

November 9, 2010

Regular Council Meeting

**MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 9, 2010**

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, November 9, 2010, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT:                   Christina J. Luman-Bailey, Mayor  
                                  K. Wayne Walton, Vice Mayor  
                                  Curtis W. Harris, Councilor  
                                  Michael C. Bujakowski, Councilor  
                                  Gerald S. Stokes, Councilor  
                                  Brenda S. Pelham, Councilor  
                                  Jackie M. Shornak, Councilor

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

**CLOSED SESSION**

**Motion** was made by Councilor Bujakowski, and seconded by Councilor Pelham, to convene into Closed Session to discuss Legal Matters (Current Pending Litigation), as permitted by Virginia Code § 2.2-3711 (A) (7), and, Appointments to Boards and Commissions, as permitted by Virginia Code § 2.2-3711 (A) (1). Upon the roll call, the vote resulted:

Mayor Luman-Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**OPEN SESSION**

At 7:39 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 Shornak	-	yes
Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

**REGULAR MEETING**

Mayor Luman-Bailey opened the regular meeting at 7:40 PM. Roll call was taken as follows:

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Mayor Luman-Bailey	-	yes
Vice Mayor Walton	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

Prayer was offered by Chaplain Gleason Dale, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CONSENT AGENDA**

**Motion** was made by Councilor Bujakowski, seconded by Councilor Pelham, and unanimously passed to approve the Consent Agenda: Regular Meeting 10/12/10; Pending List; Information for Council Review: ARLS min 7/20/10, next meeting 9/21/10, and minutes 9/21/10; School Board minutes 9/9/10, agenda 10/14/10 & meeting notice 10/21/10; HRHA minutes 8/9/10, meeting notice & agenda 10/11/10; Senior Citizens Advisory Comm. minutes 9/21/10 & agenda 10/19/10; HRWTF Comm. draft min 9/20/10 & agenda 10/25/10; and, TSB minutes 8/3/10 & agenda 11/3/10; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: Work Session November 16, 2010; Ordinances on second and final reading: Ord. No. 2010-24 General Obligation Public Improvement Bonds-\$7.7M-HHS; and Ord. No. 2010- 26- Authorizing the Purchase of 418 & 420 Hopewell Street and to authorize the City Manager to execute any and all necessary documentation to complete the purchase of the property; Routine Grant Approval: none; Proclamations/Resolutions/ Presentations: Certificate Presentation to High School/Freshmen/Junior High School - Police Activities League - Basketball Team Champions of the Allen, Allen, Allen and Allen & Sports Backers Two-Day Basketball Tournament on October 9-10, 2010.

Mayor Luman-Bailey, Hopewell Police Chief Steve Martin, and PAL Coach, and Reggie Simon, PAL Coach, presented Certificates to the PAL Basketball Champions: *McKindly King, Marcus Adams, Kristoffer Brown,--High School Champions. Not present but received certificates; Brian Brantley --High School Champion; Olen Smith, Tabyus Taylor, Keion Taylor, and Malik Monds--High School Freshmen Champions; Darrell Taylor, Teandre Taylor, Raquan Washington, Isaiah Fernandez, Devon Jenkins, Eric Ware, and Daniel Saunders -- Junior High School Champions.*

The City of Hopewell proudly awards this Certificate to  
High School Champions, High School Freshmen Champions, and Junior High School Champions –  
Police Activities League - Basketball Team  
Champions of the Allen, Allen, Allen and Allen & Sports Backers  
Two-Day Basketball Tournament on October 9-10, 2010.

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*Christina J. Luman-Bailey,*  
*Mayor*

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**ORDINANCE NO. 2010-24**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION  
PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN  
THE MAXIMUM PRINCIPAL AMOUNT OF \$7,700,000

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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 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 \$7,700,000 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.

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**ORDINANCE NO. 2010-26**

An Ordinance authorizing the purchase of certain property located in the City of Hopewell, containing approximately 0.13 acres of land, with improvements thereon, that is commonly known as the Industrial and Allied Workers, City of Hopewell and Chesterfield County Teamsters Local 101 Union Hall.

**WHEREAS**, the City has been negotiating to purchase certain property located in the City of Hopewell owned by the Industrial and Allied Workers, City of Hopewell and Chesterfield County Trustees, Teamsters Local 101, containing approximately 0.13 acres of land, with improvements thereon, that is commonly known as the Industrial and Allied Workers, City of Hopewell and Chesterfield County Teamsters Local 101 Union Hall located at 418 and 420 Hopewell Street, more particularly described as Parcel Number 800835 (the "Property"); and

**WHEREAS**, in January 2003, City Council adopted the Downtown Revitalization Plan, and part of the vision for downtown is the redevelopment of the 200 block of E. Cawson and Appomattox Streets. City Council also determined that it was in the best interest of the City to acquire certain parcels of real estate in the core downtown revitalization area to implement the vision of the downtown plan; and

**WHEREAS**, the \$20 million General Obligation bonds authorized by City Council included \$3.5 million for property acquisition; and

**WHEREAS**, subject to the terms and provisions of the Real Estate Sales Agreement (attached hereto and incorporated hereby), the City desires to purchase the Property, as defined in the Real Estate and Sales Agreement; and

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**WHEREAS**, City has determined that the purchase of the Property will result in substantial benefits to the welfare of the City and its inhabitants, and in furtherance of the public purposes and governmental interests and has further found that it is in the public interest of the citizens of City, and that it is consistent with the economic development goals of the City and with the City's master plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL** that the purchase by City of the following described real estate:

containing approximately 0.13 acres of land, with improvements thereon that is commonly known as the Industrial and Allied Workers, City of Hopewell and Chesterfield County Teamsters Local 101 Union Hall located at 418 and 420 Hopewell Street, more particularly described as Parcel Number 800835

be authorized, and that execution by the City Manager of the Real Estate Sales Agreement, attached hereto and incorporated by reference hereby, be approved and authorized.

**BE IT FURTHER ORDAINED** that the City Manager be authorized to execute all documents, and perform all tasks, associated with the purchase, including the authority to agree to minor modifications of the Real Estate Sales Agreement. This Ordinance shall be deemed effective immediately upon passage on this second and final reading.

**PUBLIC HEARING – REQUEST FOR REZONING AND AMENDMENT OF OFFICIAL ZONING MAP OF THE CITY OF HOPEWELL FOR APPROXIMATELY 29 ACRES LOCATED AT 200 ATWATER ROAD ALSO KNOWN AS THE ATWATER SOCCER COMPLEX, TO RESIDENTIAL, LOW DENSITY (R-1)**

This was the night advertised as a Public Hearing to receive citizen comments regarding the request for rezoning and amendment of Official Zoning Map of the City of Hopewell for approximately 29 acres located at 200 Atwater Road also known as the Atwater Soccer Complex, to Residential, Low Density (R-1). This request is necessary as the result of a boundary line adjustment between the City of Hopewell and Prince George County, per Section 15.2-2235 of the Code of Virginia.

The Planning Commission conducted a public hearing on the proposed rezoning on October 7, 2010, recommended to City Council approval of the amendment to the Official Zoning Map of the City of Hopewell. The rezoning request was made necessary by the boundary line adjustment that was agreed to by the City of Hopewell and Prince George County. Boundary adjustment transferred 23.91 acres of property west of I-295 to Prince George County and in return the City received the 29.7 acres of land that comprises the Atwater Soccer Complex.

The Mayor opened the Public Hearing at 7:48 PM. There being no speakers, the Public Hearing was closed at 7:48 PM.

**Motion** was made by Councilor Pelham, and seconded by Councilor Bujakowski, to resolve to approve the request to rezone and amend the Official Zoning Map of the City of Hopewell (filed in the Office of the City Clerk). Upon the roll call, the vote resulted:

Councilor Shornak	-	yes
Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

**PUBLIC HEARING – REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FROM EDWARD C. SHELTON, 501 EAST RANDOLPH ROAD, IN ACCORDANCE WITH ARTICLE XII, LIMITED INDUSTRIAL DISTRICT (M-1), SECTION A-26, CONVENIENCE STORES, TO OPERATE A CONVENIENCE STORE IN THE M-1 ZONING DISTRICT**

This was the night advertised as a Public Hearing to receive citizen comments regarding a request for a CUP from Edward C. Shelton, 501 E. Randolph Road, in accordance with Article XII, Limited Industrial District (M-1), Section A-26, Convenience Stores, to operate a convenience store in the M-1 Zoning District.

The Planning Commission conducted a public hearing to consider the request on October 7, 2010 and recommended to the City Council approval of the request, with conditions.

Mayor Luman-Bailey opened the Public Hearing.

**Mr. O. H. Wadi**, 500 East Randolph Road, Hopewell, owner of the Red Barn, protested the building of a convenience store across the street from the Red Barn. He claimed that it would take away from his business of 20 years. He has five employees and many neighbors who protested to building the store. It is a traffic hazard for children crossing the street. He presented a petition with 42 signatures protesting the proposed store. (Petition filed in the City Clerk's office.)

**Edward Shelton**, 501 East Randolph Road, Hopewell, requested the Conditional Use Permit to operate a convenience store at that location, and sought Council support. The proposed convenience store will target industrial workers, and truckers who stop at the scales. Mr. Shelton plans to offer more variety such as fountain drinks, snacks and candy.

There being no additional speakers, the public hearing was closed at 7:55 PM.

**DISCUSSION:** There was lengthy discussion about the safety concern for small children who might attempt to cross East Randolph Road to reach the proposed convenience store. Many children currently walk to the Red Barn which does not require crossing a street. Council discussed traffic lights, cross walks, and safety, and the need for more revenue in the city. The Planning Commission did not discuss or have any concern about the safety issue, but they did discuss signage. There was a request to have the Planning Commission report back to City Council after they consider the safety issue. In addition, a suggestion was made to have the Transportation Safety Board comment on the issue. Apparently the City Engineer and the Director of Public Works have discussed marking a crosswalk.

Upon comments by the Mayor, Vice Mayor Walton raised a point of order about the Mayor's discussion. Mayor Luman-Bailey commented that the issue could be referred to committee. Vice Mayor Walton raised a point of order. Mr. Lacheny indicated that the Mayor was in compliance with Roberts Rules of Order.

Discussion continued about offering choices and the need for revenue in the city. Competition should be embraced. There was concern that the corner of Terminal Street and East Randolph Road does not have a traffic light, but only a stop sign. The Planning Commission's next meeting is on December 2, 2010. They could revisit this issue and it could still be included on the Council agenda for December 14. If a condition is implemented, the applicant must abide by it. If not, the City could disallow the business. Some Councilors felt that the CUP request should be approved and then the Planning Commission and the Transportation Safety Board could address safe crossings. City officials should be addressing safety factors, and the city should be taking the appropriate precautions. The burden of safety is on the city. There is a traffic light 250 feet down the road. The city could put in a cross walk and a blinking light; and there would be two convenience stores.

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**Motion** was made by Councilor Walton, and seconded by Councilor Stokes, to approve the request for the CUP, with conditions.

A **Substitute Motion** was made by Councilor Pelham, and seconded by Councilor Harris, to refer the issue to the Planning Commission and consult the Transportation Safety Board.

A **Motion** was made by Councilor Pelham, and seconded by Councilor Harris, to refer the issue to the Planning Commission to discuss safety with the City Engineer and the Transportation Safety Board. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	NO
Councilor Stokes	-	NO
Vice Mayor Walton	-	NO
Councilor Pelham	-	yes
Councilor Shornak	-	NO

The motion failed 4/3.

Upon the roll call on the original motion to approve the request for the CUP, in accordance with Article XII, Limited Industrial District (M-1), Section A-26, Convenience Stores, to operate a convenience store in the M-1 Zoning District, the vote resulted:

Mayor Luman- Bailey	-	NO
Councilor Harris	-	NO
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	NO
Councilor Shornak	-	yes

The motion was passed 4/3.

**PUBLIC HEARING – REQUEST TO AMEND THE CHARTER OF THE CITY OF HOPEWELL, CHAPTER VII, CITY ATTORNEY**

This was the night advertised as a Public Hearing to receive citizen comments regarding a request to amend the Charter of the City of Hopewell, Chapter VII, City Attorney, and to further define the office of the City Attorney. Under the City’s current Charter, the office of the City Attorney was created and its appointment, term, qualifications and compensation established. The Charter needed to be amended to further define the office of the City Attorney.

Mayor Luman-Bailey opened the Public Hearing.

**David Silvestro**, 126 South 12<sup>th</sup> Avenue, Hopewell, after speaking with the City Attorney see’s why the wording had to be changed but that we needed to check into the wording better. He did not understand why the City Attorney proposed amending the City Charter for himself to be the Chief Administrative Officer. Regarding the City Attorney “to serve as the chief legal advisor to other departments, board, commissions and agencies” Mr. Silvestro asked which departments, boards and agencies. The HRHA already has an attorney; and specifically for which would the City Attorney serve as legal counsel. Mr. Silvestro further questioned the City Attorney’s request to “appoint” and “remove” assistants and other employees at the “sole direction and authority of the City Attorney.” There was a

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question about whether or not these individuals would fall under the city's grievance procedures. Mr. Silvestro felt that all appointments should stay with the City Council, and keep it the way it is.

**Debbie Randolph**, 400 Cedar Lane, Hopewell, raised several questions about the City Attorney's request to amend the charter of the City of Hopewell, Chapter VII, City Attorney, such as: definition of Chief Administrative Officer; putting a second title to the City Attorney – there is no definition for that. She cautioned that the Chief Administrative Officer is in the City's Charter, Chapter 14, 14-5-d. If the City Attorney would be doing that function, be sure that is what we are trying to do. She raised issue with "other employees." There could be a potential conflict. Under the City Manager's definition, the City Manager can appoint and remove all department heads except for executive officers. Another concern: accountability – when out-sourcing becomes necessary, it should be a heads up to City Council and how much that would cost.

There being no other speakers the Public Hearing was closed at 8:28 PM.

**DISCUSSION:** Mr. Lacheny explained his attempt to expand the definition of City Attorney in the City's Charter. Under the current Charter, the City Attorney works for Council. The proposal, "*The city attorney shall be the chief legal advisor of the council and the chief administrative officer.*" To eliminate confusion, a suggestion was made to change the wording to, "*The city attorney shall be the chief legal advisor of the council and to the chief administrative officer.*" He further explained a theoretical conflict if the City Attorney is not the sole administrator over the employee; that employee should report only to the City Attorney. The city has not outsourced legal advice in the 18 months that Mr. Lacheny has been City Attorney with the exception of representation involving the case where Verizon is trying to cut in half the amount of tax they pay for their equipment throughout the State. Sands Anderson offered to represent the City of Hopewell, along with other localities, at the cost of \$2.00 per hour. An additional Council concern was who would handle grievances of one of the City Attorney's employees. Mr. Lacheny explained that this puts on paper what the practice has been and further clarifies the duties of the City Attorney. Council discussion expressed that the City Attorney should have sole discretionary rights over who works in that office. The City Attorney must have someone that can be trusted. In response to Council concern to protect the employee(s) of the City Attorney's office, and that those employees be covered under the City's Grievance Procedure, the City Manager responded that the employee is currently covered by the Grievance Procedure. Dr. Daley further explained that this employee is appointed by the City Attorney similar to the way employees are appointed by the Commonwealth Attorney, but that employees in the City Attorney's office are part of the same classification system as other City employees. He will bring something back to City Council that clarifies that City Attorney-appointed employees are covered by the City's grievance process the same as other City employees who fall under the City's classification system.

**Motion** was made by Councilor Pelham, and seconded by Vice Mayor Walton, to adopt Ordinance No. 2010-25 amending Chapter VII (City Attorney) of the Charter of the City of Hopewell, Virginia to further define the office of the City Attorney, to add "to" before the Chief Administrative Officer, and add, "subject to budgetary appropriation by City Council" at the end of paragraph three. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

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**ORDINANCE NO. 2010-25**

**AN ORDINANCE AMENDING CHAPTER VII (CITY ATTORNEY) OF  
THE CHARTER OF THE CITY OF HOPEWELL, VIRGINIA TO  
FURTHER DEFINE THE OFFICE OF THE CITY ATTORNEY**

**WHEREAS**, under its current Charter granted to it by the Virginia General Assembly, the office of the City Attorney was created and its appointment, term, qualifications and compensation established; and

**WHEREAS**, after having heard public comment and considered the matter, it appears that amending Chapter VII of the Charter to further define the office of the City Attorney is necessary.

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of Hopewell, Virginia, that the City seeks amendments to its Charter from the Virginia General Assembly as follows:

**Chapter VII - CITY ATTORNEY**

**Sec. 1. Office created; appointment; term; qualifications; compensation.**

There shall be a city attorney appointed by the council for an indefinite term, who shall be qualified to practice law in the Commonwealth of Virginia. ~~He~~The city attorney shall receive such compensation and have such qualifications as the council may provide by ordinance or resolution.

The city attorney shall be the chief legal advisor of the council and to the chief administrative officer. As designated by council, the city attorney shall also serve as the chief legal advisor to other departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. The city attorney shall also perform particular duties and functions as assigned by the council.

The city attorney shall have the power to appoint and remove assistants, or any other employees as shall be authorized by the council, and said employees shall be under the sole direction and authority of the city attorney. The city attorney shall also be authorized to engage any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law *subject to budgetary appropriation by Council.*

**BE IT FURTHER ORDAINED** that this ordinance shall be passed on one and only reading dispensing with a second reading.

**REGULAR BUSINESS – HOPEWELL 2010 SEWER BOND PURCHASE AGREEMENT AND  
RESOLUTION AUTHORIZING ISSUANCE OF THE BALANCE OF THE \$30 MILLION IN  
SEWER BONDS (\$12,155,000) PREVIOUSLY AUTHORIZED; SECOND SUPPLEMENTAL  
AGREEMENT OF TRUST AND PRELIMINARY OFFICIAL STATEMENT RELATING TO  
THE SEWER FINANCING**

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Stokes, to resolve to approve the Hopewell 2010 Sewer Bond Purchase Agreement, and adopt the Resolution on one reading. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes

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Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a *Transactional Disclosure Statement as an employee of the School System- filed in the City Clerk's Office)
Councilor Shornak	-	yes

**RESOLUTION**

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF SEWER SYSTEM REVENUE BONDS, SERIES 2010, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$8,500,000 OF THE CITY OF HOPEWELL, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

**WHEREAS**, the City Council (the "City Council") of the City of Hopewell, Virginia (the "City"), has established a master program for financing the acquisition, replacement, construction, operation, maintenance and extension of its sewer system (the "System") by the issuance of bonds payable from revenues of the System pursuant to an Agreement of Trust dated as of December 1, 2009 (the "Master Agreement of Trust") between the City and U.S. Bank, National Association, as trustee (the "Trustee");

**WHEREAS**, the City Council adopted an ordinance on November 17, 2009 (the "Ordinance"), authorizing the issuance of sewer system revenue bonds in the maximum principal amount of \$30,000,000 in one or more series to provide funds to finance improvements to the System, of which bonds \$17,845,000 have been issued and sold;

**WHEREAS**, the City has determined to finance the costs of expansion and improvements to the System, including the relocation of the primary treatment facility and construction of two pumping stations, together with related and ancillary facilities (the "Project"), by the issuance of sewer system revenue bonds in the maximum principal amount of \$8,500,000 (the "Bonds") from the \$30,000,000 of bonds authorized;

**WHEREAS**, the City administration has recommended to the City Council that the City issue and sell one or more series of sewer system revenue bonds through negotiation with Davenport & Company LLC (the "Underwriter"); and

**WHEREAS**, there have been presented to this meeting drafts of the following documents proposed in connection with the issuance and sale of the Bonds:

- (a) Second Supplemental Agreement of Trust dated as of December 1, 2010 (the "Second Supplemental Agreement") between the City and the Trustee;
- (b) Preliminary Official Statement describing the Bonds; and
- (c) Bond Purchase Agreement to be dated the sale date of the Bonds between the City and the Underwriter;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL, VIRGINIA:**

**Issuance of Bonds.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act, the City Council hereby provides for the issuance and sale of the Bonds in the maximum aggregate principal amount of \$8,500,000 to provide funds to finance the Project and to pay the costs of issuing the Bonds.

**Bond Details.** The Bonds shall be issued in one or more series, shall be designated "Sewer System Revenue Bonds, Series 2010" or such other designation as may be determined by the City Manager, shall

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be in registered form in denominations of \$5,000 and integral multiples thereof, shall be dated such date as determined by the City Manager and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds to the Underwriter are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds (a) shall have a “true” or “Canadian” interest cost not to exceed 6.00% (taking into account any original issue discount or premium), (b) shall be sold at a price not less than 98% of the original aggregate principal amount thereof (excluding any original issue discount) and (c) shall mature or be subject to mandatory sinking fund redemption in annual installments ending no later than December 31, 2042.

**Redemption Provisions.** The Bonds may be subject to redemption prior to maturity at the option of the City on or after dates, if any, and at such prices as shall be determined by the City Manager, provided that the redemption premium, if any, shall not exceed 3%.

**Second Supplemental Agreement.** The Mayor or Vice-Mayor, either of whom may act, is authorized and directed to execute the Second Supplemental Agreement and deliver it to the Trustee. The Second Supplemental Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the Mayor or Vice-Mayor, the execution thereof by the Mayor or Vice-Mayor to constitute conclusive evidence of his or her approval of any such completions, omissions, insertions and changes.

**Pledge of Security.** The Bonds shall be limited obligations of the City, payable solely from the Net Revenues (as defined in the Master Agreement of Trust) and the funds created by the Master Agreement of Trust, and nothing in the Bonds or the Master Agreement of Trust shall be deemed to create or constitute an indebtedness or pledge of the Commonwealth of Virginia or any political subdivision thereof, including the City.

**Preparation and Delivery of Bonds.** After the Bonds have been sold, the appropriate officers of the City are authorized and directed to take all proper steps to have the Bonds prepared and executed pursuant to the Master Agreement of Trust, to deliver them to the Trustee for authentication, and to cause the Bonds so executed and authenticated to be delivered to the Underwriter upon payment of the purchase price.

**Sale of Bonds and Bond Purchase Agreement.** The sale of the Bonds to the Underwriter is authorized upon the following terms. The City Manager shall (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1, (b) determine the interest rates of the Bonds, maturity schedule of the Bonds, and the price to be paid for the Bonds by the Underwriter, subject to the limitations set forth in Section 2, and (c) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 3, all as the City Manager determines to be in the best interests of the City. Following the determination of the terms of the Bonds and their sale, the City Manager is authorized to execute and deliver to the Underwriter the Bond Purchase Agreement. The Bond Purchase Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the City Manager, the execution thereof by the City Manager to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. Following the sale of the Bonds, the City Manager shall file a copy of the Bond Purchase Agreement with the records of the City Council. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

**Official Statement.** The draft of a Preliminary Official Statement describing the Bonds, copies of which have been provided to the members of the City Council, is approved as the form of the Preliminary Official Statement by which the Bonds will be offered for sale, with such completions, omissions, insertions and changes not inconsistent with this Resolution as the City Manager may consider appropriate. The City Manager is authorized and directed to execute an Official Statement in final form (the “Official Statement”) and deliver it to the Underwriter. The Official Statement shall be in

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substantially the form of the Preliminary Official Statement submitted to this meeting, with such completions, omissions, insertions and other changes as may be approved by the City Manager, the execution thereof by the City Manager to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The City shall arrange for the delivery to the Underwriter of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official

**Statement and to each person to whom the Underwriter initially sells Bonds.** Official Statement Deemed Final. The City Manager is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission (the "SEC"), except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

**Non-Arbitrage Certificate and Elections.** Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City.

**Continuing Disclosure Agreement.** The Mayor, the City Manager and such officer or officers of the City as either may designate, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. Such continuing disclosure agreement shall be substantially in the form presented to this meeting, with such completions, omissions, insertions and changes that are not inconsistent with this Resolution.

**SNAP Investment Authorization.** The Council has previously received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the Council has determined to authorize the City Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the City Manager determines that the utilization of SNAP is in the best interest of the City. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

**Qualified Tax-Exempt Obligation.** The City designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. The City represents and covenants as follows:

The City will in no event designate more than \$30,000,000 of obligations as qualified tax-exempt obligations in calendar year 2010, including the Bonds, for the purpose of such Section 265(b)(3);

The City, all its "subordinate entities," within the meaning of such Section 265(b)(3), and all entities which issue tax-exempt obligations on behalf of the City and its subordinate entities have not issued, in the aggregate, more than \$30,000,000 of tax-exempt obligations in calendar year 2010 (not including "private activity bonds," within the meaning of Section 141 of the Code, other than "qualified 501(c)(3) bonds," within the meaning of Section 145 of the Code), including the Bonds;

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Barring circumstances unforeseen as of the date of delivery of the Bonds, the City will not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of any of such other entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued by the City and such other entities in calendar year 2010, result in the City and such other entities having issued a total of more than \$30,000,000 of tax-exempt obligations in calendar year 2010 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Bonds; and The City has no reason to believe that the City and such other entities will issue tax-exempt obligations in calendar year 2010 in an aggregate amount that will exceed such \$30,000,000 limit.

**Official Intent.** The City intends that the adoption of this resolution be considered as “official intent” within the meaning of Treasury Regulations, Section 1.150-2, promulgated under the Code.

**Other Actions.** All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

**Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

**Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Council of the City of Hopewell, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the City Council of the City of Hopewell, Virginia, held on the 9<sup>th</sup> day of November, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract.

(SEAL)

\_\_\_\_\_  
Clerk of the Council, City of Hopewell

**COMMUNICATIONS FROM CITIZENS**

**Richard Cannon**, 214 North 21<sup>st</sup> Street, Hopewell, addressed the ordinance regarding oversized vehicles parked on streets. Mayor Luman-Bailey explained Council’s rules that no item listed on the agenda could be discussed under Communications from Citizens, and that this was an agenda item.

**WAIVE THE RULES**

**Motion** was made by Councilor Harris, and seconded by Councilor Bujakowski, to Waive Council’s Rules & Procedures to allow public comment under Communications from Citizens. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**COMMUNICATION FROM CITIZENS**

**Mr. Cannon** indicated that he worked and would like to be able to enjoy what he has; he felt punished. People would have to take such items (i.e., trailers, oversized vehicles and busses) out of the city. Hopewell would lose revenue. He has a 35 ft. boat that he cannot keep in Hopewell. He currently keeps it in Newport News at a cost of \$1.00 per \$100. He cannot afford to keep it in Hopewell. He wants to be able to keep it at his home.

**David Silvestro**, 126 South 12<sup>th</sup> Avenue, Hopewell, forfeited his time to speak due to no decision having been made about appointments to the HRHA.

There being no other speakers, Communications from Citizens were closed.

**UNFINISHED BUSINESS – AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE XVIII-A-17, TRAILERS, OF THE ZONING ORDINANCE, RELATED TO THE STORAGE OF TRAILERS, OVERSIZED VEHICLES, AND BUSES IN COMMERCIAL AND RESIDENTIAL DISTRICTS**

The proposed ordinance amendment will amend Article XVIII-A-17, Trailers, of the City's Zoning Ordinance to prohibit the parking and storage of trailers, semi-trailers, recreational and oversized vehicles in residential or commercial districts with certain exceptions. This amendment is intended to address the concerns that have been raised regarding the parking or storage of buses, motor coaches, boats, utility trailers, and oversized vehicles in residential areas.

The proposed amendment regulates the parking and storage of motor coaches or motor homes in a residential district for loading and unloading purposes. It also allows for recreational vehicles and utility trailers to be parked or stored on private property in a residential district in a driveway or rear yard. The biggest different in the proposed ordinance is that the parking of school buses in a residential or commercial district is prohibited, except that a duly licensed and inspected school bus may be parked or stored on school board property in any district. Staff changed the amendment based on comments at the City Council public hearing: The loading and unloading time for motor coaches in the right-of-way has been extended from 48 hours to 72 hours for persons with a handicapped parking permit; and, a provision has been added to allow for the parking of recreational vehicles or utility trailers in public rights-of-way via the issuance of a parking permit per the proposed amendment to Article VI of Chapter 22 of the City Code.

**Motion** was made by Councilor Bujakowski, and seconded by Vice Mayor Walton, to approve Ordinance No. 2010-29 on first reading.

**DISCUSSION:** The issue was raised regarding fire trucks being able to fit through the streets. The City Engineer would look at right-of-way passage. The Community Police Officers would determine violations. Any permit issued could subsequently be revoked if emergency vehicles do not have reasonable access. The Police Chief would be responsible for the permits. Each site would be inspected before issuing a permit. There will be fines for violations.

Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**UNFINISHED BUSINESS – AN ORDINANCE TO AMEND CHAPTER 22, MOTOR VEHICLES AND TRAFFIC, OF THE HOPEWELL CITY CODE**

An ordinance to amend Article VI, Stopping, Standing and Parking, of Chapter 22, Motor Vehicles and Traffic, of the Code of the City of Hopewell by adding Section 22-101.1, Limitations on parking recreational vehicles and utility trailers in streets, etc.

The proposed ordinance is a companion ordinance to the amendment to Article XVIII-A-17, Trailers, Recreational and Oversize Vehicles. That amendment restricts the parking or storage of trailers, semi-trailers, motor coaches or motor homes, recreational and oversized vehicles in residential and commercial districts. The proposed amendment to Article VI of Chapter 22, which adds Section 22-101.1, will provide the ability for citizens to apply for a parking permit that would allow for the parking of recreational vehicles and utility trailers on the street. The parking permit would be issued by the Chief of Police, or his designee, in consultation with the City Engineer. The permit would be renewed annually and would authorize the parking of a recreational vehicle, utility trailer, watercraft or trailers designed for the transport of watercraft in the public right-of-way based on standards and guidelines established by the Department of Public Works. The permit will cost \$30.00.

**Motion** was made by Councilor Pelham, and seconded by Councilor Stokes, to approve Ordinance No. 2010-27 on first reading, amending Article VI, Stopping, Standing and Parking, Motor Vehicles and Traffic, of the Code of the City of Hopewell by adding Section 22-101.1, limitations on parking recreational vehicles and utility trailers in streets, etc. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**UNFINISHED BUSINESS – MARK HALEY, HRWTF DIRECTOR – UPDATE ON TMDLs (TOTAL MAXIMUM DAILY LOAD)**

Mark Haley, HRWTF Director submitted to the Environmental Protection Agency the EPA Water Docket ID No. EPA-R03-OW-2010-0736, Draft Total Maximum Daily Load (“TMDL”) for the Chesapeake Bay (copy filed in the City Clerk’s office).

**UNFINISHED BUSINESS – TERRI BATTON, CITY TREASURER – RECOMMENDATION TO APPROVE BUDGET RESOLUTION FOR PERSONAL PROPERTY TAX RELIEF PERCENTAGE (PPTRA) OF 55% FOR QUALIFYING VEHICLES FOR TAX YEAR 2010**

Per Ordinance No. 2005-21, Section 2.(b), City Council must set the percentage of tax relief yearly as part of its annual budget. It is recommended that City Council set the 2010 tax relief percentage at 55% for qualifying vehicles.

Personal property tax relief is provided for certain personal-use vehicles, and qualifying vehicles receive tax relief on the first \$20,000 in value. The State pays a pre-determined lump sum annually to each locality, and Hopewell’s lump sum amount is \$1,618,029.64. The percentage of tax relief is calculated annually and changes from year to year as the taxable base for qualifying vehicles changes. The taxable base is based on information downloaded monthly by the Commissioner’s Office from the Division of Motor Vehicles. The Commissioner’s personal property tax book is generally due by

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September 1<sup>st</sup> of each year; however, the Commission has requested and was granted an extension to November 15, 2010 for the 2010 tax year.

The tax rate for personal property has been approved by Council in June 2010 and remains at \$3.50 per \$100 of taxable value. The tax relief percentage does not change the amount of the personal property tax levy for 2010; however, it establishes the portion estimated to be applied as tax relief from the lump sum of \$1,618,029.64 paid annually by the State.

**Motion** was made by Councilor Pelham, and seconded by Councilor Bujakowski, to adopt a resolution setting the PPTRA Percentage at 55%. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**RESOLUTION**

**A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2010, IN THE CITY OF HOPEWELL, VIRGINIA IN ACCORDANCE WITH THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 AND THE 2005 APPROPRIATIONS ACT**

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Virginia Code Section 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provision of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

**WHEREAS**, these legislative enactments require the City of Hopewell, Virginia to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

**WHEREAS**, these legislative enactments provide for the appropriation to the City of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hopewell, Virginia, that qualifying vehicles situated within the City during the tax year 2010, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at more than \$1,000 and up to \$20,000 will be eligible for 55% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 55% tax relief on the first \$20,000 of value; and

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- All other vehicles which do not meet the definition of “qualifying” (e.g., business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

**CITIZEN/COUNCILOR REQUEST – DELEGATE RILEY INGRAM – MACHINERY & TOOLS TAX**

Delegate Ingram presented a report on what transpired during the 2010 General Assembly in regard to the machinery and tools tax legislation that was introduced by Delegate Harry Purkey, who was the Chief Patron and Co-Patroned by Delegate Clifford Athey, Delegate Ben Cline, Delegate Mark Cole, Delegate Scott Lingamfelter, Delegate Albert Pollard and Delegate Ron Villanueva and Senator Frank Wagner.

Delegate Ingram introduced Chuck Bogatie, retired, Jeff Smith III, Jeff Smith IV, who are both with Government Affairs for the Hopewell Manufacturers Association, and Brett Vassey, CEO and President of the HMA. Delegate Ingram explained that he never voted to eliminate the BPOL Tax. Hopewell must look at what adjoining localities are doing. Many businesses would leave Hopewell so as not to pay BPOT taxes. He would never do that. Smurfit/Stone Container was in bankruptcy, but they still pay taxes to Hopewell. On February 15 2010 HB 613-A bill to amend and reenact §§ 58.1-1101 and 58.1-3507 of the Code of Virginia, relating to the classification of new machinery and tools investments in manufacturing, [ radio or ] television broadcasting, mining, and processing and reprocessing as intangible personal property, was defeated 48 yes to 51 no. After that, it was voted to reconsider the bill. He voted to reconsider. The second time he voted for it. These votes were taken within 30 minutes. They had the assurance of the HMA that if they could get it out of the house, it would have had a sunset clause. The manufacturers would still pay on used equipment. When he was Mayor, the HMA paid 40+% of all taxes in the City of Hopewell; now it is at approximately 28-30%. This vote would not have cost the city anything.

Mr. Brett Vassey, 830 East Main Street, Richmond, discussed HB-613. Statewide, it would have incentivized approximately \$1 billion. It now ranks 50<sup>th</sup> in the United States. Many states have eliminated the Machinery and Tools Tax. The city must find a replacement tax source. Many issues must be corrected, for example, taxing the same piece of equipment for 60 consecutive years.

**DISCUSSION:** New equipment cannot be taxed for few years; but, it would replace equipment that is being taxed. The city would lose that tax money on the old equipment. The city must look at expansions, not only new equipment. The cogeneration plant on Route 10 is using equipment from overseas from 1938-1940. They are still using it. Mr. Ingram originally said that he would not vote for this bill. But he was assured that it was part of the stimulus package. Localities recognize the importance of the M & T tax. Localities can use that as a tool to attract businesses. If this ever happens again, Mr. Ingram will contact Council. He has been in the General Assembly for almost 19 years. There have been 50,000-60,000 bills during his tenure. He has probably voted in those 19 sessions on 30,000+ bills. He will not satisfy everyone 100% of the time.

**CITIZEN/COUNCILOR REQUEST – CHERYL COLLINS – CITY POINT HISTORIC DISTRICT**

Cheryl Collins addressed City Council regarding the City Point Historic District. She addressed the same issues that occurred in 1977. There is some home ownership and some rentals. She wants to present a solution. There is an issue with attendance at Board of Architectural Review meetings over the past year. This past summer, the district looked the worst it has in the five years she has lived there. This is a good time to ask people to decorate their homes. There was a recent 5K sponsored by the John Randolph Medical Center. On Saturday she will begin to work the district to ask that residents decorate their homes for the holidays. Ms. Collins described a contest awarding 1st Place - \$100.00 for Best Decorated; 2<sup>nd</sup> Place – Best Historically Decorated; 3<sup>rd</sup> Place – Best Window Decorations; and 4<sup>th</sup> Place – Best Lawn Decorations. Mayor Luman-Bailey was asked to be a judge for the contest. Ms. Collins wants to start small. She felt that the BAR is doing a good job. Code Enforcement will notify when you have not done something with your home. The Clean City Commission addresses good looking homes. By spring of next year she hopes that City Point will look better.

**CITIZEN/COUNCILOR REQUEST – COUNCILOR BUJAKOWSKI – PROPOSAL TO ADOPT A CITY AND HOPEWELL SCHOOLS EMPLOYEE BONUS PROGRAM**

Councilor Bujakowski presented a proposal to adopt a City and Hopewell Schools Employee Bonus Program. All permanent full-time and part-time personnel with more than one year of employment will be eligible for a three percent (3%) bonus based on employee salaries excluding supplemental and over-time pay. There will be a cap on the bonus payments of \$1,800 per employee. These funds will be disbursed on December 16, 2010. Employees with less than one year of service will become eligible to receive a bonus payment upon successful completion of their first full year of employment. City Council and members of city boards and commissions are exempt from the program. City Schools will use Federal stimulus funds for the bonus paid to school employees. The city will provide funding for the bonus for school employees who are not eligible for the Federal stimulus funding. City Schools agree to follow these guidelines.

**Motion** was made by Councilor Pelham, seconded by Councilor Bujakowski, to approve the proposal for a City and Hopewell Schools Employee Bonus Program, with guidelines, for a 3% bonus to all city employees with a maximum of \$1,800.00 for full-time and part-time personnel, and to adopt an ordinance on one and only reading at the City Council meeting on December 14, 2010.

**DISCUSSION:** The cost to the city will be \$458,000.00. The city will also give \$56,000.00 to the school system because employees at the central office of the School System are not eligible to receive stimulus funds. This program is a one-time bonus. Vice Mayor Walton thanked all city and school employees for their hard work and approximately 30 months with no raises. Ray Watson, Assistant Superintendent for Administration, indicated that the disbursement date for the school system will be December 17. It will be a separate check and taxed as regular income.

Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes (filed a *Transactional Disclosure Statement-his wife is an employee of the school system-filed in the City Clerk's Office)
Councilor Stokes	-	ABSTAINED (he is an employee of the Sheriff's Dept. City of Hopewell)
Vice Mayor Walton	-	yes

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Councilor Pelham	-	yes (filed a *Transactional Disclosure Statement as an employee of the School System- filed in the City Clerk's Office)
Councilor Shornak	-	yes (filed a *Transactional Disclosure Statement-her daughter is a City employee-filed in the City Clerk's Office)

**Hopewell City and Schools  
Employee Bonus Program  
December 2010**

1. All permanent full-time and part-time personnel with more than one year of employment will be eligible for a three percent (3%) bonus based on employee salaries excluding supplemental and over-time pay.
2. There will be a cap on the bonus payments of \$1,800 per employee.
3. Those funds will be disbursed on December 16, 2010.
4. Employees with less than one year of service will become eligible to receive a bonus payment upon successful completion of their first full year of employment.
5. City Council and members of city boards and commissions are exempt from the program.
6. City Schools will use Federal stimulus funds for the bonus paid to school employees. The city will provide funding for the bonus for school employees who are not eligible for the Federal stimulus funding.
7. City Schools agree to follow these guidelines.

**REGULAR BUSINESS – HOPEWELL SCHOOL DIVISION – PERFORMANCE CONTRACTING – ALLOWS THE DIVISION TO USE THE COST AVOIDANCE THAT WILL RESULT FROM NEW, MORE EFFICIENT LIGHTING AND HVAC EQUIPMENT – ENERGY SERVICE COMPANY (ESCO) – GUIDED**

Performance Contracting would allow the school division to use the cost avoidance that will result from new, more efficient lighting and HVAC equipment. It will enable the division to upgrade selected equipment through reduced energy usage, enough to pay for itself over a period of years. If the replacement equipment selected by the partner Energy Service Company (ESCO), fails to generate the guaranteed savings in any given year, the ESCO must write a check to make up the balance of the guarantee for that year. The process is guided by the Virginia Department of Mines, Minerals and Energy (DMME). Its personnel have been assisting Hopewell schools during exploration of possibilities of using Performance Contracting. The division has completed a feasibility study, invited ESCO's on the State approved list to submit "Back of the Envelope" proposals to the division, reviewed those proposals, and selected two potential ESCOs to be interviewed. City Schools request permission from City Council before entering into any long-term contract with ESCO. Funding for the repayment of selected projects will come from cost avoidance for utility expenses, the actual expenditures are considered debt service, and thus require Council approval.

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Shornak, to approve the concept of a contract for Council review, regarding the Hopewell Public Schools – Performance Contracting. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

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Councilor Pelham	-	yes (filed a *Transactional Disclosure Statement as an employee of the School System-filed in the City Clerk's Office)
Councilor Shornak	-	yes

**REGULAR BUSINESS – HOPEWELL SCHOOL BOARD TWO RESOLUTIONS (QSCB)**

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Bujakowski, to approve and authorize the Hopewell School Board to apply for \$7,700,000 in Qualified School Construction Bonds (QSCB) for the Hopewell High School renovation Project, and to approve and authorize the Hopewell School Board to apply for \$1,250,000 in Qualified School Construction Bonds (QSCB) for the replacement of the Harry E. James Elementary School roof and fire suppression systems. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a *Transactional Disclosure Statement-she is an employee of the School System-filed in the City Clerk's Office)
Councilor Shornak	-	yes

**RESOLUTION SUPPORTING THE APPLICATION OF THE QUALIFIED SCHOOL CONSTRUCTION BOND FUNDING FOR HOPEWELL HIGH SCHOOL IN THE AMOUNT OF \$7,700,000.00**

WHEREAS, the Commonwealth of Virginia has received federal stimulus funding for the Qualified School Construction Bond Program; and

WHEREAS, the City of Hopewell School Board is currently renovating Hopewell High School.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Superintendent of Schools, that a *Qualified School Construction bond Application* (QSCB) in the amount of **\$7,700,000.00** to support the Hopewell High School Renovation Project, be and is hereby approved.

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**RESOLUTION SUPPORTING THE APPLICATION OF THE QUALIFIED SCHOOL CONSTRUCTION BOND FUNDING FOR HARRY E. JAMES ELEMENTARY SCHOOL IN THE AMOUNT OF \$1,250,000.00**

WHEREAS, the Commonwealth of Virginia has received federal stimulus funding for the Qualified School Construction Bond Program; and

WHEREAS, the City of Hopewell School Board seeks to renovate Harry E. James Elementary School.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Superintendent of Schools, that a *Qualified School Construction Bond Application* (QSCB) in the amount of **\$1,250,000.00** to support the Harry E. James Elementary School Renovation Project, be and is hereby approved.

**REGULAR BUSINESS – NOVEMBER 16, 2010 – WORK SESSION**

The proposed agenda for the City Council Work Session on November 16, 2010, contains: City Attorney – Robert’s Rules of Order; Mayor Luman-Bailey – Downtown Update; Closed Session to discuss Appointments to Boards and Commissions; Appointments to Boards and Commissions; and Closed Session to discuss Legal Matters (Beacon Theatre).

**REGULAR BUSINESS – ORDINANCE TO AMEND THE REAL ESTATE TAX ABATEMENT FOR REHABILITATED, RENOVATED, OR REPLACEMENT STRUCTURES**

An ordinance to amend and re-enact Article XI of Chapter 34 of the Code of the City of Hopewell to expand the “Revitalization Zone” area to include the Oaklawn-Woodlawn corridor. The expansion of the zone and the inclusion of the corridor in real estate abatement program will assist with commercial and retail investment along the corridor.

Article X, Section 6, Paragraph (h) of the Constitution of Virginia and Section 58.1-3220 of the Code of Virginia provide the City the authority, to, “by ordinance, provide for the partial exemption from taxation of real estate on which any structure or other improvement no less than fifteen years of age has undergone substantial rehabilitation, renovation or replacement for residential use, subject to such conditions as the ordinance may prescribe.” City Council enacted the Real Estate Tax Abatement Program in February 2010. The ordinance under consideration would expand the area included in the “Revitalization Area” of the City’s Tax Abatement program. The program provides a partial exemption of real estate taxes for a period of ten (10) years for the rehabilitation, renovation, or replacement of certain structures located in the Revitalization Zone Area.

**Motion** was made by Councilor Shornak, and seconded by Councilor Pelham, to approve Ordinance No. 2010-28 on first reading, amending and re-enacting Article XI of Chapter 34 of the Code of the City of Hopewell to expand the “Revitalization Zone” area to include the Oaklawn-Woodlawn corridor. Upon the roll call, the vote resulted:

Mayor Luman- Bailey	-	yes
Councilor Harris	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

**REGULAR BUSINESS – APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Motion** was made by Councilor Bujakowski, seconded by Councilor Pelham, and passed unanimously (Councilor Harris was out of the room), to reappoint **Hank Wilde** to the **Board of Zoning Appeals** for a term extending through October 31, 2015; to appoint **Walter Brooks** to the **Central Virginia Film Office Board**; to appoint to the **Clean City Commission: Toni Cortese, Louis Corletto, and Tad Henry** for terms extending through October 31, 2014; to reappoint to the **Disability Services Board, Isabel Vartanian** for a term extending through October 31, 2013; to reappoint to the **Dock Commission, Frank Whipp**, for a term extending through October 31, 2014; to reappoint **Brad Kaufman** and to appoint **Andy Clark** to the **Industrial Development Authority** for terms extending through October 31, 2014; to appoint **Olivia “Libbie” Dragoo** and **Fran Halupka** to the **Library Board** for terms extending through October 31, 2014; to reappoint to the **Neighborhood Watch Advisory Council: Helen Wyche, Ward #2; Michael Brown, Ward #4; Dale Daley and Loyd Taylor, Ward #7** for terms extending through October 31, 2012; to reappoint **Hank Wilde** to the **Planning Commission** for a term extending through October 31, 2014; to reappoint **Bobby Pershing** and to appoint **Janelle Taylor** to

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the **Recreation Commission** for terms extending through October 31, 2014; to reappoint **Humberto Caldelas, Honeywell-Hopewell** and **Doug Woodhouse, VAWCO**, to the **HRWTF Commission** for terms extending through October 31, 2012; to reappoint **Brenda Bland, Myrtle Casey, Herndon Smith, Tommy Wells**, and to appoint **Jacqueline Shepperson**, to the **Senior Citizens Advisory Board** for terms extending through October 31, 2012; to appoint **Mary Frances Pito** and **Patrick Plourde** to the **Social Services Advisory Board** for terms extending through October 31, 2014; to reappoint **James Wisniewski** to the **Transportation Safety Board** for a term extending through October 31, 2014; and, to reappoint **George Elder** to **Virginia's Gateway Region** for a term extending through December 31, 2011.

The following remaining vacancies were announced: Board of Building Code and Fire Prevention Code Appeals, two terms to 10/31/15; HRHA, two terms to 10/31/14; Neighborhood Watch Advisory Council, Wards #1, 5, and 6, terms to 10/31/12. Appointments will be considered at the December 14, 2010 Council meeting.

**REPORTS OF COUNCIL COMMITTEES**

Mayor Christina J. Luman-Bailey and Vice Mayor Wayne Walton, on behalf of themselves and Councilor Pelham, Councilor Shornak and Councilor Harris, gave a PowerPoint Presentation - Joint Report from the Virginia Municipal League Conference, October 3-5, 2010 in Hampton, Virginia (copy filed in the City Clerk's Office).

**REPORTS OF CITY COUNCIL MEMBERS**

Councilor Pelham announced a Ward #6 meeting on November 18, 2010, at 6:30 PM at the Elks Lodge, Arlington Road, Hopewell. A Gospel Concert will be on November 21 at 3:00 PM and 5:30 PM at Carter G. Woodson Middle School at a cost of \$15 per person. Councilor Pelham complimented the VFW on Winston Churchill Drive for the recent Halloween Party for the City's youth. She thanked the 34% of voters who voted on November 2, and encouraged others to vote.

Mayor Luman-Bailey announced that the 5K Town Hall meeting on Monday night went very well. Also, Veteran's Day will be observed at the City Point National Cemetery at 11:30 AM on November 11.

**ADJOURN**

At 10:27 PM **motion** was made and unanimously passed to adjourn the meeting.

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Christina J. Luman-Bailey  
Mayor

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Ann M. Romano, City Clerk