell's Community Action Agency.

WHEREAS, the Hopewell City Council recognizes the importance of the citizens of Hopewell having access to opportunities to reach their goals to enhance their lives; and

WHEREAS, Capital Area Partnership, Inc., a Community Action Agency, has experience in developing and providing services that create opportunities that do not otherwise exist in the City and coordinate with existing services; and

WHEREAS, Capital Area Partnership Uplifting, Inc. desires to develop and offer services to the citizens of Hopewell as the City's Community Action Agency; and

WHEREAS, nothing herein requires the City of Hopewell to contribute funds to Capital Area Partnership.

NOW, THEREFORE BE IT RESOLVED that the Hopewell City Council does hereby designate Capital Area Partnership Uplifting People, Inc as the City of Hopewell's Community Action Agency.

CITIZEN/COUNCILOR REQUEST - COUNCILOR STOKES - PATRICK COPELAND SITE COMMITTEE REPORT

Councilor Stokes provided the Patrick Copeland Site Committee Report recommending that the site be subdivided into three parcels, maintaining 3.5+ park space along the Appomattox River, and allowing development on the remainder of the site (begin on Parcel 1 along Appomattox Street, then develop Parcel 2 in the "Valley," open a new park entrance off of Appomattox Street and close the current park entrance adjacent to First Baptist Church.

Motion was made by Councilor Stokes, and seconded by Vice Mayor Cuffey, to subdivide the property into three separate parcels and name the park city park. Councilor Bailey offered an amendment to review the conclusion from the State before proceeding with development of Parcel 2. Her amendment was accepted. Councilor Walton offered an amendment that Patrick Copeland be added to the name of the park. His amendment was not accepted.

Councilor Emerson offered a substitute motion, seconded by Councilor Walton, to allocate 3.5 acres as a park along the river and not address the other two parcels but leave them to development proposals that we will be expecting.

Upon the roll call on the substitute motion, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	no
Councilor Walton	-	yes
Mayor Pelham	-	no

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Vice Mayor Cuffey	-	no
Councilor Bailey	-	no
Councilor Harris	-	yes

Upon the roll call on the original motion, the vote resulted:

Councilor Emerson	-	no
Councilor Stokes	-	yes
Councilor Walton	-	no
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	no

REGULAR BUSINESS - HRWTF - CONNECTION FEE ORDINANCE - AMENDING HOPEWELL CITY CODE CHAPTER 31, SEWERS AND SEWAGE DISPOSAL, TO ESTABLISH PROCEDURES AND FEES FOR CONSUMERS TO CONNECT TO THE WASTEWATER SYSTEM

The proposed HRWTF Connection Fee Ordinance proposes to repeal *Sec. 31-10.1(b)*: (b) Where a subdivider constructs all sanitary sewer facilities within a new subdivision, the inspection fee established by the city will be charged in lieu of the connection charge required by section 31-10. When it is necessary for a subdivider to extend sewer facilities at his expense across properties not under his ownership or control the subdivider will be eligible for reimbursement for that portion of the sewer facilities not within his property in accordance with the provisions of subsection (e) of section 31-10.

Motion was made by Councilor Walton, and seconded by Councilor Harris, to approve the ordinance with the exception that any housing plans already approved will have the option of paying the \$150 tap fee on the approved lots before July 1st. These fees will be grandfathered on the approved lots for a period of three years.

Vice Mayor Cuffey offered a **substitute motion**, seconded by Councilor Bailey, to approve the ordinance on first reading and amend Section 31-10.2 (b) (1) to add the following language: The owner of a lot in a platted subdivision that has been approved by City Council may receive a fifty percent (50%) discount on the sewer connection fee established by City Council by prepaying the connection fee for that lot, no later than December 31, 2009. To prepay the connection fee on the lot, the owner of the lot shall pay the current connection fee, less a fifty percent (50%) discount to the Code Enforcement Department. The prepayment of the connection fee shall be valid for a period of five (5) years, but not be transferable to the subsequent owner of the lot.

An amendment was offered by Councilor Emerson to allow “any approved existing development plans until June 30th to purchase at the existing rate.” His amendment was not accepted.

Upon the roll call on Vice Mayor Cuffey’s substitute motion, the vote resulted:

Councilor Emerson	-	no
Councilor Stokes	-	yes
Councilor Walton	-	no
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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REGULAR BUSINESS - ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$10 MILLION

Ordinance No. 2009-04, entitled, "An Ordinance Authorizing the Issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia, in the Maximum Principal amount of \$10,000,000," was introduced at a regular meeting held on April 14, 2009, and was the subject of a public hearing held on April 14, 2009, in accordance with Section 15.2-2606 of the Code of Virginia. The purpose of the bonds is to finance the construction of the Human Services Building and Renovations to the Hopewell High School.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to adopt Ordinance No. 2009-04 on second and final reading, authorizing the issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia, in the Maximum Principal amount of \$10,000,000. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

ORDINANCE NO. 2009-04

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$10,000,000

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA, THAT:

1. It is determined to be necessary and expedient for the City of Hopewell, Virginia (the "City"), to finance the construction of the Human Services Building and renovations to the high school (the "Project"), and to borrow money for such purposes and issue the City's general obligation public improvement bonds therefor.

2. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, there are authorized to be issued general obligation public improvement bonds of the City in the maximum principal amount of \$10,000,000 to provide funds, together with other available funds, to finance the Project and to pay costs of issuing such bonds.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Ordinance in the Circuit Court of the City of Hopewell, Virginia.

6. This Ordinance shall be effective immediately upon its adoption after a second reading.

REGULAR BUSINESS - RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF AND PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE CITY

The City Council has determined to issue general obligation refunding bonds to defease or refund all or a portion of (a) the outstanding 1998 Bonds maturing on December 15 in the years 2009 through 2011 in the aggregate principal amount of \$900,000, (b) the outstanding 1999 Bonds maturing on July 15 in the years 2009 through 2011 in the aggregate principal amount of \$960,000, and (c) the outstanding 2002A Bond maturing on May 1 in the years 2010 through 2012 in the aggregate principal amount of \$391,000, and, together with the Refunded 1998 Bonds and the Refunded 1999 Bonds. The City Council acknowledges that the refunding of the Refunded Bonds will not result in debt service savings for the City, but the City Council nevertheless desires to refund such maturities in order to restructure their repayment schedules and to improve the City’s anticipated budgetary and cash flow refund of such maturities in order to restructure their repayment schedules and to improve the City’s anticipated budgetary and cash flow requirements. On May 12, 2009, the City Council adopted an ordinance authorizing the issuance of general obligation public improvement bonds in a principal amount not to exceed \$10,000,000 to finance the construction of the Human Services Building and renovations to the high school (the Project), none of which bonds have been issued and sold.

The City’s administration has recommended to the City Council that the City issue and sell a series of general obligation public improvement and refunding bonds to (a) finance the Project, (b) defease or refund the Refunded Bonds, and (c) pay costs incurred in defeasing or refunding the Refunded Bonds and in issuing such bonds through negotiation with Davenport & Company LLC, the Underwriter.

Motion was made by Councilor Bailey, and seconded by Vice Mayor Cuffey, to postpone the adoption of the Resolution approving the issuance of \$10 million in Public Improvement Bonds to the council meeting of June 9, 2009, and to schedule a public hearing for that same date to receive public comment on the issuance of \$5 million for the Hopewell High School renovations, \$5 million for the Human Services Building, and an additional \$2.5 million to refund certain existing obligations of the City. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Davenport & Company LLC then presented their “City of Hopewell, VA Plan of Finance and Tax Impact Analysis.”

REGULAR BUSINESS - HOPEWELL POLICE DEPARTMENT - JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: LOCAL SOLICITATION

The Hopewell Police Department requested approval to apply for the JAG local solicitation grant under the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The City of Hopewell has been allocated to receive \$125,314 under this grant as listed in the Recovery Act JAG allocation list (filed in the City Clerk’s Office). The grant’s purpose areas are law enforcement programs;

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prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology programs; and crime victim and witness programs. An itemization of department purchases under this grant will include replacement Panasonic CF 30 computers, Stop Sticks, Crime Intelligence software, portable dictation stations, and vehicle radio systems. There is no city match for the three-year grant period.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to resolve to authorize the Hopewell Police Department to apply for the JAG local solicitation grant in the amount of \$125,314, with no city match. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS - CITY TREASURER - REFUND OVER \$2,500 - AIRGAS CARBONIC

It was recently discovered that Airgas Carbonic was inadvertently assessed (and has paid) both real estate and machinery and tools taxes on the same holding tanks and scales for tax years 2006, 2007, and 2008. The tanks and scales are classified as real property, and the portion of machinery and tools tax related to them was abated by the commissioner on April 29, 2009. Accordingly, a refund of \$18,868.26 is requested and includes abatements for all three tax years, plus interest.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to resolve to authorize the Treasurer to refund monies due to Airgas Carbonic in the amount of \$18,868.26, pursuant to State Code Sections 58.1-3981 and 58.1-3990. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS - MACHINERY & TOOLS TAX RATE FOR 2009

Motion was made by Councilor Emerson, and seconded by Vice Mayor Cuffey, to adopt Ordinance No. 2009-08, setting the 2009 Machinery & Tools Tax Rate at \$3.05 per One Hundred Dollars of assessed valuation, on first reading. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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REGULAR BUSINESS - EXTEND FIRST HALF 2009 REAL ESTATE AND MACHINERY & TOOLS TAX DUE DATE FROM JUNE 15, 2009 TO JUNE 26, 2009

The City Treasurer recommended extending the first half 2009 real estate and machinery and tools tax due date from June 15, 2009 to June 26, 2009 to ensure taxpayers have sufficient notice per the Hopewell City Code, Chapter 34, Article II, Section 34-20 and State Code Sections 58.1-3911 and 58.1-3912.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to resolve to extend first half 2009 real estate, and machinery and tools tax due date from June 15, 2009 to June 26, 2009 to ensure taxpayers have sufficient notice per the Hopewell City Code, Chapter 34, Article II, Section 34-20 and State Code Sections 58.1-3911 and 58.1-3912. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS - COUNCILOR STOKES - HOMESTEAD EXEMPTION

Motion was made by Councilor Stokes to table this issue for further study. By consensus, this item was tabled.

REGULAR BUSINESS - CITY ATTORNEY - ORDINANCE INCREASING THE LAW LIBRARY FEES

The State has authorized an increase in the law library fee assessed for each civil action filed in the district court and circuit court in the City of Hopewell. An ordinance has been drafted amending Sec. 2-10 of the Code of the city of Hopewell to increase such fee. The increase is from \$2.00 to \$4.00 as part of the costs incident to each civil action filed in the district court and the circuit court of the City of Hopewell.

Motion was made by Councilor Emerson, and seconded by Vice Mayor Cuffey, to approve Ordinance 2009-07 on first reading, amending Sec. 2-10 of the Code of the City of Hopewell, to increase the law library fee assessed for each civil action filed in the district court and circuit court in the city of Hopewell. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

REGULAR BUSINESS - APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Emerson, and seconded by Vice Mayor Cuffey, to accept, with regrets, the resignation of Wilma Crowder from the Senior Citizens Advisory Council. Upon the roll call, the vote resulted:

May 12, 2009

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

ADJOURN

At 10:50 PM **motion** was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

Brenda S. Pelham
Mayor

Julie B. Sharp, Acting City Clerk