

January 25, 2011

MINUTES OF THE CITY COUNCIL WORK SESSION HELD JANUARY 25, 2011

A Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, January 25, 2011 at 6:30 PM, in Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Christina J. Luman-Bailey, Mayor
 K. Wayne Walton, Vice Mayor
 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 Romano, City Clerk

ABSENT: Curtis W. Harris, Councilor

Mayor Luman-Bailey opened the Work Session at 6:30 p.m. Roll call was taken as follows:

| | | |
|----------------------|---|------------------|
| Mayor Luman-Bailey | - | present |
| Vice Mayor Walton | - | present |
| Councilor Harris | - | ABSENT (illness) |
| Councilor Bujakowski | - | present |
| Councilor Stokes | - | present |
| Councilor Pelham | - | present |
| Councilor Shornak | - | present |

CLOSED SESSION

Motion was made by Councilor Pelham, and seconded by Councilor Bujakowski to convene into Closed Session to discuss consideration of expansion of an existing industry, in accordance with Virginia Code Sec. 2.2-3711 (A)(5). Upon the roll call, the vote resulted:

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

OPEN SESSION

Council convened into Open Session at 7:07 PM. 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 Bujakowski | - | yes |
| Councilor Stokes | - | yes |
| Vice Mayor Walton | - | yes |
| Councilor Pelham | - | yes |
| Councilor Shornak | - | yes |
| Mayor Luman-Bailey | - | yes |

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REGULAR BUSINESS - INFORMATION SERVICES DEPARTMENT – TRAINING ON I-PAD FOR PAPERLESS AGENDA PACKETS

Tony Bailey with the City's Information Services Department, and Elesteen Hager, Finance Director, provided hands-on training for City Council and staff on the use of I-Pads. Mr. Bailey agreed to forward supporting documentation to the City Clerk for City Council and staff.

REGULAR BUSINESS – TAX ABATEMENT – MARCH ALTMAN, DIRECTOR OF DEVELOPMENT

Mr. Altman presented the Tax Abatement program. He encouraged Council members to forward any concerns to him first thing on Wednesday morning. This item will be included on the agenda for March 8, 2011.

REGULAR BUSINESS – RAY WATSON, HOPEWELL SCHOOL BOARD – MOU – TECHNICAL ENERGY AND WATER SAVINGS AUDIT

Mr. Watson introduced the Memorandum of Understanding which was discussed under Performance Contracting at a joint meeting of Hopewell City Council and the School Board. Both agreed not to sign any contracts until they came before City Council. The Memorandum of Understanding is a contract, committing to \$58,949.00. That does not mean that the School Board is asking the City to pay that amount. It will be a part of the money that the vendor must save. This MOU starts the technical audit. Then they will come back and say actually what they can replace and the savings of that. Plumbing, HVAC, lighting and bulbs and a boiler or two will reduce the school system's carbon footprint. This authorizes the vendor to find anything and everything that will save the school system energy. This item will be included on the agenda for the City Council meeting on February 8, 2011.

REGULAR BUSINESS – DISCUSSION – USE OF CITY LETTERHEAD

Mayor Luman-Bailey opened discussion regarding the City Council/City Clerk letterhead. Some feel that Council letterhead should be separate from the City Clerk's.

DISCUSSION:

Councilor Stokes reported receiving a letter from an attorney, regarding a copy of a letter sent to Rick Newman, Commonwealth's Attorney, from Vice Mayor Walton. Mr. Walton's letter was in response to comments by Joseph Waymack, Office Manager for the Commonwealth's Attorney, made on the social network Facebook. Councilor Stokes felt that the issue should have been taken care of as a personal matter, not as a City matter. He accused the Vice Mayor of misconduct and possible malfeasance, and he may inquire further. Councilor Stokes feels that the Vice Mayor should be admonished for doing this. It should have been handled personally.

Vice Mayor Walton expressed dismay at such comments from someone he has known for a lifetime. He felt that he was attacked by Mr. Waymack's comments, as a City Council member. He responded from his position as Vice Mayor because he was attacked in his position. He wrote that letter in good faith emphasizing that all city entities need to get along better. Before printing the correspondence on letterhead, Vice Mayor Walton asked the City Manager and the City Attorney if it was appropriate to do so; both responded that it was. This was the first time Vice Mayor Walton has ever used City letterhead. This attack could have happened to any member of Council. The Facebook comments were a demeaning, negative, public discourse. We should move beyond that. He cannot and will not be muzzled, and no elected official should be. He believes he has the right to send such a letter. Upon query by the Vice Mayor, the City Attorney's opinion is that Facebook postings are public.

Councilor Stokes served as City Treasurer for 42 years. Many things were said about him. He never wrote on City letterhead rebutting anyone. Councilor Stokes felt that people have the right to

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criticize elected officials; they do it all the time. Councilor Stokes referred to Council Rules and Procedures and the possible misconduct of a Council person.

Mayor Luman-Bailey indicated that this discussion goes back two months ago about another issue. A committee should be created to work with the City Attorney on what is appropriate use by Councilors of City letterhead; which uses are appropriate and which are not.

Mr. Lachenev indicated that the answer is two-fold. (1) The paper that the City prints called "City letterhead;" and, (2) What Councilors, the Mayor or Vice Mayor can or cannot print on City letterhead. There was a suggestion to pass an ordinance, resolution or rule to not allow the Vice Mayor to use City paper. In his first two years as City Attorney Mr. Lachenev has seen many things go out by Council members on letterhead on all kinds of things. It has been a long standing practice. Council members use letterhead for certain private correspondence. Mr. Lachenev further indicated that any Council member could pay for his/her own letterhead and use it any time they want.

Dr. Daley indicated that many items are going out on City letterhead on behalf of the City. Some very clearly for City business and some are not. City Council must define this for the future. Employees can be considered City resources also and should not be asked to work on projects that are not within their job description. The City Manager felt it appropriate for the Vice Mayor to use City letterhead to address the Facebook posting. The City Manager shared that the use of staff should be a consideration also.

Councilor Stokes referred to Council Rules and Procedures and the possible misconduct of a Council person.

Councilor Pelham commented that the letterhead reinforces the position of any Council member. The Vice Mayor's character was attacked; he was right to respond on City letterhead. She also felt it appropriate to remove the City Clerk's title from future City Council letterhead; it should be designated for City Council only.

Mayor Luman-Bailey felt that we may need to extend this. Different Council members have different ideas of what is City business and what is not.

Vice Mayor Walton chose to use the letterhead. The Hopewell Police Department contacted him and asked if he wanted to pursue the negative Facebook posting. If Councilor Stokes wants to call in the State Police to investigate this then he should do that. Council members should not sit here and beat each other up; they should behave better than this. This discourse is not showing much civility.

Mayor Luman-Bailey commented that maybe Council should plan to discuss this further in a Closed Session.

The Mayor proposed appointment of a Committee to address the Use of City Resources (including letterhead, etc.) Mayor Luman-Bailey proposed Councilor Bujakowski, and Councilor Pelham for consideration for appointment to work with the City Attorney on the committee.

Councilor Shornak reported that the past few weeks have been hard for everyone. Council needs to focus and get our minds away from such oppositions. She was hopeful that things would change after the last Council election when she was elected to City Council. She felt that Council should let the people in the City who should run the City to run the City. Council should focus on economic development and the future of Hopewell. Council should do what they are elected to do. This subject was very upsetting to her. Council must come together and stop bickering back and forth; they must come together.

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REGULAR BUSINESS – ENERGY/ENVIRONMENTAL PROJECTS

Dr. Daley reported that there is a company in town who would like to do a project in the city, related to energy and the environment. They have asked the city to give them some ideas. Council was asked to think about some ideas of what they might do. One suggestion was energy conservation at the library; part of the Riverwalk; Recreation Center; and, a curb-side recycling program. Councilor Pelham suggested they also consider working with the schools regarding conservation (i.e., paper). The company will make the final decision and make the announcement.

REGULAR BUSINESS – POLICE CHIEF SEARCH – DR. ED DALEY, CITY MANAGER

Dr. Daley reported that Police Chief Martin was scheduled to make a presentation but was unable to attend due to illness. He will make the presentation at the next meeting on February 8, 2011.

Dr. Daley addressed Council regarding the Police Chief Search. Some items have been discussed since October. The Evidence Room is progressing. The last three years the IACP has been considered state-of-the-art. Everything is fully correct. Prior to three years ago, some of the materials were gone. Chief Martin has a list of how many items remain. Regarding warrants, there has been cooperation and help from the Sheriff's Department. There is now a process and it has been expedited. There is one case of employee litigation outstanding. That is the only one. There are no internal grievances at this time. Consideration will be given on how to create and facilitate the disciplinary process. The Chief has provided a copy of the organizational chart; a list of all vehicles by category (marked or not); whether or not there are tags on each vehicle; stay at the station or unassigned; list includes four vehicles used by volunteers. The "other" category includes the Mobile Command Center; Animal Control Vehicle; and Victim Witness vehicle. Regarding training, all police officers are currently certified. There are nineteen officers doing training this year to maintain certification. Chief Martin will bring statistics on how people are being utilized. There will be a special section on neighborhood focus. The City Manager very much with what he has done with Neighborhood Focus. Need to maintain consistency.

The City has entered into an Agreement with Springsted. They did the last search. They are already familiar with the community. The cost is \$15,000 plus \$5,000 in expenses for a total cost of \$20,000. This was put out this past week and we have started receiving resumes as of January 24. Applications will be sent to the City Manager every week. The second week in February will pick candidates for interviews. Then we will decide how to do that. Whether or not to use an interview panel. Have not decided yet how they will do it. The Chief is discussing how long he will be able to stay. The City Manager needs to move quickly. No date has been established.

Advertising for Deputy Chief Position. Will take those review and see where to go with those. Not paying Springsted to do this. They might help with background checks faster.

Councilor Bujakowski asked if this is an exclusive agreement with Springsted. The City Manager responded that (1) Hopewell is not obligated to look at only their candidates. (2) Any candidate that comes to the City will be sent to Springsted for background checks. Councilor Bujakowski aside if someone comes to apply with the city, will they be sent to Springsted. He further inquired why the City's Human Resources Department could not do this as fast as we would like. Why couldn't the HR Director handle applicants and check backgrounds, etc. The Sheriff or Commonwealth's Attorney could do background checks also. Because of all the volatility Dr. Daley does not want anyone to come to us directly. Councilor Bujakowski asked if the City Manager was saying that he did not trust Human Resources or Council. Councilor Stokes asked if the Deputy Chief would be appointed before the Chief. The City Manager was unsure. It would be best for the Chief to pick the Deputy Chief. It is possible to hire the Deputy before the Chief, but not a requirement. He will keep Council up to date on all applicants. By the end of February he should be able to give City Council a better picture. Councilor Bujakowski asked for an update on Osage, to which the Mayor responded that they should be up and running by the end of March.

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ADJOURN

Motion was made by Vice Mayor Walton, seconded by Councilor Bujakowski, and unanimously passed to adjourn the meeting at 9:30 PM.

Christina J. Luman-Bailey, Mayor

Ann M. Romano, City Clerk