

November 25, 2008

MINUTES OF THE CITY COUNCIL MEETING HELD NOVEMBER 25, 2008

A Special meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, November 25, 2008, at 5:30 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

Ann M. Romano, City Clerk
Edwin C. Daley, City Manager
Stefan M. Calos, Interim City Attorney

Mayor Pelham opened the Work Session at 5:30 PM. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Cuffey	-	present
Councilor Bailey	-	ABSENT (arrived at 5:35 PM)
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Stokes	-	present
Councilor Walton	-	present

Mayor Pelham opened the meeting and Vice Mayor Cuffey offered the prayer.

PUBLIC HEARING - CHARTER CHANGE FOR SEVEN-MEMBER ELECTED SCHOOL BOARD

This was the night scheduled for a public hearing to receive public comments regarding a request for the General Assembly of the Commonwealth of Virginia to amend the Charter of the City of Hopewell, Virginia to provide for a seven-member elected school board.

On July 8, 2008, City Council held a public hearing to amend the City Charter to change the School Board membership from five to seven members. It was approved 5/2 by resolution. At the City Council meeting held on October 14, 2008, Councilor Stokes proposed a Charter Change to Chapter 21 for a seven-member elected School Board. At the City Council meeting held on October 28, 2008, Councilor Stokes proposed a Charter change to Chapter 21. School Board to raise membership from the current (5) to seven (7).

Chapter 21. School Board - Charter Change

There shall be a School Board of The City of Hopewell which shall consist of Seven Trustees who shall be residents of The City of Hopewell and elected by qualified voters of The City of Hopewell, who are residents of each ward elected one School Board member to represent their respective ward.

Mayor Pelham opened the public hearing.

Linda Hedgepeth, 201 Oakwood Avenue, Hopewell, served on the School Board from 1988 to 1998. She opposed the proposal to increase the membership from five (5) to seven (7). She suggested setting term limits.

November 25, 2008

Anthony J. Zevolis, 3003 W. Riverside Avenue, Hopewell, opposed the proposal to increase the membership from five to seven. Keep appointed positions, rather than elected, to maintain control. He suggested that Council consider all elections be moved to November.

James W. Patterson, Sr., 2612 Perry Street, Hopewell, remarked that before he served on City Council he “came up through the ranks” by first serving on the School Board and Planning Commission. He felt that the General Assembly’s verdict is still out on elected school boards. The current Hopewell School Board has an excellent track record. He asked several questions: (1) What is wrong that Council is trying to fix? (2) How will this recommendation fix it? (3) Is the School Board interested in this change? National surveys say that one system is not better than the other. He opposed elected school board and opposed enlarging to seven members.

Linda Hyslop, 3307 Clay Street, Hopewell, commented that most of the surrounding jurisdictions have elected school boards and they favor Hopewell in that they are not elected, but appointed. There has been consistency and continuity. She has served under eight superintendents. She mentioned the importance of “No Child Left Behind.” Elections would be stressful to the staff.

Janice Denton, 807 Smithfield Avenue, Hopewell, supports a five-member school board. This is a good school board who has done a good job. As for the elected boards, Chesterfield, Colonial Heights, Dinwiddie and Prince George all have five school board members. She would not be opposed to term limits, but leave it at five.

There being no other speakers, the public hearing was closed at 5:50 PM.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to deny the request for a seven-member elected school board.

Substitute Motion was made by Councilor Walton, and seconded by Councilor Harris to rescind the earlier Council action taken on July 8, 2008 and keep the Hopewell School Board at five members.

Vice Mayor Cuffey raised a point of order to the City Attorney asking if the substitute motion was appropriate. Interim City Attorney, Stefan Calos, reported that in July City Council approved a five-to seven- member appointed school board. It has not been submitted to the General Assembly yet. It can be submitted; it must go to the General Assembly. The motion to rescind is a proper motion because it has not gone to the General Assembly yet.

DISCUSSION: There was support and opposition for the change from five members to seven, and for elected vs. appointed School Board. There was mention of Justice Department approval. The city appoints a total of 61 boards, commissions, authorities, and committees. All of them are volunteers. The School Board and Planning Commission are paid positions. If Council considers term limits for the School Board it should consider term limits for all boards, commissions, authorities, and committees. A Work Session was suggested to discuss what will happen to all the volunteers on boards and commissions. They are all eligible to be reappointed.

Mr. Calos repeated that the motion to rescind is a proper motion to make. Council is here to vote on a seven-member elected School Board. The motion to rescind must have a majority two thirds (2/3) vote. A new motion to rescind must be made to rescind the July action to increase from five to seven members. There was debate among Councilors about diversity on the School Board, elected vs. appointed, and new ideas from new members.

Dr. Daley stated that in July Council approved a seven-member School Board and told staff to go to the General Assembly in December.

Mr. Calos explained that the issue would be if Council overruled the motion to rescind the seven-member appointed School Board, it would go to the General Assembly. The Code of Virginia says to

November 25, 2008

have five School Board members. The Justice Department does not come into play because we are retaining an appointed board and not elected.

Councilor Emerson raised a point of order - can a City Council member employed by the School Board vote on any school board issue? The City Manager asked Mr. Calos to research (1) Can an employee of the School Board vote on the issue of the number of School Board members? and (2) Can a School Board employee vote on any School Board issue?

Councilor Walton withdrew the substitute motion to rescind the earlier Council action taken on July 8, 2008 and keep the Hopewell School Board at five members, and Councilor Harris withdrew his second of that motion.

Motion was made by Councilor Walton, and seconded by Councilor Harris, to rescind the earlier action in July 2008 and keep the School Board at five appointed members. Upon the roll call, the vote resulted:

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

The motion failed.

Motion made by Vice-Mayor Cuffey, and seconded by Councilor Bailey, to deny the request for a charter change to have a seven member elected school board. Upon the roll call, the voted resulted:

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

UNFINISHED BUSINESS - VOLUNTEER COACHING POLICIES

Council was presented with a proposed Policy Revision governing Criminal History Background Checks for prospective City volunteers who would be working with youth. At the City Council meeting held on October 14, 2008, City Manager Daley presented the City's Volunteer Coaching Policies to Council for study and consideration. City Administration recommended approval of the revised policies and procedures governing criminal history background checks for prospective City volunteers who will be working with youth. At that meeting Council tabled the issue for further discussion.

Police Chief Martin provided a brief overview of how he will use the Criminal Background Check.

Motion was made by Councilor Walton, and seconded by Vice Mayor Cuffey, to resolve to approve and file revisions to the Volunteer Coaching Policy governing Criminal History Background Checks for prospective City volunteers who would be working with youth, with a review in six months to see how it works. Upon the roll call, the vote resulted:

Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes

November 25, 2008

Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes

UNFINISHED BUSINESS - COUNCILOR RULES & PROCEDURES #301, #301-A, AND #411

At the City Council meeting held on October 14, 2008, City Council's Rules & Procedures were distributed to Council members to read and study, and to be continued at a future time for further action. At the City Council meeting held on October 28, 2008 Dr. Daley proposed that Council consider having one regular Council meeting per month on the second Tuesday, and having one Work Session per month on the fourth Tuesday. If there were a reason to add something to the Work Session to take action, that could be done. Council already schedules one meeting on the second Tuesday of July, August, and December. Budget Work Sessions begin in January. Other items could be added to those Work Sessions. Work Sessions begin at 5:30 PM.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Walton, to resolve to approve and file amendments to City Council Rules & Procedures, #301 - Council Meetings, #301-A-Budget Work Sessions, and #411 - Work Session Policy. Upon the roll call, the vote resulted:

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

301. Council Meetings – Regular meetings shall be held in the Council Chamber, third floor of the Municipal Building commencing at 7:30 p.m., on the second Tuesday of each month, providing further that Council may on motion adopt a different day or hour as may be necessary. Work Sessions shall begin at 5:30 p.m. immediately preceding the Regular meeting, which shall begin at 7:30 p.m. If a Work Session is not required, the Regular meeting will begin at 7:30 p.m. (see Minute Book 20, Page 182, 12/14/82) (see Minute Book 27, 11/12/02)

~~**301.A. Budget Work Sessions** – Budget Work Sessions shall be held in the Council Chamber, third floor of the Municipal Building on the last Monday in March, the second Monday in April, and the fourth Monday in April. Budget Work Sessions shall be at 5:30 p.m., providing further that Council may on motion adopt a different hour as may be necessary. (See Minute Book 28, page ___, 4/13/04)~~

411. Work Session Policy – As required, the City Council of the City of Hopewell may schedule a special “Council Work Session” beginning at 5:30 PM on the fourth Tuesday of each month. City Council requires that supporting documentation related to the subject material shall be provided to the City Clerk for Council review and perusal, and made a part of the agenda packet. Work Sessions shall not be scheduled for the months of July, August, November and December, unless necessary.

Such work sessions are designed to give the Council adequate time to fully discuss and consider business affecting the City and are not considered to be a special meeting or public hearing. Items which would traditionally be considered at a work session are annual budget, service level changes, etc.

November 25, 2008

**REGULAR BUSINESS - FINANCE DIRECTOR'S CITY BUDGET AMENDMENT FOR YEAR
END ENCUMBRANCES PER THE AUDITOR OF PUBLIC ACCOUNTS**

Mr. Hager reported that the requested action is for encumbered funds that were not paid by the end of the year. The Purchase Orders were issued but could not be paid by July 1. Next months report of the General Fund will have a deficit balance of \$100,000.00.

Motion was made by Vice Mayor Cuffey, and seconded by Councilor Walton, to resolve to approve City Budget Amendment for Year End Encumbrances per the Auditor of Public Accounts. Upon the roll call, the vote resulted:

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

**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2008-2009**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on November 25, 2008, an amended budget of the fund encumbrances at June 30, 2008 and other funds request was introduced in its complete form of which \$350,735 is to be re-appropriated and \$98,000 is to be appropriated, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances and appropriation;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be re-appropriated from the designated reserves to operate City services:

General Fund-011:

Use of Reserve Funds	\$272,771
Appropriations:	
City Manager Office	2,674
Emergency Services	1,094
Commissioner of Revenue Office	46
City Treasurer Office	324
Finance Department-IMS Div.	21,512
Commonwealth Attorney Office	3,454
Development Department	62,086
Police Department	101,216
Fire Department	5,603
Public Works Department	73,327
Non Departmental	<u>437</u>
Total General Fund	\$272,771

Social Services Fund-012:

November 25, 2008

Use of Reserve Funds	\$911
<u>Appropriations:</u>	
Services & Eligibility	\$911
<u>Recreation Fund-035:</u>	
Use of Reserve Funds	\$6,140
<u>Appropriations:</u>	
Athletics Div	<u>6,140</u>
Total Recreation Fund.....	\$6,140
<u>Riverside Harbor Fund-038:</u>	
Use of Reserve Funds	\$4,995
<u>Appropriations:</u>	
Marina Operation	4,995
<u>CDBG Fund-052</u>	
Use of Reserve Funds	\$65,918
<u>Appropriations:</u>	
Maryland Street Project.....	<u>65,918</u>
Total CDBG Fund.....	\$65,918

Sec. 2 The following designated funds shall be appropriated from the designated reserves:

<u>Economic Development Fund-075:</u>	
Use of Reserve Funds	\$100,000
<u>Appropriations:</u>	
Legal Services.....	60,000
Intergovernmental Relations Advisor	<u>40,000</u>
Total Economic Development Fund	\$100,000

By:E. Hager	BUDGET AMENDMENTS	
H:\Users\Finance\Audit 2008\ Budgets_63008_Carryover.xls	From 6/30/2008 Effective 7/01/2008	PO Encumbered Funds
Fund		
-	-	-
11 City Manager	011.1211223.6002.000.000	2,674
Emer Serv	011.1222550.6014.000.000	1,094
Comm of Rev	011.1231000.6021.000.000	46
Treasurer	011.1241000.3320.000.000	324
Finance Department		
IMS Div	011.1243001.3320.000.000	2,567

November 25, 2008

		011.1243001.5510.000.000	187
		011.1243001.8202.000.000	18,758
Comm Atty		011.2210000.6001.000.000	3,454
Police		011.3110000.3320.000.000	13,055
		011.3110005.6021.000.000	31,932
		011.3110010.5805.000.000	490
		011.3110010.6050.000.000	2,119
		011.3110060.3100.000.000	10,805
		011.3110060.5231.000.000	13,000
		011.3110060.5232.000.000	22,000
		011.3110190.8202.000.000	7,815
Fire		011.3210000.5899.000.000	784
		011.3210000.8203.000.000	4,819
Public Works		011.4120000.5540.000.000	82
		011.4120000.8206.100.000	74,245
Development		011.8110100.3100.000.000	62,086
NonDept		011.9120000.2300.000.000	437
inventory		011.1700000.0000.000.000	<u>0</u>
	subtotal		272,771
12	Services	012.5853000.6001.000.000	362
	Eligibility	012.5854000.6001.000.000	549
	subtotal		911
35	Athletics	035.7110050.3600.000.000	187
		035.7110050.5640.000.000	5,953
	subtotal		6,140
38	Marina Operation	038.7134100.3320.000.000	4,995
52	CDBG	052.8120200.8100.119.000	65,918
	Total Budget Amendments-Encumbrances		350,735
	New appropriation request		<u>98,000</u>
	Total Budget Amendment		\$448,735

Original Budget Amounts

Fund 011 08-09	\$40,659,596
Fund 012 08-09	5,259,038
Fund 035 08-09	1,754,935
Fund 038 08-09	130,500
Fund 052 08-09	218,552

November 25, 2008

Fund 075 08-09		<u>1,333,104</u>
	Total	\$49,355,725
	1%	\$493,557
Encumbrances Request		\$350,735
Intergovernmental Relations		
Advisor		40,000
Hopewell Marina, LLC		<u>58,000</u>
		\$448,735

REGULAR BUSINESS - BUDGET APPROPRIATION FROM THE ECONOMIC DEVELOPMENT FUND: \$40,000 FOR THE INTERGOVERNMENTAL RELATIONS ADVISOR, AND \$60,000 ATTORNEY'S FEES FOR ARTCRAFT CASE

(1) Budget Appropriation from the Economic Development Fund in the amount of \$40,000 for the Intergovernmental Relations Advisor (Lobbyist); and (2) Budget Appropriation from the Economic Development Fund in the amount of \$60,000 for Legal Services.

(1) **Motion** was made by Vice Mayor Cuffey, and seconded by Councilor Bailey, to resolve to approve and file a Budget Appropriation from the Economic Development Fund in the amount of \$40,000 for the Intergovernmental Relations Advisor.

There was lengthy discussion among Council members and Administration.

Upon the roll call, the vote resulted:

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

(2) **Motion** was made by Councilor Harris, and seconded by Vice Mayor Cuffey, to resolve to approve and file a Budget Appropriation from the Economic Development Fund in the amount of \$60,000 for the Consulting Services.

There was lengthy discussion among Council members and Administration. Mr. Calos reported that the former City Council approved \$30,000 for the Weston Manor property. If additional funding was needed they would come back to Council. The fees did exceed that amount. This was discussed in Closed Session. He was instructed to negotiate. Negotiations started at \$20,000 and rose to \$30,000. Anything under \$45,000 would have been acceptable. Ten thousand dollars was deducted from his fee to arrive at \$30,000 + \$30,000 = \$60,000. The Historic Hopewell Foundation does not have that funding. It is likely that a lien will be placed on the property and the property could be sold to satisfy the lien. The amount could go up.

Upon the roll call, the vote resulted:

Vice Mayor Cuffey	-	yes
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November 25, 2008

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

Mayor Pelham called for a ten-minute recess to reconvene at 7:45 PM.

REGULAR BUSINESS - WORK SESSION - ECONOMIC DEVELOPMENT UPDATE

Mr. Altman provided an Economic Development Update:

1. **Coastal Virginia Developers** - An e-mail was received this week indicating interest in the project. The financial market has slowed down. Mr. Altman has been asked to coordinate a meeting with the owner of the Evergreen Motel and the developer. He is also contacting other property owners in the area. Mr. Altman can have their representatives give Council an update if they wish.
2. **Mallonee School Project** - There are a few items to clear. They must go to closing. In February 2009 the contractor will begin construction, abatement and demo. The review from DHR should be received shortly. There may be some smaller units rather than larger units.
3. **Butterworth Property** - Monument Construction - to authorize the sale of the property and enter into an agreement. Comments should be back today. Some details are needed. Council can hold the public hearing on December 9. That must be completed before the 9th and move the process forward.
4. **Anchor Point** - is moving forward with town homes. Two units have been sold. They are following the plan. They started some single family homes and submitted a proposal to resubdivide for town homes to gain a few more lots. The Planning commission should be looking at it in January 2009. Access to the road is no longer a concern to residents of Prince George Court. The City Engineer is continually talking to residents.
5. **Cracker Barrel** – Mr. Altman has discussed possible site with the company's Richmond based real estate representative, and is hoping to meet with representatives to talk about coming to Hopewell.
6. **The Bluffs** - The City has entered into an agreement with Associated Contracting Services and crafted a Pre-Development Agreement. Mr. Altman has heard from them today. They will meet on Monday and give him their comments. They are very much interested in being here outside of the Bluffs also. Meetings could be held with Council constituents and as a result of those sessions could craft a development agreement.
7. **Osage** - Councilor Harris voiced concern that the City is moving rapidly on the new Osage Ethanol plant. He distributed a copy from The Washington Post regarding ethanol. This company has gone bankrupt on three occasions in the last few months. That many not have anything to do with us and our relationship with Osage, but, we should pay attention to it. The City Manager indicated that if there are any additional industrial needs for the project, such as purchases because of the ethanol plant, Council will be notified.
8. **Big Project on #36** - Mr. Altman is spending a lot of time on that project.

Councilor Bailey referred to road maintenance and requested looking into a piece of equipment that can grind asphalt to be used for bedding rather than hauling it away. Permeable pavement can be put on top of that.

November 25, 2008

REGULAR BUSINESS - WORK SESSION - REQUEST FROM SEAN RUIZ FOR ZONING ORDINANCE AMENDMENT - ARTICLE XI, SECTION 1

Mr. Altman presented the request from Sean Ruiz for a Zoning Ordinance Amendment to Article XI, Section 1. Sean Ruiz requested the Zoning Ordinance Amendment to allow an automobile painting, upholstery, rebuilding, reconditioning, body and fender work facility as a use in the B-3, Highway Commercial District by a Conditional Use Permit. A public hearing was held on October 28, 2008. Council tabled the issue for a Work Session. When a use is not provided for the applicant can make a request. If the City does not want it in B-3, then Council should deny the request.

REPORTS OF COUNCIL MEMBERS

Mayor Pelham wished everyone a Happy Thanksgiving.

The City Manager reminded Council that they will be hosting the Virginia First Cities Coalition one week from Friday (December 5, 2008), at the Library, from 9:00 AM to 2:30 PM. Also, Volunteer Recognition will be on December 4, 2008 at 6:00 PM

ADJOURN

At 8:47 PM motion was made by Councilor Walton, and seconded by Vice Mayor Cuffey, to adjourn the meeting. Upon the roll call, the vote resulted:

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

Brenda S. Pelham
Mayor

Ann M. Romano, City Clerk