

October 27, 2009

**MINUTES OF THE CITY COUNCIL WORK SESSION HELD OCTOBER 27, 2009**

A Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 27, 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

Ann M. Romano, City Clerk  
Edwin C. Daley, City Manager  
Thomas E. Lacheney, City Attorney

Mayor Pelham opened the work session at 6:30 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 Vice Mayor Cuffey, followed by the Pledge of Allegiance to the Flag of the United States of America.

**WORK SESSION**

- 1. Wastewater Financing Update – Jimmy Sanderson, Davenport and Company, LLC** – Mr. Sanderson reported that the HRWTF financing is being structured to mesh with one done earlier this year. Malcolm Pirnie has been secured as an outside consultant. The Revenue Bond is not payable from the General Fund. A Public Hearing is required and has been scheduled for the City Council meeting to be held on November 17, 2009. Council authorizes issuance of the debt by resolution or ordinance. There is a meeting scheduled for November 23, 2009 with the rating agencies; bond sale on December 10, 2009 (short-term financing); and closing is scheduled on December 22, 2009. Notes will be issued in the amount of \$17.8M this calendar year. The financing will be completed in 2010. Once all bids are in, they will know how much will be needed. This is just for the primary plant.
- 2. Quarterly Report on the City Budget – GASB 45 – Elesteen Hager, Finance Director** – Mr. Hager reported that there is a new accounting standard that the City must meet. Post retirement health benefits liability will be in the amount of \$7M+ by 2013. It is an undisclosed financial commitment. It will grow because of increasing health insurance costs, the number of retirees, etc. The City originally discussed setting up a trust fund. But at this time that cannot be done due to the declining economy. The City will have to come up with an allocation; and perhaps split the liability between the General Fund and the Enterprise Funds. The City's net assets will go down when this liability goes on the books. We must put it on the books but do not have to write the check yet. These numbers will be included in the audit this year. Mr. Hager presented an Actuarial Study dated July 1, 2007 (filed in the City Clerk's Office). In 2004 the City capped what retirees could receive in health

insurance benefits at a maximum of \$200 per month for future retiree health insurance, after 10 years of City employment.

**DISCUSSION:** Nothing in the Obama Healthcare Plan addresses this issue. There is no relief for GASB 45. Two City retirees have been added to the Health Insurance Committee. The City has changed health care advisors. They are presently consulting with the consultant at the City's schools. Then they will come back and consider a meeting of the committee. School benefits are very different from the City's benefits. The City pays more for retirees than the School System does. We would have to come up with significant money to equalize those. By City policy, when a retiree becomes eligible for Medicare, they must accept it. The City pays their premium up to a capped limit. This issue discusses future dollars. The last two years the City paid \$447,703 in 2008 and \$472,067 in 2009. There is no money being taken from Fund 32; it was taken from Fund 31 for an administrative charge. Former Mayor Steve Taylor talked about more detailed reports. Mr. Hager presented a 12-page spreadsheet showing all of the City's finances (filed in the City Clerk's Office). The actual month is compared to the same month last year. It also contains all revenues. Mr. Hager indicated a need for Council guidelines. The City has collected 96% of the revenues from one year ago. If Stone Container is included it is 108%. The tax payment was counted as revenue this year but not last year. The same thing will happen with Honeywell. The City budgeted Machinery & Tools Taxes each year. There have been deficits for the past three years. It is now being brought back up because of income from Honeywell. There was a handout last year from Bridgewater. It seemed simpler than these 32 funds. There was a Town Hall meeting 2-1/2 years ago at the John Randolph Foundation and the Bridgewater information was used. There are many deficits in the budget. There is a need to "fill the holes." The picture is not as bleak as it was. The audit will have about a 2% deficit; not quite as dire as expected.

3. **Floodplain District – Development** – Mr. Altman addressed the Zoning Ordinance Amendment. The ordinance repeals Article XV, Flood Plain District, and enacts Article XV, Floodplain District, of the Zoning Ordinance of the City of Hopewell. The City's current code section does not match the State's model floodplain ordinance. The Planning Commission reviewed this at their October meeting and recommended approval of the proposed ordinance amendment. A public hearing has been scheduled for the City Council meeting on November 17, 2009. This will only go into effect after adoption of the ordinance and should not have any effect on anything in the process right now. Cabin Creek is in compliance. This will deal with in-fill lots. If a site plan has been approved but not been acted upon, a developer could have to come back to Council. Otherwise nothing out there will be impacted. Regarding a question about the flood plain at Creekwood that was raised about a year ago, that would have to be addressed by the City Engineer. There were discussions about a flow channel but it is unsure at what stage of development that project is.
4. **Tourist/Historic District Zoning (review for public hearing) – Development** – The proposed ordinance amends Article XIV-B-J, Board of Architectural Review. The Planning Commission conducted a public hearing to consider the proposed amendment at their October 8, 2009 meeting, and voted to recommend approval of the proposed ordinance. The ordinance deletes "licensed real estate broker and a resident of the city" and adds "resident of the City Point Historic District." In addition the verbiage about the "original appointments" has been deleted because the Board of Architectural Review has been established and presently exists.

**DISCUSSION:** It was suggested that a member of staff be an advisory member and for the sake of consistency be aware, but also require the membership of the board about the Secretary of Interior Standards. If the advisory member sees that the conversation is going contrary to the Secretary of Interior Standards, they should speak up. It should be someone to help residents become aware of the financial assistance available to them by the Secretary of Interior Standards.

5. **Request to amend and reenact Article XVI of the Zoning Ordinance of the City of Hopewell – Site Plan Requirements** – The ordinance amendment is based on staff observation. Item D contained 22 requirements; that section was stricken and replaced with D containing 35 requirements. It is an administrative tool for staff. No public hearing has been scheduled yet for this Zoning Ordinance Amendment. It has gone to the Planning Commission and they recommended going to City Council for approval. Commercial and industrial developers are required to submit site plans. The requirements, however, will not add to the cost.

**Downtown Central Business District B-1 – Development** – The proposed ordinance amends Article IX, Downtown Central Business District (B-1). The Planning Commission conducted a public hearing on the proposed ordinance amendment at their October 8, 2009 meeting and recommended approval of the amendment to City Council. The amendment repeals Article IX, Central Business District, and Article IX-A, Downtown Revitalization Area Overlay District, and enacting Article IX, Downtown Central Business District (B-1), of the Zoning Ordinance of the City of Hopewell. The ordinance combines elements of the two existing code sections that address the downtown zoning district.

**DISCUSSION:** The Downtown Central Business District, B-1 is bounded downtown by the Second Avenue alley on the west, Kippax Street on the east, the Appomattox River to the north and Norfolk Southern railroad tracks to the south. There is a Federal law that deals with churches in downtown and the inability for the City to discriminate. Downtown or “storefront” churches cannot be prohibited. There was a suggestion for a regulation for side or rear entrances to such churches thereby not creating a loitering situation in front of the establishment. Abandoned buildings would be addressed under the Property Maintenance Program of the International Unified Statewide Building Code. There are design guidelines for new buildings. It was suggested that perhaps CDBG funds could be used for unoccupied blighted areas. The Downtown Historic District is part of the Downtown area (Broadway/Main Street/Appomattox Street) but does not encompass the entire downtown.

There was lengthy discussion regarding “**L. Certification of Appropriateness, Generally: #2.** No building or area which has been designated as a historical building or area by the Virginia historic Landmarks Commissioner, or by the Local, State or Federal government shall be demolished or removed, in whole or in part, unless and until an application for a Certificate of Appropriateness shall have been approved by the DDRC.” The Downtown Partnership Committee began about a year ago, or longer and there would be a Downtown Review Committee to enforce guidelines and also act as the committee to accept applications to award grants to downtown businesses. Council and staff attended a conference in Harrisonburg. It was indicated that the review committee would recommend names to Council by the Downtown Partnership. They would enforce guidelines and deal with façade and improvement grants. Also, the Downtown Committee agreed to have a professional advisory, non-voting member who would be familiar with standards of rehabilitation. It was suggested that the guidelines be given to that committee (affiliated with the Main Street Program). Mr. Altman distributed another draft Zoning Ordinance Amendment with the Design Review Committee included. During the return trip from Harrisonburg last year, he was told to remove the committee from the ordinance amendment. The proposal is from the Planning Commission addressed at their July 2009 meeting. City Council would have to appoint the members of the Council Committee. They could be the same people who are on the Downtown Partnership Committee, but Council would have to make the appointments. Also, the seven members could be changed to five members. A collaborative approach would be a friendlier approach. The City Manager suggested appointment of the committee. Do not send applications to the Downtown Partnership. They would have been recommended to Council, and the committee could be made advisory. Council is not bound to just that. The process would be to make it a recommendation from the committee to the Director of Development. The staff person would be advising the committee. If the committee turns them down, they could appeal to City Council, and further appeal to Circuit Court. At least one employee with training would be on the committee to advise. Staff would be working with Façade Improvement Grants, etc. The professional could be Mr. Altman. There is an existing committee right now that

works, and the City Manager is on the board. There was discussion regarding potential problems that could arise when the City sells properties that it owns, or owned by other individuals who do not agree with the process. Staff's role is to shepherd them through the process. The first proposal would have staff review the request. The other is for the Design Review Committee to review it and the staff member would be on that committee. The more layers that are added to the process, the harder it becomes. It could appear that the City does not want their business. We do not want to scare people away. (A question arose about whether or not there could be an Oaklawn Development Committee, or a Cavalier Square Development Committee, etc.)

The consensus of Council was to appoint a committee. This will go back to the Planning Commission for review and come back to City Council in January.

6. **Curfew Proposals – Police Chief Martin** – Chief Martin referred to Section 25.4 of the Hopewell City Code which refers to two different curfew times for two different age groups. It is cumbersome to the Police Officers. The Chief proposed a single curfew time for all children 17 years of age or under, which curfew should be at 11:00 PM. Another area of revision refers to the language “Unless accompanied by a parent, guardian, or some other adult person.” Sometimes juveniles are in the company of 18-year-olds. The proposed amendment is for language reading, “Parent, guardian or for emergencies or for some other lawful situation.”

**DISCUSSION:** After discussion it was suggested to just delete, “. . . some other adult person.” The City Attorney assured City Council that Police officers will use discretion. There are also some exceptions for church events, school events, etc. Those instances are already exempt.

Councilor Harris briefly discussed the Hopewell Police Department's use of tazers with the Police Chief. He indicated that nearly 500 people nationwide have died as a result of being tazed. The Police Chief affirmed that the practice has been successful notwithstanding how the product should be used. There has been much talk about the proper use of the product. The Chief was aware of only one incident where the manufacturer has shared responsibility for a death. Councilor Harris is Vice President of the SCLC (Southern Christian Leadership Conference), and the organization has selected this project for study. He needs to find out what is going on in our community, state and surrounding jurisdictions. He will share his findings with the Police Chief. Chief Martin reported that in 2008 there was a 93% reduction in officer injury since use of the tazer, and complaints of use of force have been reduced. This item will be included on the agenda for November 17, 2009.

Dr. Daley distributed to Council the agenda for the Council Advance to be held on November 7, 2009. He also distributed the 2010-2011 Budget Priorities Sheet to be filled out by each Council Member. Council was asked to bring the completed forms to the Advance on November 7<sup>th</sup>.

Customer Service was intended for discussion with the City Manager and he therefore recommended a Closed Session because it involved personnel.

7. **Customer Service Proposals – Councilor Luman-Bailey**

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

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

October 27, 2009

**OPEN SESSION**

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

**ADJOURN**

At 9:37 PM motion was made by Councilor Emerson, and seconded by Vice Mayor Cuffey, to adjourn the meeting. Upon the roll call, the vote resulted:

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

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Brenda S. Pelham, Mayor

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Ann M. Romano, City Clerk