

March 5, 2013
Special Meeting and Work Session

MINUTES OF THE CITY COUNCIL MEETING HELD ON MARCH 5, 2013

A Special Meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, March 5, 2013 at 6:30 p.m. in Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT:

Michael C. Bujakowski, Mayor
Jasmine E. Gore, Vice Mayor
Christina J. Luman-Bailey, Councilor
Roosevelt E. Edwards, Jr., Councilor
K. Wayne Walton Councilor
Brenda S. Pelham, Councilor
Jackie M. Shornak, Councilor

Edwin C. Daley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

Mayor Bujakowski opened the Special Meeting at 6:30 p.m. Roll call was taken as follows:

Mayor Bujakowski	-	present
Vice Mayor Gore	-	present
Councilor Luman-Bailey	-	present
Councilor Edwards	-	present
Councilor Walton	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

AMEND AGENDA

Motion made by Councilor Luman-Bailey, seconded by Councilor Walton, to amend the agenda to add to Closed Session "Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community," "[d]iscussion or consideration of the acquisition of real property for a public purpose," in accordance with Virginia Code §2.2-3711 (A)(3) and (5).

Upon roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

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CLOSED SESSION

At 6:31 p.m. a **motion** was made by Councilor Luman-Bailey, seconded by Councilor Pelham and unanimously passed to convene into Closed Session for consultation with legal counsel pertaining to potential litigation (Hopewell City Code Chapter 19, Article VIII) and “Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community,” “[d]iscussion or consideration of the acquisition of real property for a public purpose,” in accordance with Virginia Code §2.2-3711 (A)(3)(5)and (7).

SPECIAL MEETING

Council convened into open session at 7:22 p.m. 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 roll call, the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

AMEND THE AGENDA TO INCLUDE TO REGULAR BUSINESS DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE CITY OF HOPEWELL AND OSAGE BIO ENERGY AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT.

Motion made by Councilor Walton, seconded by Councilor Luman-Bailey to amend the agenda to add to Regular Business discussion and approval of settlement agreement between the City of Hopewell and Osage Bio Energy and to authorize the City Manager to execute the settlement agreement.

Upon roll call the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

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DISCUSSION AND APPROVAL OF SETTLEMENT AGREEMENT BETWEEN THE CITY OF HOPEWELL AND OSAGE BIO ENERGY AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT.

Motion made by Councilor Luman-Bailey, seconded by Vice Mayor Gore to resolve to approve settlement agreement between the City of Hopewell and Osage Bio Energy and authorize the City Manager to execute the settlement agreement.

Upon roll call the vote resulted:

Councilor Edwards	-	yes
Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Councilor Luman-Bailey	-	yes

RESOLUTION

A RESOLUTION BY THE COUNCIL OF THE CITY OF HOPEWELL AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AND APPROPRIATE DOCUMENTS PERTAINING TO A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF HOPEWELL, THE COMMISSIONER OF REVENUE FOR THE CITY OF HOPEWELL, AND THE TREASURER FOR THE CITY OF HOPEWELL AND APPOMATTOX BIO ENERGY, LLC AND OSAGE BIO ENERGY, LLC.

WHEREAS, the Council of the City of Hopewell, at its special meeting of Tuesday, March 5, 2013 authorized the signing of a Settlement Agreement and Release between the City of Hopewell, the Commissioner of the Revenue for the City of Hopewell, and the Treasurer for the City of Hopewell and Appomattox Bio Energy, LLC and Osage Bio energy, LLC; and,

WHEREAS, the Settlement Agreement and Release is made as a compromise between the Parties for the complete and final settlement of all their claims, differences, and causes of action with respect to the dispute as described in that Settlement Agreement and Release.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hopewell, that the City Manager is authorized to sign and execute all necessary and appropriate documents pertaining to the Settlement Agreement and Release between the City of Hopewell, the Commissioner of the Revenue for the City of Hopewell, and the Treasurer for the City of Hopewell and Appomattox Bio Energy, LLC and Osage Bio Energy, LLC.

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ADJOURN SPECIAL MEETING

Motion was made by Councilor Pelham, seconded by Councilor Edwards and unanimously passed by Council to adjourn the Special Meeting at 7:21 p.m.

WORK SESSION

At 7:22 p.m. Mayor Bujakowski called the Work Session to order. Roll Call was taken as follows:

Mayor Bujakowski	-	yes
Vice Mayor Gore	-	yes
Councilor Luman-Bailey	-	yes
Councilor Edwards	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes

WORK SESSION 1. HRWTF – SEWER RATES STUDY – MARK HALEY, DIRECTOR OF HOPEWELL REGIONAL WASTEWATER TREATMENT FACILITY.

A presentation from Mark Haley and Mr. Wayne Trimble, explaining the *Cost of Service Study for Foreign Wastewater and Sludge*, and *Cost of Service Study for the Sanitary Sewer System*, conducted by Trimble & Associates. The reserve fund was not affected by this study. Since 1986, Hopewell has had the lowest sewer rates in the Commonwealth of Virginia. A family of four, using 5,000 gallons of water a month, the increase would be approximately \$4.25, which is still well below 90% of the State of Virginia. Wastewater trucked in would be at a charge of \$0.05/gal at a minimum charge of \$75, an increase of 50%. The new sewer rates are scheduled to take effect July 1, 2013.

WORK SESSION 2. BEACON THEATRE – UPDATE ON THE BEACON THEATRE – HOMER ELIADES, CHAIRMAN OF THE BEACON THEATRE ADVISORY COMMITTEE, HOPEWELL; SCOTT FIRESTINE, DIRECTOR ARLS, HOPEWELL.

An update on the progress of the renovation of the Beacon Theatre was given by Homer Eliades and Scott Firestine. Completion may possibly be in late 2013 or early 2014. There is a question as to the plans for use of the Beacon Theatre after construction is complete. Possible multifaceted uses, conducting a market study for venues and Cultural Works can be addressed. Point of contact for booking and running of events at the Beacon Theatre is www.arls.org. The City Council was assured it would be completed and it would be an asset to the community.

WORK SESSION 3. REGULAR BUSINESS – WEBSITE – DEMO – DEBBIE PERSHING, SENIOR EXECUTIVE ASSISTANT TO THE HOPEWELL CITY MANAGER; HERBERT BRAGG, DIRECTOR OF INTERGOVERNMENTAL AND PUBLIC AFFAIRS, HOPEWELL; NICOLE MAILLETT, WEB CONTENT, DESIGNER AND RELATED SERVICES CONTRACTOR FOR THE CITY OF HOPEWELL, FROM MIDLOTHIAN, VIRGINIA.

The new website for Hopewell, Virginia, should be up and running by April 2013. An overview of the many new facets of ease and access were shown to the City Council.

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WORK SESSION 4. REGULAR BUSINESS – RULES AND PROCEDURES – DAVID C. FRATARCANGELO, CITY ATTORNEY, HOPEWELL

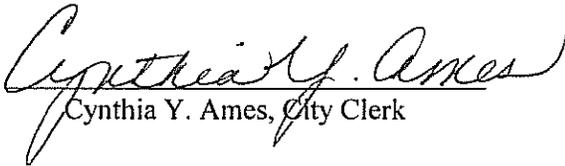
David C. Fratarcangelo presented the City Council with the list of Rules and Procedures for City Council, which he had reviewed and made suggestions for various items to be changed or corrected. Council members were asked to please review, and contact him with any questions.

ADJOURN

Motion made by Councilor Walton, seconded by Councilor Luman-Bailey and unanimously passed by Council to adjourn the meeting at 8:59 p.m.



Michael C. Bujakowski, Mayor



Cynthia Y. Ames, City Clerk