

August 14, 2007

**MINUTES OF THE CITY COUNCIL MEETING HELD AUGUST 14, 2007**

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, August 14, 2007, at 7:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Steven R. Taylor, Mayor  
Brenda S. Pelham, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Curtis W. Harris, Councilor  
Kenneth B. Emerson, Councilor  
E. Randy Sealey, Councilor  
N. Gregory Cuffey, Councilor

Edwin C. Daley, City Manager  
Edwin N. Wilmot, City Attorney  
Ann M. Romano, City Clerk

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

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey	-	present
Councilor Harris	-	ABSENT (arrived at 7:39 PM)
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

**REGULAR MEETING**

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

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey	-	present
Councilor Harris	-	ABSENT
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

Prayer was offered by Dr. Anne Rodgers, Zion Apostolic Church, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CONSENT AGENDA**

**Motion** was made by Councilor Sealey, and seconded by Councilor Cuffey, to approve the Consent Agenda: Minutes: Regular Meeting July 10, 2007 and Special Meeting & Economic Development Meeting July 24, 2007, and Special Meetings March 12, March 13, March 16, March 19, March 21 and March 23, 2007 (City Manager Interviews and Discussion; Pending List; Information for Council Review: [Social Services Adv. Bd. Minutes 5/14/07; HRWTF Commission minutes 7/17/07; Hopewell Twinning Assn. minutes 7/16/07; School Board Special Meeting minutes 8/9/07 & Agenda 7/24/07; Recreation Comm. agenda 8/8/07 & minutes 6/13/07; ARLS agenda 6/19/07 & minutes 5/15/07]; Personnel Change Report; Financial Report; Public Hearings Announcements: None; Routine Approval of Work Sessions: None; Ordinances on second and final reading: **Ord. No. 2007-10**

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Ordinance on second and final reading authorizing Treasurer to issue Small Refunds of Erroneously Assessed Taxes; **Ord. No. 2007-11** Ordinance on second and final reading amending Hopewell City Code Chapter 25, Section 25-4, Curfew for Certain Minors, to change the hours of curfew. **Ord. No. 2007-12** Ordinance on second and final reading approving a Conditional Use Permit to build a single-family two-story dwelling on Lots 7 & 8, Block 5, Dupont Gardens, Section 2 on Liberty Avenue in Ward 6. Proclamations/Resolutions/Presentations: Employee of the Quarter - Leigh Romero. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

Mayor Taylor and Nancy Treanor, Director of the Hopewell Department of Social Services, read Ms. Romero’s nomination for Employee of the Quarter, and Mr. Daley, City Manager acknowledged and congratulated her. Ms. Romero was thankful for the award and for the opportunity to serve the citizens.

Mayor Taylor, Mr. Daley and Interim Police Chief Ray Baxley invited Mr. & Mrs. Jim Stanley forward and presented Mr. Stanley with a shadow box. It contained City of Hopewell Police Department memorabilia, including a City of Hopewell Patch the badge he wore while Interim Police Chief. Mr. Stanley was hired by former City Manager Alan Archer and served for approximately one year. Mr. Stanley was grateful for the gift and voiced his support for the future of the Hopewell Police Department and the City of Hopewell.

**ORDINANCE NO. 2007-10**

An Ordinance authorizing the Treasurer of the City of Hopewell, Virginia, to approve and issue refunds up to \$2500.00 each of erroneously assessed taxes.

WHEREAS, Virginia Code § 58.1-3981 (1950)permits the governing bodies of localities in the Commonwealth to authorize their respective Treasurers to approve and issue refunds, up to \$2500.00 each, of erroneously assessed taxes in their respective jurisdictions; and

WHEREAS, without such authorization, the issuance of refunds in amounts less than \$2500.00 requires participation and processing of such refunds by the Commissioner of the Revenue and the City Attorney, in addition to the Treasurer; and

WHEREAS, authorization for the Treasurer to issue such refunds would result in savings of the additional time and expense required to issue small refunds.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that, pursuant to Va. Code § 58.1-3981 (1950), and all amendments thereto, the Treasurer of the City of Hopewell, Virginia, is hereby authorized to approve and issue any refund of up to \$2500.00 resulting from an erroneous tax assessment. This ordinance shall become effective beginning July 1, 2007, following passage on second and final reading.

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**ORDINANCE NO. 2007-11**

An Ordinance amending Hopewell City Code Chapter 25, Section 25-4, Curfew for Certain Minors, to change the hours of curfew.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that the following provisions of Hopewell City Code Chapter 25, Section 25-4, Curfew for Certain Minors be amended as follows:

Sec. 25-4. Curfew for certain minors.

(a) It shall be unlawful for any child sixteen (16) or seventeen (17) years of age ~~or younger~~ to be upon the streets or in other public places of the city, between midnight and 6:00 a.m. of the following day, unless accompanied by a parent, guardian or some adult person lawfully in charge of such child.

(b) It shall be unlawful for any child under the age of sixteen (16) to be upon the streets or in other public places of the city, between 10:00 p.m. and 6:00 a.m. of the following day, unless accompanied by a parent, guardian or some adult person lawfully in charge of such child.

(c) ~~(b)~~ It shall be unlawful for any parent, guardian or other person having custody of a child seventeen (17) years of age or younger to allow such child to be upon the streets or in other public places in the city ~~between midnight and 6:00 a.m. of the following day~~ during the hours of curfew for said child, unless the child is accompanied by a parent, guardian or some adult person lawfully in charge of such child.

(d) ~~(e)~~ It shall be unlawful for the owner or operator of any establishment, or any person who is an employee thereof, to knowingly permit, allow or encourage a child seventeen (17) years of age or younger to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution under this subsection that the owner, operator, or employee of the establishment promptly notified the police that the child was present at the establishment and refused to leave.

(e) ~~(d)~~ It shall be unlawful for the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of this section.

(f) ~~(e)~~ It shall be unlawful for any person to give a false name, address, or telephone number to any officer investigating a possible violation of this section.

(g) ~~(f)~~ This section shall not be so construed as to prohibit children seventeen (17) years of age or younger from attending places of religious worship or meetings held by, or under the auspices of, the public schools, boy scouts, girl scouts, or other like organizations, unaccompanied by the parent, guardian or other adult person. Nor shall this section be construed as prohibiting a child seventeen (17) years of age or younger from occupying his or her place of employment, during and in the course of said employment.

(h) ~~(g)~~ Any child seventeen (17) years of age or younger in violation of this section shall be taken into custody by any law enforcement officer of the city. As soon as practicable, the officer shall:

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- (1) Release the child to his or her parent(s) or guardian(s); or
  - (2) Place the child in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) or guardian(s) may retrieve the child; or
  - (3) If the child refuses to give the officer his or her name and address, refuses to give the name and address of his or her parent(s) or guardian(s), or if no parent or guardian can be located prior to the end of the applicable curfew hours, or if located, no parent or guardian appears to accept custody of the child, the child may be taken to a judge or intake officer of the juvenile court to be dealt with in the manner and pursuant to such procedures as required by law.
- (i) ~~(h)~~ The parent(s) or guardian(s) of any child in violation of this section who is placed in a temporary care facility shall be responsible for the costs of such care.
- (j) ~~(i)~~ Any adult violating any provision of this section shall be guilty of a Class 4 misdemeanor.
- (k) ~~(j)~~ Any violation of this section by a child seventeen (17) years of age or younger shall be disposed of as provided in Section 16.1-278.4 of the Code of Virginia, as amended.

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**ORDINANCE NO. 2007- 12**

An Ordinance granting a Conditional Use Permit for Lots 7 & 8, Block 5, Dupont Gardens, Section 2 on Liberty Avenue in Ward 6.

WHEREAS, the City of Hopewell has received an application from Raymond Scott on behalf of Corey B. Shelton for a Conditional Use Permit to build a single-family two-story dwelling on Lots 7 & 8, Block 5, Dupont Gardens, Section 2, also known as Sub-Parcel #350020; and

WHEREAS, Raymond Scott, on behalf of Corey B. Shelton, has submitted a request for a Conditional Use Permit in accordance with Article IV, Section I, R-2, Medium Density Residential Zoning District, of the Hopewell Zoning Ordinance, which states, "For property consisting of less than seven thousand five hundred (7,500) square feet but five thousand (5,000) or more feet and/or less than seventy-five (75) feet but fifty (50) feet or more of frontage, an applicant may appeal to City Council for a Conditional Use Permit as allowed in Section XVIII of the Zoning Ordinance for approval to construct a single-family dwelling on such lot in accordance with the procedures given in section XVIII of the Zoning Ordinance." The property is located on Liberty Avenue approximately 176 feet from its intersection with Jones Avenue and is currently zoned R-2, Medium Density Residential. The property is identified as Sub-Parcel #350020. The applicant has submitted a request for a conditional use permit to construct a two-story, 1,430 square foot single-family dwelling, with three (3) bedrooms and two-and-a-half (2.5) baths on Sub-Parcel #350020; and

WHEREAS, the Council of the City of Hopewell deems it appropriate to approve the request for a Conditional Use Permit to allow for the construction of a two-story 1,430 square foot single-family dwelling, with three bedrooms and two-and-a-half baths on Sub-Parcel #350020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Conditional Use Permit be approved to allow for the construction of a two-story 1,430 square foot single-family dwelling, with three bedrooms and two-and-a-half baths on Sub-Parcel #350020 with the following conditions: (1) The proposed single-family dwelling shall have a brick foundation on all four

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(4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer; (2) The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with block and brick enclosure; (3) The proposed single-family dwelling shall be constructed with brick and vinyl siding. Brick must be incorporated into the front building façade; (4) All accessory structures shall be located only in the rear yard; and, (5) The proposed single-family dwelling shall have a minimum of 1,430 square feet of finished living area.

**PUBLIC HEARING - CONDITIONAL USE PERMIT - WEBB HOMES, INC. - TO BUILD A SINGLE-FAMILY HOME AT 3503 JACKSON FARM ROAD**

The City of Hopewell received a request submitted by Webb Homes on behalf of Walter and Billie Nelms (contract purchaser) for a Conditional Use Permit (CUP) to construct a two-story 1,720 square foot single-family dwelling consisting of three (3) bedrooms and two and one-half (2.5) baths on Lot 66, Block 5, Section C, Sunset Hills subdivision. The property consists of 14,200 square feet and has 71 feet of road frontage, and is located at 3503 Jackson Farm Road approximately 0.19 miles from Cedar Level Road. The subject property is further identified as Tax Subparcel #140250. The property and surrounding area are currently zoned R-2, Medium Density Residential.

The subject property consists of 5,000 square feet and Article IV, Section I, *Special Conditions for Non-Conforming Lots*, R-2, *Medium Density Residential*, Zoning District, of the Hopewell Zoning Ordinance, states, "For property consisting of less than seven thousand five hundred (7,500) square feet but five thousand (5,000) or more square feet and/or less than seventy-five (75) feet but fifty (50) feet or more of frontage, an applicant may appeal to City Council for a Conditional Use Permit as allowed in Section XVIII of the Zoning Ordinance for approval to construct a single-family dwelling on such lot in accordance with the procedures given in Section XVIII of the Zoning Ordinance."

Staff recommends approval of the request. If City Council chooses to grant this request, it may impose conditions upon the approval of the request as it deems appropriate. Similar requests for Conditional Use Permits have been considered and granted by City Council in the past. Should Council determine to grant the request, it may wish to impose the following set of conditions:

1. The proposed single-family dwelling shall have a brick foundation on all four (4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer.
2. The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with bloc and brick enclosure.
3. The proposed single-family dwelling shall be constructed with brick and vinyl siding. Brick should be incorporated into the front building façade.
4. All accessory structures shall be located only in the rear yard.
5. The proposed single-family dwelling shall have a minimum of 1,720 square feet of finished living area.
6. Dwelling to be constructed outside of the RPA.

J. B. Armstrong, and Mike Naulty of Timmons were present to answer any questions. The plats were dated 1957. Mr. Naulty indicated that the GIS could be off from the RPA; it happens in Chesterfield County all the time.

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Mayor Taylor opened the Public Hearing at 8:02 PM. There being no speakers, the Public Hearing was closed at 8:02 PM.

**Motion** was made by Councilor Harris, and seconded by Vice Mayor Pelham, to approve an ordinance on first reading for a Conditional Use Permit from Webb Homes, Inc. to build a single-family dwelling at 3503 Jackson Farm Road, with the following conditions: (1) The proposed single-family dwelling shall have a brick foundation on all four (4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer. (2) The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with bloc and brick enclosure. (3) The proposed single-family dwelling shall be constructed with brick and vinyl siding. Brick should be incorporated into the front building façade. (4) All accessory structures shall be located only in the rear yard. (5) The proposed single-family dwelling shall have a minimum of 1,720 square feet of finished living area. (6) Dwelling to be constructed outside of the RPA. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

**PUBLIC HEARING - REQUEST TO AMEND THE CHARTER OF THE CITY OF HOPEWELL - MOVING COUNCIL ELECTIONS FROM MAY TO NOVEMBER**

The City of Hopewell has proposed a request to the Virginia General Assembly to amend the Charter of the City of Hopewell to move City Council elections from May to November, beginning in November, 2008, and to extend the terms of the council members which are scheduled to expire on June 30, 2008 to December 31, 2008.

The public hearing was opened at 8:06 PM. There being no speakers, the public hearing was closed at 8:06 PM.

**DISCUSSION** Several Councilors raised concerns about this action in the same year as a presidential election. It was originally drafted to be implemented on July 1, 2010. The City's Registrar, Pam Clark indicated that it would create no problem to implement the change in 2008. If the General Assembly and DOJ granted the request in January or February of 2008 on a dual track, it should provide enough time to implement the change. If Council wishes to make it effective in 2010 and not in 2008 that could be done also. From a campaign standpoint, May is less desirable because there is less of a turnout. Hopewell has historically had low voter turnouts. Perhaps some are trying to get back to a no-ward system. Council encouraged voter participation as the desirable thing to do.

**Motion** was made by Councilor Emerson, and seconded by Councilor Sealey, to approve an ordinance on first reading moving the City Council elections from May to November, contingent upon obtaining an amendment to the Charter of the City of Hopewell, Virginia from the Virginia General Assembly, and preclearance from the United States Department of Justice. Upon the roll call, the vote resulted:

Councilor Harris	-	NO
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO

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Councilor Cuffey	-	yes
Councilor Bailey	-	NO

The motion carried.

### COMMUNICATIONS FROM CITIZENS

**Taesean Blanding**, 1800 Freeman Street, Hopewell, read a poem:

#### STOP JUDGING

If you were me and I was you  
If we were able to walk in each others shoes  
What would we do?  
Would we still judge others because the color of the skin?  
Or would we still fight each other till one of us win?

We are still kids and we are still growing,  
So we need to stand up and start knowing  
That the more we act up we not going anywhere.  
So let's stop judgin' each other on the clothes we wear,  
Or the design of the hair.

Remember, we are not perfect and never will be.  
There is only one person that is and that's GOD!  
We need to see  
The more we treat each other wrong,  
And the more we don't get along,  
And the more we don't do right,  
Down the drain goes our life.

Little boys growin' up to men in prison.  
Little girls too young havin' children.  
When we need to be makin' millions;  
In other words growin' up to be someone.  
If we do all this you know we've won.

Remember Martin Luther King, Jr. had a dream  
That we need to make a reality.  
We need to make this a better society.  
Remember judging and racism is very similar,  
And them two together can make the worse killer

So I figure  
That we need to become a winner.  
Be a choir and sing in unity.  
All women, men and children and teens.  
Every shape, size and age.

Put a happy endin' on your book's last page.  
Remember, we are in God's image.  
But we are not perfect, so we need to know our limits.

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So if the heat's getting' too hot  
Stay out of the kitchen.  
But all I'm tryin' to say  
Is that we need to stop judging in every way.  
Because there's only one person that can do that  
And that's God on Judgment Day!

**Katherine Podlewski**, 507 North 2<sup>nd</sup> Avenue, Hopewell, addressed a public hearing held in August 2006 on the Patrick Copeland School. She recalled at that time being told that no decision would be made on the demolition of the school. Then in December 2006 the demolition started. She asked what happened to the kitchen equipment that was in the school; what happened to the Freon that was in the equipment in the school; and what happened to the dust before it was encapsulated? The new library building, Social Services Department, and Municipal Building were also exposed to the dust from the demolition of the school. Library Street is now open and paved with asphalt. It was supposed to be aggregate. She asked that these problems be fixed and she awaits responses.

**Emily Grant DeCarlo**, P. O. Box 1411, Hopewell, (evangelist, educator, poet, and author) read a poem:

### ONE NIGHT OUT

Is one night out enough to  
Change our earthly mindset?  
To turn the eyes from morning to sunset?  
To change the nature of our focus  
To "all" instead of one "self?"  
I say one night out is a symbol  
Of the unity in the hearts of those  
Who saw division and dissension and rose  
To join hearts, hands and minds  
To create and assemble a unified, universal design  
Of one collective heart and mind,  
A merging of sincere souls,  
Whose daring deliberate desire  
But if we fall it won't be out of  
Agony and pain, but rather to  
Pray to take back the land  
That our "grand" mothers and fathers tended  
And we won't be moved nor hindered  
For He who is for us  
Is more than those against us.  
"One night out" signifies that  
We won't give up the path upon which we trod,  
But hold onto faith as we turn our faces to  
Our strength, our Creator, our Blessed God.

Is to put out the fire  
Of corrosion, crime and mire,  
That sweep through the commune  
Of our microcosmic existence  
Both warning and enlisting us  
To engage in a combined effort  
To slay the dragon that taunts us:  
A monster with ferocious ruby eyes

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A symbol of the corruption and demise  
Of our own neighborhoods:  
Tiny villages of hope and good  
That serve as midwives birthing and protecting  
The innocent and rejecting  
The fangs of evil that threaten to snatch and molest us  
Taking our own sanity from us.  
One night out:  
Our vow to fight back against  
The powers and principalities  
That lurk and tease, disrupt our peace  
And bring us to our knees.

**PRESENTATION - DISTRICT 19 COMMUNITY SERVICES BOARD - JERRELL SOBER**

Jerrell Sober is Vice President of the District 19 CSB, and Joseph Hubbard is President. They serve home, school, peers and community. They provide counseling and out patient programs, and family education.

**PRESENTATION - NEIGHBORHOOD WATCH ADVISORY COUNCIL - INTERIM POLICE CHIEF RAY BAXLEY**

Interim Police Chief Ray Baxley reported on behalf of the Neighborhood Watch Advisory Council. There are 16 Neighborhood Watch groups in the City of Hopewell, of which 13 are active. National Night Out was held on Tuesday, August 7, 2007. Eight of the Neighborhood Watch groups participated and had good turnouts. Chief Baxley was able to visit five of them. The number of groups continues to grow. It was agreed a year or two ago that National Nights Out would alternate between individual NW group activities and one collective activity. Last year there was one collective activity, and this year there were individual activities. Next year plans will be for another collective activity.

The Neighborhood Watch Advisory Council has six vacancies: 1 - Ward 4; two - Ward 3; one - Ward 5; one - Ward 6, and one - Ward 7. Five terms will expire on October 31, 2007. He requested that Council fill these positions as soon as possible.

**PRESENTATION - PLANNING COMMISSION/WETLANDS BOARD - FRED MORENE, CHAIR**

Fred Morene, Chairman of the Planning Commission/Wetlands Board made the presentation to Council. Since August 2006 the Commission has denied one application for rezoning; approved two applications for right-of-way vacations; approved five final subdivision plats; approved one Zoning Ordinance amendment; and approved one subdivision amendment (report filed in the City Clerk's Office).

In addition, Mr. Morene presented a draft of Article XVIII. General Provisions, Section G. Conditional and Special Use Permits, *1. Conditional Use Permit*: for Council review. He asked that Council let the Planning Commission know if they like it so that they can advertise a public hearing. Conditional Use Permit requests should come to the Planning Commission first so that they can weed out some of the problems in advance of coming to City Council. It should take some of the work off of Council.

At the conclusion of all the presentations, Mayor Taylor invited all citizens to file a Talent Bank Resume with the City Clerk for application to board and commission vacancies.

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**UNFINISHED BUSINESS - RESOLUTION OF THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA, ADJUSTING THE SALARIES OF THE CITY ATTORNEY AND CITY CLERK, EFFECTIVE JULY 1, 2007**

Pursuant to the Hopewell City Charter, Chapters VI and VII, the Council appoints the City Clerk and City Attorney and sets their salaries by ordinance or resolution. City Council has recently conducted evaluations of the performance of the City Clerk and City Attorney, and is of the opinion that the compensation of the City Clerk and City Attorney should be adjusted to reflect a cost of living adjustment and merit increase. Effective July 1, 2007, the salaries of the City Clerk and City Attorney should be increased by a total of 5.5% per annum each, which increases include both the cost of living adjustment and a merit increase. The resolution shall take effect immediately upon passage, and the compensation adjustments effected thereby shall be retroactive to July 1, 2007.

**Motion** was made by Councilor Harris, and seconded by Councilor Emerson, to adopt a Resolution adjusting the salaries of the City Clerk and the City Attorney by a total increase of 5.5% each per annum, which increases include both the cost of living adjustment and a merit increase, which resolution shall take effective immediately upon passage, and the compensation adjustments shall be effective retroactive to July 1, 2007. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

**A RESOLUTION OF THE COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA, ADJUSTING THE SALARIES OF THE CITY ATTORNEY AND CITY CLERK, EFFECTIVE JULY 1, 2007**

**WHEREAS**, pursuant to Hopewell City Charter Chapters VI and VII, the Council appoints the City Clerk and City Attorney and sets their salaries by ordinance or resolution; and

**WHEREAS**, City Council has recently conducted evaluations of the performance of the City Clerk and City Attorney, and is of the opinion that the compensation of the City Clerk and City Attorney should be adjusted to reflect a cost of living adjustment and merit increase.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL** that, effective July 1, 2007, the salaries of the City Clerk and City Attorney be increased by a total of 5.5% per annum each, which increases include both the cost of living adjustment and a merit increase. This resolution shall take effect immediately upon passage, and the compensation adjustments effected thereby shall be retroactive to July 1, 2007.

**CITIZEN/COUNCILOR REQUEST – COUNCILOR BAILEY - CITY REVIEW OF THE START! INITIATIVE**

At the City Council meeting held on January 23, 2007, under Reports of City Council Members, Councilor Bailey announced that she had asked Julie Taylor with the START! Initiative to address Council regarding healthy lifestyles and prevention of heart disease. On February 13, 2007 Ms. Taylor made the START! Presentation to City Council. At that time she urged City Council to consider a walking program to implement 30 minutes of walking into the employees' workday.

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Councilor Bailey introduced Dr. Cliff Morris, Cardiologist with Virginia Cardiovascular Specialists who has been associated with John Randolph Medical Center for 12 years. The START! Program is changing the culture, and influencing the interior. The Downtown Partnership has already had two walking meetings. The program is useful in any company, school, or church.

Vice Mayor Pelham thanked him for coming and wants to get the City involved in the program. The City already has a walking trail in the downtown.

**CITIZEN/COUNCILOR REQUEST - COUNCILOR CUFFEY - VIRGINIA SUPPORTIVE HOUSING - HOMEOWNERSHIP/HOUSING SPECIALIST, DEBORAH HANSON**

Councilor Cuffey invited Deborah Hanson, Homeownership/Housing Specialist to introduce the various programs her not-for-profit organization offers. He felt that this could provide opportunities for various income levels, especially those of lower income in Hopewell. A meeting is scheduled for August 21, 2007 from 7:00-8:30 PM at the Appomattox Regional Library to educate citizens on how to buy their first home. There will be another one on August 22 open to the public.

This program could be beneficial to residents of The Bluffs. Section 8 Vouchers could be used to purchase a home. The program has been used in Petersburg for about a year. The program is called HomeBuy5 and they conduct many management workshops. They do financial literacy workshops that are open to the community.

VIDA is the Virginia Individual Development Accounts Program. They would like to have a session with the people at The Bluffs. When a family is ready to purchase, they work with lenders. They track the family for one year after the purchase. They encourage guidance in personal and professional goals. Ms. Hanson has been in contact with the staff at The James House; workshops are open to anyone. They also assist with down payments and closing costs, which are forgivable as long as they stay in the house for at least five years. She is excited about the possibility of serving here in Hopewell.

Councilor Cuffey thanked Ms. Hanson for coming. He saw something similar that worked successfully in Tennessee.

**CITIZEN/COUNCILOR REQUEST - COUNCILOR SEALEY - WINSTON CHURCHILL DRIVE - CSX RAILROAD CROSSINGS**

Councilor Sealey raised a safety concern with the amount of time that the railroads are blocking main streets in the City and what time limit they have, if any, that they can hold up traffic.

On Tuesday, August 7, 2007 Councilor Sealey was at the CSX railroad crossing on Winston Churchill Drive from approximately 8:58 PM until 9:31 PM. During that time a CSX train pulled forward and backed up no fewer than six times, blocking traffic. His main concern was for the possible occurrence during a time when a fire, police, sheriff or rescue vehicle would have to traverse any railroad track in the City. While he was waiting for the train he called the Mayor who indicated that there was a time limit to block traffic and he thought it was about five minutes.

City Manager Daley indicated that Phil Elliott, Director of Public Works, the Hopewell Police Department, and the City Engineer, Johnnie Butler, have been in contact with CSX Railroad. They will be meeting with them in the next week. They are supposed to be within the five-minute limit of blocking vehicular traffic. Mr. Daley indicated that the City would speak with manufacturers also and will report back to Council.

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**CITIZEN/COUNCILOR REQUEST - JIM GOULD - QUESTION/DISCUSSION ON THE FATE OF THE "RESEARCH AND DEVELOPMENT CENTER" ONCE PROPOSED FOR THE CITY**

Jim Gould, 104 Peter Francisco Drive, Hopewell, addressed the issue of the proposed Regional Research and Development Center in Hopewell. It would be funded by federal grants and could prove to be highly beneficial. He asked for a progress report on the project and if the Hopewell Manufacturers' Association has determined any research needs.

Mr. Daley reported that (1) the research center was not funded. The City has met with representatives at HUD and received a \$50,000 Planning Grant, no a Research Grant. Its purpose is to determine how we would use a Research Grant if we received it. We would take the Planning Grant and several other projects and bring in one person this coming year on research planning to submit a formal application to the General Assembly in the Spring of 2008. (2) Nitrogen and ethanol are possible research projects. (3) BRAC could be considered for related research.

Councilor Bailey indicated a meeting with HMA on June 5, 2007 with Bob Bailey of Lynchburg that was held on speaker phone. It was on the same level as Hopewell. They were both designated to receive \$330,000 this year. Lynchburg, as of this past spring, was farther along. They shared their proposal with Hopewell. Bob Bailey, Head Coordinator of their Research Center, spoke with industrial leaders on June 5. Industrial leaders did not have a full understanding of what the Research & Development Center could do for them. They were very interested once it was explained to them. The Virginia Department Housing and Community Development provided the \$50,000 grant. Our proposal was not detailed enough at that point to merit research money.

City Manager Daley indicated that their response was a verbal one-on-one discussion. He will keep Council and the public informed on its progress.

**REGULAR BUSINESS – PLANNING COMMISSION - CAMERON'S LANDING - PLAT APPROVAL**

City Administration received a request from Cameron's Landing, LLC to subdivide an approximate 107 acre parcel located off of Cameron and Atwater Roads into 150 lots forming Cameron's Landing Subdivision, Sections 1 & 2. The applicant is proposing to build single-family dwellings on the lots that will start at \$250,000. The proposed subdivision meets the minimum lot area and width requirements of the R-1 zoning district.

The Hopewell Planning commission reviewed this request at its July 5, 2007 meeting and recommended approval of the request to City Council.

There was discussion of which school the children would go to. There are 23 acres on the west side of I-#295 and there have been discussions about converting that area to a park. There will be no residential development on that side.

Councilor Sealey received a letter from Jeannette Baldwin, 224 Pleasant Drive, (from Ward #4 which he represents), that he read into the record:

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TO WHOM IT MAY CONCERN,

I am writing after receiving the City of Hopewell, Summer 2007 "City Currents" flyer and reading about the "Cameron's Landing" housing development to be established adjacent to the Appomattox River, Atwater Soccer Complex off of Atwater Road.

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I have seen the site being cleared and would imagine after construction that a barrier wall blocking Interstate 295 will be erected. I would like to request to this committee that the wall be extended down Pleasant Drive just south of this development on the other side of River Road.

I am a resident on Pleasant Drive off of River Road in Hopewell. I am in one of the newer homes built in 2001. Just beyond my back yard is Interstate 295. The barrier wall stops at the end of the road several houses short of our property.

This creates many problems such as the noise level from all the traffic on 295. You can stand 10 feet from someone in the back yard and not hear what they're saying due to the noise. You have to scream to be heard.

You can even be in the front yard and still be affected by the noise level. Also, when tractor trailers are rolling down 295 it rattles the windows in the house. This cannot be a good thing over time.

I understand from Riley Ingram that 10+ years ago when the barrier wall was being put up that one home owner on Pleasant Drive was allowed to obstruct the construction of the wall from coming any further up the road. But surely as time has passed with more homes being built and 295 becoming a much more traveled road, the need for that wall is imperative. I have spoken with most of my neighbors up and down the road and all are in favor of the wall at this time to reduce the noise level to our quiet little neighborhood.

I would like to know if my proposal to extend the barrier wall from the south end of Pleasant Drive further up towards River Road is a possibility with the new construction of Cameron's Landing.

I will be glad to gather and submit a petition with neighbor signatures as back order if desired. I look forward to hearing from the City on this matter.

Best regards.  
/s/ Jeanette Baldwin  
224 Pleasant Drive, Hopewell  
Day #863-2331/Home#458-2387

Harrison Burt discussed installation of a screening fence with City Engineer Johnnie Butler. It would not be a VDOT sound wall, but a vinyl or salt-treated wood fence. The first 65 lots have been sold.

**Motion** was made by Councilor Harris, and seconded by Councilor Cuffey, to resolve to approve the request from Cameron's Landing, LLC to subdivide an approximate 107-acre parcel located off of Cameron and Atwater Roads into 150 lots forming Cameron's Landing Subdivision, Sections 1 & 2, meeting the minimum lot area and width requirements of the R-1 zoning district. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

(Councilor Emerson filed a Transactional Disclosure Statement because he is cousin to one of the owners/developers - George Emerson.)

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**REGULAR BUSINESS – DISTRICT 19 COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT FY 2008**

In accordance with § 37.2-508 of the Code of Virginia, the State Fiscal Year (SFY) 2008 Performance Contract for the District 19 Community Services Board was approved on May 25, 2007.

Local approval is required by state code and the contract has been reviewed by the City Attorney. The agreement appeared to generally be legally appropriate in form and content. City Administration is agreeable with the terms of the contract and has been placed before City Council for authorization to execute the contract.

**Motion** was made by Councilor Harris, and seconded by Councilor Emerson, to resolve to approve and authorize the City Manager to execute the District 19 Community Services Board Performance Contract FY 2008. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

**REGULAR BUSINESS – APPROVAL OF CSA SUPPLEMENTAL FUNDING REQUEST \$67,754, WITH \$18,070 LOCAL MATCH**

City Council approved \$2,189,135 for the fiscal year ending June 30, 2007 for the CSA budget. As of June 30, 2007, CSA expenditures totaled \$2,360,097 and an additional \$65,000 (\$17,335.50 local match) is needed to pay for June mandated services for children in foster care and receiving special education services. This represents the City's 26.67% match for state funding and insures the Office of Comprehensive Services approval of the state's supplemental allocation.

City Administration recommended City Council approve the supplemental budget request of \$65,000 (\$17,335.50 local match) to meet the city's obligation for mandated services to children and families served by the Comprehensive Services Act.

A supplemental allocation is needed due to: 1) a significant increase in the number and cost of children receiving special education services; 2) recent restrictions on services formerly covered by Medicaid; 3) a 4.4% increase in foster care rates this fiscal year; and, 4) CSA serves a number of children who are in restrictive placements because of their behavior, diagnosis, and need for services. The Hopewell Public School administration is looking to address the needs of some of the children placed in private day schools in hopes of reducing special day placements.

While the City needs to authorize the entire \$65,000, all but \$17,335.50 (26.67% local match) will be reimbursed by the state.

**Motion** was made by Councilor Harris, and seconded by Councilor Emerson, to resolve to approve CSA Supplemental Funding Request for \$65,000, with \$17,355.50 local match. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes

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

Mr. John Weigel addressed Council with an amended local match of \$18,070. After Council's consultation with the City Attorney, they were advised to reconsider the matter and amend the local match.

**Motion** was made by Councilor Harris, and seconded by Councilor Emerson, to reconsider approval of the CSA Supplemental Funding Request for \$65,000, with \$17,355.50 local match. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

**Motion** was made by Councilor Emerson, and seconded by Councilor Harris, to approve CSA Supplemental Funding Request for \$67,754, with \$18,070 local match. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

**REGULAR BUSINESS - REQUEST FOR ALLOCATION OF MONEY FOR THE BLUFFS - MAINTENANCE ISSUES**

It is necessary to appropriate monies so that minimum maintenance and repair expenditures may be performed at The Bluffs property. The City has purchased the property and must maintain it until such time that it can be razed.

It is unknown what the maintenance and repair expenses will be until September 27, 2007 when it is expected that all rental units will become vacant. Based on best guess estimate, an allocation of \$100,000 is recommended. That amount would be for any and all expenditures incurred at The Bluffs property: management staffing, security, and necessary maintenance/repairs.

**Motion** was made by Councilor Emerson, and seconded by Councilor Sealey, to resolve to allocate \$100,000 from the Economic Development Fund for maintenance and repair expenditures at The Bluffs property: management staffing, security, and necessary maintenance/repairs.

**DISCUSSION:** The Bluffs have been problematic. While residents are still in the facility, the City needs to protect them from vandals and dust. Some of the buildings already have some problems. We should demolish all of the buildings at one time after all residents have been vacated.

The City Manager indicated that \$100,000 is a high estimate. He estimates spending \$20,000 for employees; \$20,000 on security; and some money to close off parts of the buildings that are not occupied by many people. There was some Council concern about demo as buildings become vacant. School will be starting soon and there was concern for safeguards. Approximately \$17,000-20,000 per month will be

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spent on security. More and more tenants are vacating the buildings. There are more and more people there who do not belong there, and that requires more security. There will be some revenue coming in. Some Councilors do not see a need to demolish any buildings yet. It is traumatic enough for them to move once; they should not have to move twice. There is no rush to demo.

The City Manager assured Council that there will not be any demolition in the next two or three weeks. But if more people move out a month from now, demo may be considered.

Interim Police Chief Ray Baxley reported that local drug dealers and prostitutes are already in some of the vacant buildings. Those buildings should be boarded up and marked so that Police will know which are occupied and which are vacant. There are drugs, vagrants, weapons at The Bluffs, and there is only one way in and one way out. The City Manager assured Council that no money was requested for demolition - only for safety and maintenance. Councilors voiced concern about the children who would still be living there.

Councilor Emerson called the discussion Out of Order. The issue on the floor is allocation of money. Discussion of demolition is not proper at this time.

Mr. Daley stated that this would be a legitimate expense from the Bond Fund because it was amended to include The Bluffs. The Economic Development Fund would be okay too.

Councilor Emerson offered an **amendment**, that was accepted by Councilor Sealey who seconded the original motion, that any revenue that the City receives from this (The Bluffs) would replenish the Economic Development Fund and make adjustments as required.

**DISCUSSION:** Council expressed confidence in the Police Department for security at The Bluffs. Some members of Council prefer that any demolition be delayed until after October 1, 2007. Mayor Taylor instructed the City Manager to give Council a Police Update each week about activities at The Bluffs. Mr. Daley explained that his primary reason for moving people is only for their own safety.

**Substitute Motion** was made by Vice Mayor Pelham, and seconded by Councilor Cuffey, to appropriate the \$100,000, but to avoid demolition until after October 1, 2007, unless the Hopewell Police Department sees a significant increase in crime at The Bluffs.

Councilor Emerson raised a Point of Order stating that the motion does not pertain to the issue on the agenda. City Attorney Wilnot indicated that it is wise to understand that sometimes maintenance requires that something be torn down, and therefore he does not think that the motion Vice Mayor Pelham made is out of order. Councilor Emerson felt that it ties the hands of administration and shows no faith in them. The substitute motion is putting people in more danger than the original motion.

The majority of Council wants to make clear that there should be no demolition before October 1, 2007.

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

Councilor Harris	-	yes
Councilor Emerson	-	NO
Councilor Sealey	-	NO
Mayor Taylor	-	NO
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

Motion carried.

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### **REPORT OF COUNCIL COMMITTEES - R C & D**

Vice Mayor Pelham attended an R C & D meeting two weeks ago. They are still looking for wells to cap in the City. She met with the City Engineer, Johnnie Butler. They are also looking for other projects in Hopewell.

### **REPORTS OF COUNCIL COMMITTEES - CPDC-MPO**

Councilor Emerson is a member of the Crater Planning District Commission (CPDC). He recently attended a meeting of the MPO (Tri-Cities Area Metropolitan Planning Organization) where they discussed highway proposals because of BRAC, and they are working on funding. He suggested that perhaps the Assistant City Manager, Mr. Altman, might want to prepare a presentation for Council. There will be many changes at Ft. Lee very soon. They have already cleared land at the intersection of Temple Avenue and River Road and the building is coming closer and closer. They will share MPO projects. The Hummel Ross Road project requires more money.

### **REPORTS OF CITY COUNCIL MEMBERS**

Councilor Bailey reported a successful Day on the River on Friday, July 27, 2007. Many organizations attended and shared information with adults and children. The Sierra Club organized the event; there will be more to report at a later date. She thanked those who helped. There was information on Non Point Source Pollution. The Clean City Commission and FOLAR were there. At the same location they will be having another outdoor movie, "*Pocahontas*" (sponsored by the Kiwanis Club) on August 20, 2007, at 8:00 PM. Rain date is August 27, 2007.

Councilor Cuffey announced the Homeownership Workshop, August 21, 2007, 7-8:30 PM at the Library. Personal financial information on down payment assistance. He wished a Happy 60<sup>th</sup> Anniversary to his church, Arlington Road Church of Christ.

Councilor Sealey complimented the Police Department on Kari Towland, Hopewell Crime Analyst, who attended a recent Rotary Club meeting and provided interesting information.

Councilor Emerson reported on the Crescent Hills Neighborhood Watch Annual National Night Out activity. The Hopewell Police Department, including canines, and the Sheriff's Department attended. There was good participation. He encouraged everyone to participate in the Neighborhood Watch. The recent River Meeting looked well-organized.

Vice Mayor Pelham thanked the Sierra Club for their many activities in our City. Two weeks ago she met the new owner of WHAP radio station, Preston Brown. He is looking for local sponsors, especially for the upcoming Friday night HHS football games. Gracie Spencer celebrated her 100<sup>th</sup> birthday recently and the Mayor and Vice Mayor presented her with a proclamation. She attended the National Night Out activities at Kings Court. Capt. Greg Taylor was present as was the Sheriff's Department, Police Department, CAST members. Anyone interested in serving on CAST should contact Officer Oliver. She thanked them as well. The Kings Court Neighborhood Watch is the oldest in the City. Last Saturday a Community Day was sponsored at Carter G. Woodson School and over 1,000 lunches were served. This coming Saturday is the 35<sup>th</sup> Class Reunion of 1972 at the Jordan Point Country Club at 7:00 PM. Riverside Regional Jail is sponsoring a Back to School Event: visit jail to see what it feels like to be there. Vice Mayor Pelham's church will have a Back to School Give-Away on August 27, 2007; for information contact Vice Mayor Pelham. There is a new principal at Hopewell High School, Dr. Rudolph Ford. Coach Littlepage retired from HHS in June. Artworks Gallery on Main Street will sponsor a Jazz evening on August 25, 2007, 7:00-9:00 PM. Ms. Pelham thanked Jane McCullen and Anne Easterling for hiring Patrice Gilliam. School starts on September 4 - be careful!

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**ADJOURN**

At 10:45 PM, **motion** was made by Councilor Sealey, and seconded by Councilor Cuffey, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes

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Steven R. Taylor, Mayor

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Ann M. Romano, City Clerk