

**May 10, 2011**  
**Regular Council Meeting**

**MINUTES OF THE CITY COUNCIL MEETING HELD MAY 10, 2011**

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 10, 2011 at 6:30 p.m. 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  
                                  Debra W. Pershing, Acting City Clerk

**ABSENT:**                   Curtis W. Harris, Councilor (illness)  
                                  Ann Romano, City Clerk (medical leave)

Mayor Luman-Bailey opened the meeting at 6:31 p.m. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (illness)
Councilor Bujakowski	-	ABSENT (arrived at 6:55 p.m.)
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

**CLOSED SESSION**

**Motion** made by Vice Mayor Walton, and seconded by Councilor Shornak, to amend the Closed Session agenda to discuss Osage (potential litigation) and Praxair (real estate). The City Attorney informed Council that it cannot discuss Praxair as there is no contract.

Vice Mayor Walton **amended** his **motion** to discuss Osage (potential litigation), seconded by Councilor Pelham, and unanimously approved to convene into Closed Session to discuss Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A)(1), Marina PPEA in accordance with Virginia Code Sec. 2.2-3711 (A)(3) and, as amended, and Osage (potential litigation, in accordance with Virginia Code Sec. 2.2-3711(A)(7).

**REGULAR MEETING**

Mayor Luman-Bailey convened into Open Session at 7:45 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 the Roll Call, the vote resulted:

Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

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Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

The Mayor welcomed the government students from Hopewell High School who will be participating in Youth in Government Day on May 16. Mr. Broner spoke and offered thanks for the upcoming week's activities where young people at HHS will be given an opportunity to see the inner workings of local government. He introduced Mary McGowan, Kari Hampton, and Chastity Gray and indicated that he is looking forward to seeing the City Council and administration next week.

Prayer was offered by Elder Michael Wyche, Crystal Cathedral Ministries, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CONSENT AGENDA**

**Motion** was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously **passed** to approve the Consent Agenda: **Minutes** – City Council Retreat & Work Session April 7, 2011; Regular Meeting April 12, 2011, and Work Session April 26, 2011; **Pending List; Information for Council Review:** Riverside Criminal Justice Board Invitation for May 24, 2011; Financial Report and Personnel Change Report; **Routine Approval of Work Sessions:** May 24, 2011; **Ordinances** on second and final reading: #2011-04 Converting Westhill Road to a One-Way Street; **Proclamations/Resolutions/Presentations:** Peace Officers Memorial Day May 15, 2011; Business Appreciation Week May 2-6, 2011; and Proclamation honoring Steve Thomas.

**PROCLAMATION**

WHEREAS, The Congress and President of the United States have designated May 15<sup>th</sup> as **Peace Officers' Memorial Day**, and the week in which May 15<sup>th</sup> falls as National Police week; and

WHEREAS, the members of the law enforcement agency of the City of Hopewell play an essential role in safeguarding the rights and freedoms of the City of Hopewell; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the City of Hopewell unceasingly provide a vital public service;

NOW, THEREFORE, I, Mayor of City of Hopewell, call upon all citizens of the City of Hopewell and upon all patriotic, civic and educational organizations to observe the week of May 15 – May 21, 2011, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I Further call up upon all citizens of the City of Hopewell to observe Sunday, May 15, 2011, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds,

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have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 10<sup>th</sup> day of May, 2011.

Christina J. Luman-Bailey, Mayor

**PROCLAMATION**

**WHEREAS**, Governor Bob McDonnell has recognized May 2–6, 2011 as **BUSINESS APPRECIATION WEEK** in the **Commonwealth of Virginia**, and called this observance to the attention of all citizens; and

**WHEREAS**, Virginia and its localities recognize the many charitable, civic, and philanthropic contributions made by businesses and support their involvement in sustaining communities; and

**WHEREAS**, the citizens of the City of Hopewell benefit from the positive outcomes that voluntary financial, in-kind and service donations by Virginia businesses bring to worthy causes; and

**WHEREAS**, businesses in the City of Hopewell play a significant role in growing the economy of the Commonwealth and in nurturing charitable and civic organizations; and

**WHEREAS**, Business Appreciation Week increases public awareness of the valuable contributions that businesses make in our community.

**NOW, THEREFORE**, I, Christina J. Luman-Bailey, Mayor, City of Hopewell, do recognize May 2 – 6, 2011 as **BUSINESS APPRECIATION WEEK** in the City of Hopewell, Virginia, and call this observance to the attention of all our citizens.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 10<sup>th</sup> day of May, 2011.

Christina J. Luman-Bailey, Mayor

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**PROCLAMATION**

**WHEREAS**, **Steve Thomas** has been a resident of the City of Hopewell since 1964; he has been working with Explorer Post 999 continuously from 1964 to present; and

**WHEREAS**, Steve Thomas first joined the Boy Scouts at age 12 in 1938; and became an Eagle Scout in 1943 just before joining the Navy during World War II; and while he was attending college at North Carolina State became assistant scout master, a position he held in Texas, New York & Virginia; and

**WHEREAS**, in 1958, he became involved in the Explorer Program (now known as Venturing) an offshoot of the Boy Scouts specializing in outdoor adventure activities and has worked with teenagers for over 50 years in outdoor activities; and

**WHEREAS**, Mr. Thomas has focused on canoeing especially in fast water; he takes his Explorer members out at least once a month; and

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**WHEREAS**, while out on the Appomattox River with his Explorer members Mr. Thomas invented a rescue technique for freeing a canoe lodged between fast moving waters and rocks that has since become internationally famous and has been named “The Steve Thomas Rope Trick”; and

**WHEREAS**, Mr. Thomas is a volunteer in community activities including archaeology, Habitat for Humanity, member of Friends of the Lower Appomattox River (FOLAR), the United Methodist Church Disaster Response Team and damage assessment for the Red Cross; he also involves his Explorer members; and on March 24, 2011 he was recognized at the Heart of Virginia Scout Council meeting for his 70 years of service.

**NOW, THEREFORE**, I, Christina J. Luman-Bailey, Mayor of the City of Hopewell, Virginia, on behalf of the City Council, hereby recognize Mr. Steve Thomas for his dedication & leadership in service to the Explorer Post 999 in Hopewell.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Hopewell in the Commonwealth of Virginia this 10<sup>th</sup> day of May, 2011.

Christina J. Luman-Bailey, Mayor

**PUBLIC HEARING – SCHOOL BOARD NOMINEES OR APPLICANTS TO FILL TWO TERMS EXTENDING JULY 1, 2011 TO JUNE 30, 2014**

This was the night advertised for the Public Hearing to receive public comments regarding nominees or applicants to the School Board to fill two terms extending July 1, 2011 through June 30, 2014. Section 22.1-29 of the State Code states that “*No nominee or applicant whose name has not been considered at the public hearing shall be appointed as a school board member.*” Terms of office for School Board members are three years with terms commencing on July 1. Talent Bank resumes were received in the Office of the City Clerk.

The School Board terms of office for Mr. Ronald Caricofe and Mrs. Juanita Chambers will expire on June 30, 2011. The incumbents do not wish to be reappointed. The following have expressed an interest in being considered for appointment: Charles P. Cartin, Cheryl L. Collins, N. Greg Cuffey, Roosevelt Edwards, Larry Joyner, Deborah Marks, Joseph Mavin, David Silvestro, Gladys Washington, and Anthony Zevgolis. Mayor Luman-Bailey announced that applicants would be notified about interviews. Appointments will be made at the June 14, 2011 City Council meeting.

The public hearing was opened at 7:55 p.m.

**Mr. Greg Cuffey**, candidate for Hopewell School Board, spoke on his qualifications. He currently teaches at Petersburg High School and is the golf coach. He has many areas of concern and vested interested in Hopewell public schools. His children are honor students at Harry E. James Elementary. One of his concerns is the graduation rate. Others include: credit recovery; city-wide afterschool program – reinforcement with instruction and activities to keep students out of trouble; and establishing an instructional data systems committee. Teachers need tools to help them be effective.

There being no other speakers, the public hearing was closed at 7:59 p.m.

**PUBLIC HEARING – PROPOSED FY 2011/2012 CITY BUDGET**

This was the night advertised as a Public Hearing to receive citizen comments on the proposed FY 2011/2012 City Budget. The City Manager provided highlights. The document has two years 2012 and 2013. At Council’s request, a second year was added to look at. The public hearing is just on

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2011/2012 which will be voted on. The 2013 budget is for advisement. If after June, Council decides it approves of the second year, then City administration will consider a charter amendment to the Legislature. Hopewell would be only the second city in Virginia to do this. There are no tax rate changes; there are three cents for Hopewell High School Phase II next year in June 2012. The General Fund – regular operations reflect percentage reduction in spending. Staff has separated out the I-295 project to see revenues. The proposed budget continues aid to the Commonwealth, with another \$220,000 to state. Less than two cents are needed on real estate to balance budget. The proposed budget provides level funding for the Hopewell school system. There are no salary changes proposed in 2011/2012. For 2013, in the estimate, administration anticipates receiving funds from OSAGE for M&T. On that basis, there will be employee salary increases at that time. There is no increase in health insurance for employees; the City pays 5%. The City will pay Line of Duty Act premiums, which adds about \$30,000 to the budget. For new employees hired after July 1, 2011, staff will accept the state's proposal and new employees pay 5% to VRS. The City's share of health insurance is based on single employee coverage. The City Manager added one new position for Deputy City Clerk. The Capital budget includes paving, the street lighting project discussed last month, funds for Beacon Theater; \$50,000 capital reserved and \$50,000 for maintenance. The Inspections Department has discussed Tuff Books. They are slightly larger than I-Pads that inspectors can take out to the field. It will allow them to connect to the City's system to issue citations and reports as a result of the Efficiency Study Committee recommendation worked on by Jim Enochs and Roger Brown, Building Official. Honeywell money will be used to redo the ceiling at the Community Center. That would allow money in next year's budget to go toward renovations. There is also a proposal for expanding the cemetery fund; more work to provide additional graves at the cemetery in the future. Bond refunding addresses the Economic Development fund - \$285,000. Council has a Finance Committee (comprised of Councilor Stokes, Chairman and Councilors Shornak & Bujakowski), which has been reviewing the budget. There will be one more meeting of the Council Finance Committee according to Chairman Stokes, then a work session to present their findings to Council.

The Public Hearing was opened at 8:06 p.m.

**Gloria Jean Garris, Feedmore (Meals on Wheels)**, 1415 Rhoadmiller Street, Richmond. She has been here for several years telling Council about their service. Last year, Council included them in the budget which was a validation of services offered to citizens. She thanked Council for their consideration in this year's budget. Residents may not be fully aware of the programs offered. In the past year, there were over 163,000 lbs. of food distributed through the partner agencies here in City (1.60 per pound = over \$261,000). They do not purchase food; their focus is to serve the public. The average 20 cents (20¢) per pound is a shared maintenance fee (refrigerators, freezer, distribution expenses, etc.) Food was distributed to roughly 8,500 residents, of which 53% were children. They have 26 adult clients, of which 65% need assistance in paying for their food and 69% have special need diets. A pilot project is their "backpack program." One hundred forty-four children received benefits of the backpack program for nine weeks. Also, the Mobile Food Pantry is a new program implemented last year. Since August 2010, there have been close to 9,600 lbs. distributed thru the Mobile Pantry and 247 households served. She gave kudos to the Boys and Girls Club and thanked Council for their consideration.

**Rick Newman, Commonwealths Attorney.** He is asking for an additional \$84,000 in budget; \$24,000 is for equipment. Every computer in his office is outdated, and will cost about \$15,000 to update. He was informed that their maintenance contract on their copier will not be renewed. It is obsolete and replacement parts are not available. Mr. Newman indicated that drug asset forfeiture money is available and he believes he can add to that. He asked for \$60,000 in supplements strictly for staff and not himself. His staff is the poorest paid staff in the surrounding area. Two assistants are making \$40,000. They will probably stay two years then leave for \$10,000 more in surrounding areas. He does not see what the Sheriff's budget brought in last year, but the Office of the Commonwealth's Attorney is having more to do on the Sheriff's docket. He discussed the drug program on I-295 which already netted 21 oz. of

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cocaine and heroin last week. That will create more work for his office. He hopes Council considers his request.

There being no further speakers, the Mayor closed the public hearing at 8:25 p.m.

**PUBLIC HEARING – ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS REGARDING RENOVATION AND EXPANSION AT HHS**

This was the night advertised as a Public Hearing to receive citizen comments on the issuance of General Obligation School Bonds regarding renovation and expansion at Hopewell High School.

Mr. Sanderson from Davenport and Mr. Kulp, for a legal perspective, were present. Mr. Sanderson addressed the background for this Bond. They are approaching the end of financing with respect to HHS.

Tab A – page 3 – funding sources for HHS 2011, \$5 million QSCAB loan (0% interest) and NTE \$2.7 million financing that the City would issue.

Page 4 – 333 funding plan (tax increases). Last bullet, property real estate values decrease.

Page 5 – benefitted by significantly lower interest rates. Implemented the first of three cents (3¢) tax increase to pay for the schools. The next one is June 2012, then June 2014. The total estimated debt service will go down by \$5 million. This provides some capacity for future needs, for example the Marina and a Public Safety Building.

Page 6 – QSAB bond will be approximately 0% loan and capped at an interest rate that the Government sets at the month in which it was sold. The term of the loan could be up to 16 years. The bond that the City will issue will be termed at 25 years. Amortization is \$2.7 million as interest only for 10 years, then level debt service in years 11-25. That is still an accelerated repayment plan.

Page 7 – Mr. Sanderson spoke with the City Manager and Mr. Hager about the opportunity to refund 1999 bonds at an interest rate in the range of 2-3%. High to low refunding for savings. Looking at extending life from 2017 to 2022 (adds 5 years), allows the City to lower debt service approximately \$90,000 per year.

Page 8 – lays out all funding sources for HHS.

Page 9 - table showing how the three cents (3¢) that will be added to real estate tax pays for the high school. Total surplus in years 11 – 25 slight negative in surplus. It will not quite cover the debt service.

Page 10 – Hopewell historically planned well. The total general fund debt service can more than cover the high school and any surplus will be used for additional projects without having to increase revenues to pay for it.

Page 11 – summarize proposed issue. New money was issued through VPSA; the new money that the City has to make up is approximately \$2.7 million = \$10 million.

Page 12 – Vice Mayor Walton asked about the \$2.4 million vs. \$2.7 million. It does not change the proceeds to the City. Council will be asked to consider Resolutions today; May 17 report to rating agencies on progress; go to market in early June and closing on bond mid-June. VPSA sell bonds in late June.

Tab B – page 14 – HRWTF. Sewers initial credit ratings – strong investment ratings.

Page 15 – borrowed \$17.8 million at yield of 1.5%. Looking at the original \$18.7 million borrowed in 2009, which will be callable towards end of year (November 2011).

Page 16 - City will consider moving forward with refunding.

Page 17 – The last page is the schedule.

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They will be coming back in July/August to lock in rates. Vice Mayor Walton was asked by citizens if they could invest in these bonds. Mr. Sanderson indicated that it was permissible. He will provide the appropriate information to the City Manager. City Manager Daley reminded Council that the sewer system is separate from what Mr. Vassey spoke about two weeks ago.

The Public Hearing was opened at 8:40 p.m.

There being no speakers, the Mayor closed the public hearing at 8:41 p.m.

**Motion** was made by Vice Mayor Walton and seconded by Councilor Shornak to approve the Resolutions. Upon the Roll Call, the vote resulted:

Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (Filed Transaction Disclosure Statement)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

### **COMMUNICATIONS FROM CITIZENS**

**Ken Partin, Lawn Beautician**, discussed a recent bid for grass cutting service. Mr. Partin spoke to Vice Mayor Walton about setting up a meeting to voice his concerns. His company was the low bidder and he was looking forward to award. He received notice that another company was awarded the bid for grass cutting because his company had left out an addendum. He attended a mandatory pre-bid meeting, and there was some discussion of items on the addendum. The addendum was put out but he does not believe there was due diligence as the addendum was not on the City's website. It was sent to Lawn Beautician but he did not see it in time to attach it to bid. There was no follow-up with an e-mail to ensure that it was properly received. Under the contract (Item H) – any changes will be issued written addendum. "Under normal circumstances...should be five days. City of Hopewell has the right..." This contract is not a yearly contract but rather the City chooses when they decide to use the services. He questioned the conditions of the addendum. There were more clarifications in the pre-bid meeting than intended for the use of their services. Page E listed the number they bid on the contract from the award letter – you can see who was actually awarded. It shows how much the City would save: \$71,000 for a three-year term; over \$200,000 for a three-year period. Councilor Pelham asked whether that was an item for a work session, but Dr. Daley indicated that it was not; it is an item for the City Attorney to address. He will follow up with Council.

**Donna Lott, 2211 Freeman Street**. She expressed concern regarding the budget as far as providing signs to help empower neighborhoods and divert crime. Her neighbors are willing to fund "no loitering" signs to put up, but they were told by City that they could not do that. If the neighborhood is willing to purchase signs for the City to maintain, she wished that Council would help consider making that happen. In response to Councilor Pelham's inquiry about how many signs are needed, Ms. Lott indicated at least four more signs. The senior citizens in her neighborhood are feeling unsafe and uncomfortable.

### **PRESENTATIONS FROM BOARDS & COMMISSIONS**

**VML Insurance Programs Award – Greg Dickey, Director of Member Services**. City Manager Ed Daley discussed the City having been on a "watch list" with regard to its insurance rating. Mr. Bodenhamer is the City's Risk Manager who replaced Bob Brown. Mr. Greg Dickey discussed the

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program and presented an award. Mr. Dickey represented VML Insurance Programs. The City has been a member since 1981. There were high profile claims over several years and there were discussions about putting more emphasis on risk management. Mr. Bodenhamer has done an excellent job in increasing safety awareness in the City and working on effective claims management. Over the past four years, the cost was \$120,000 per year. The annual cost was more than \$400,000 before Mr. Bodenhamer came. Mr. Dickey is extremely appreciative and presented an award to recognize his achievement, which benefits the City and makes it a safe place for employees to work and for citizens to live in.

**Hopewell Downtown Partnership presentation on the Virginia Main Street Program and its economic/community benefits for Hopewell.** Evan Kaufman, a volunteer with Hopewell Downtown Partnership addressed Council. He asked whether the Downtown be revitalized. Downtown represents the historic core of the community. To neglect it at this point is a waste of dollars already spent. Downtown is a reflection of how the City sees itself. It needs to capitalize on our unique identity, the pioneering spirit, with rebuilding after the fire in 1915. The major assets of this City are the people who have the spirit to work together to rebuild. Collaboration is an integral part of revitalization. "Going Local." Hopewell has not had the community shopping experience that builds camaraderie. It is shifting back to green, environmental, and going local. The focus now is looking at smaller things and diversity. Look at small businesses and how we can help them. The City needs to ensure that it is fighting causes and not symptoms. Look at the bigger picture. He understands that City Council is looking at Route #36 and asked that the City NOT do this at the detriment of Downtown. Route #36 alone will not change the perception, but Downtown will. Downtown is really a reflection of the City. It goes back to a broken-windows theory. Little problems can turn into big problems. People want to see the Beacon put to good use. The Downtown Partnership can assist with helping the Beacon to be successful. The Beacon is a staple of Downtown. Funding resources – 1/3, 1/3, 1/3. Create a foundation where the money stays local. Governor McDonnell's amendment for Virginia Main Street Program (Amendment 12) is an economic impact and return on investment. The Main Street Program implements a 4-Point Approach: Committees, Incremental Approach, (one partnership important is JRMC). It is very important to spur healthy initiatives Downtown.

Mr. Kaufman introduced Dr. Morris, local cardiologist, who is his step-dad, and who is getting involved in Hopewell. Dr. Morris thanked Council for the opportunity to speak. He serves on the Downtown Partnership and Board of JRMC. He spoke from his heart and from a medical standpoint. There are wonderful things going on at JRMC. It is one of a few facilities recognized in the state for their efforts with congestive heart failure. They have achieved gold status. His goal is to get out to the community and teach in a bold and new way. He spoke with a merchant who has high blood pressure, high cholesterol, smokes, and has the potential for diabetes. This is important because he has already accepted the fact that he will get diabetes. Overall, there is a lack of thirst for great health. The volunteerism that Mr. Kaufman was speaking of is very important. Having volunteers sets up an environment for the body to heal by giving. There is a definite healing aspect to Downtown which represents the "heart" of the City. This will be a very positive step, creating a place where people come to Hopewell to get healthy; a healthy new spirit of camaraderie, volunteerism and hope, which is Hopewell. The 5K is coming up on October 29. Join Jo Turek and JRF as the City hosts this event. He chaired last year's race which was a large event. It's all about health---not about how athletic you are. He wants the 5K route to be in the middle of Downtown. In summary, he spoke from his heart and over 16 years of experience in Hopewell. He sees what happens when we work, work, work and stroke takes it all away. The Main Street Program and Downtown will be a boost to the City.

Mr. Kaufman closed with an organizational structure of the Downtown Partnership which has already been around for four years. The first Charter was in 1931. Almost every resident of Hopewell is a stakeholder. There have been family events to come together in service to the community. Business toolbox – tax incentives, low interest loans, recruit new business. Build a partnership with police so

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citizens can feel safe about coming downtown. The perception must change and get people to come out. Promotions – concerts, art festivals, new branding for City. The Appomattox and James Rivers have been designated as scenic. Promote eco-tourism – learn about Hopewell’s rivers which are unique assets of City. There are vast resources. Like a great vacation package with being “all inclusive.” Money will come back based on investment into downtown. There are lots of plans to include a coffee shop, book store, more restaurants, a barge with restaurant in water, etc. The opportunity is now with Main Street seeking four new cities--especially since they are looking for ‘distressed’ communities which Hopewell would be classified. This isn’t just about downtown...it is about the entire City of Hopewell. It brings back pride and a sense of worth in the community. The Mayor presented a Resolution for Council’s consideration.

Councilor Shornak had a few questions. Hopewell has affiliate Main Street designation now. Mr. Kaufman would be applying for full designation. He indicated the City’s requirement is to build a partnership. The main thing is hiring a Downtown Manager and making a commitment towards revitalization. An office would need to be available for the Main Street Program, with a five-year commitment from the City. Harrisonburg started with 80% then reduced to 50%. They would apply for grants. The Downtown Partnership has a pending 501(c)(3) application for non-profit status. That does not matter for Main Street. He expects to have the designation within the next several months. They can still take contributions and advise contributors that it is tax deductible pending status. Councilor Shornak asked why they do not have IRS 501(c)(3). They have never had it in the past, they have just recently applied for it. Councilor Shornak indicated that it was revoked in 2010. Mr. Kaufman was not aware of that. It was on the IRS website according to Councilor Shornak. The only reason for revocation is when tax returns are not filed. Mr. Kaufman remarked that it must have been an administrative error, and they will look into that. Councilor Shornak further stated that it is revoked if taxes have not been filed in three years. Councilor Stokes asked about the seed amount of the budget, which Mr. Kaufman quoted as \$76,500. Part of that goes toward salary, rent, utilities, special events, and advertising, as shown on his itemized budget. One of the handouts is a driving brochure. Mr. Kaufman encouraged Council to follow-up with those cities. Councilor Shornak asked if they submitted a budget request, which Mr. Kaufman confirmed. He will make sure everyone has it as Councilor Shornak indicated that she had not seen it. Councilor Stokes supports doing something for downtown. He knows there are a lot of good potential investments on Route #36 for big corporations but not for “mom and pop” businesses in Downtown. He has read the resolution and knows the budget amount.

**Motion** was made by Councilor Stokes, and seconded by Councilor Pelham, to adopt a resolution as presented by the Mayor and budget as presented at \$76,500.

**Discussion:** Vice Mayor Walton asked about the budget. This is a five-year commitment. In response to Vice Mayor Walton’s question about whether or not that amount is required every year, Mr. Kaufman was unsure. He will find out and let Council know. Vice Mayor Walton is interested in economic development and downtown. Downtown and the waterfront is synonymous. He felt that this is pretty quick to approve a Resolution.

**Bud Yerly, Board member of Hopewell Downtown Partnership,** addressed Council. The Committee put together a budget with an eye that it would be five-year commitment. The initial amount includes hiring a Downtown Manager and getting in-kind support from the City to put in processes for fundraising. The budget is going to be flat of that figure over five years. The City will have representation on the Board. They are considering using the 1/3, 1/3, 1/3 formula. According to Mr. Yerly, the Board was made up of, and mirrored by, others that have been successful. Councilor Pelham remarked that Route #36 is self-fulfilling as Fort Lee develops. Downtown needs help. The City is supporting Virginia’s Gateway Region. Economic development is needed but the Downtown incorporates a lot of areas. Mr. Kaufman had over 100 signatures on a petition for this project. Councilor Bujakowski was not in favor of funding requests coming to Council and voting at same time. He does want to support Downtown

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development, but he strongly recommended tabling this and having the Council Finance Committee look at funding and make a recommendation back to Council at its work session. If Council were to vote tonight, he did not think it would pass. Mr. Yerly commented that it would be difficult to see volunteer hours turn to ashes at the 11<sup>th</sup> hour. That is important to stakeholders and the company he works for since some of the business people are his clients. Mr. Kaufman recommended that Council needs to think long-term. The proposed program would have the most bang for the buck and benefit the City in the long run. Mayor Luman-Bailey explained that the partnership received word last week that the round of designations were happening and applications are due in June. That is sudden notice from the state. It is not the fault of the Downtown Partnership. It is because the Governor's amendment came in at the last minute. Councilor Bujakowski remarked that a process had been established. Fifty thousand dollars has been put on the table for Downtown in the next budget cycle and has nothing to do with the Downtown Partnership. He proposed that Council take funds from the perpetual care fund for the cemetery, which the City Manager has done. He is NOT against the Downtown Partnership nor against doing this. However, this goes against why Council setup its Finance Committee. It does not bode well for those organizations that went through the process, and the Downtown Partnership has not submitted a form to them. If Council votes on it tonight, it will fail. He encouraged that it be tabled. Mr. Kaufman asked Council to consider the June deadline. Councilor Pelham reminded Council that it gave \$50,000 to the Sesquicentennial Committee and urged them to match dollar for dollar. This budget year, they received \$100,000. The City Manager disputed that. They were only given \$50,000 and a match would not come from the City. Mr. Kaufman indicated that if the designation is received, the money would come. Further, he urged consideration of matching their request because of impact and come back when the designation to make up the difference of request. The Mayor reported that \$992,000 was given to outside agencies, therefore why could \$76,000 not be given that would directly benefit citizens of Hopewell. Councilor Pelham commended the hours that volunteers have worked on this. The Mayor asked Councilor Stokes about this since he is chairman of the Finance Committee. The Vice Mayor raised a Point of Order that the Mayor cannot interject. The City Attorney referred to Council Rule 305 – Resolutions that are not noticed require five votes to amend the agenda to include a Resolution because it is not on agenda.

Councilor Bujakowski believed this resolution may already be in effect. When Councilor Pelham was Mayor this resolution may have been on the books and reinstated. The Mayor confirmed that City Council had passed it. If it is in effect and no one removed it, it should still be in effect. The Mayor asked for a comment from the City Manager. There was a similar resolution done two years ago. He is not sure since he had not seen this resolution before tonight. It was six to seven vote according to the Mayor. If the resolution is not the same, then it is pretty close. It has no dollar amount. The City Attorney explained that no appropriation has ever been made. If this resolution is the same, it is still in effect. The City Manager may consider reviewing the language of the old resolution. The Mayor said it was the same wording. The City Manager is not aware of a request for a position other than for a Deputy Clerk. The Mayor will put this in the hands of the Council Finance Committee Chairman—Councilor Stokes. The committee met several times and reviewed the budget. Some areas are too high, and some are too low. The Committee asked 15 questions that the City Manager addressed. The Finance Committee will meet Thursday at 5:30 p.m. Each member will have list of those budget items that they want amended to present to Council and the City Manager at the Work Session at end of this month.

Councilor Stokes **withdrew his motion** and will wait until their meeting on Thursday to discuss funding for the Main Street project. The Mayor thanked Evan Kaufman and Dr. Morris.

Councilor Shornak pointed out that the Main Street Program requires a five-year commitment. Councilor Stokes was thankful that the bank was here for five years, the hospital here for five years, as well as other businesses. This Council is always in a state of turmoil and nothing comes forth. We really don't do anything. It's almost at the point that he wonders if it is worth being elected or having a town hall meeting and get into 21<sup>st</sup> century and move forward as far as we can. He is disappointed that if

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anything comes up, he's told "the cup is empty." The salary is enough to hire an inspector for the police department. The deputy chief position is funded in the budget. The inspector position is not in the budget at the level that it was. The point is that the City spends money and does not give salary increases to the current employees. Through the years, if something came up, the City had money. There is over \$15 million in capital improvement. Council needs to take a step forward and make Hopewellians proud. Councilor Bujakowski wanted to make it clear that he is not against the Downtown Partnership, not against trying to find the money to do this, but is against doing it with no notice and no chance to look at the budget. If a Deputy City Clerk is not hired (\$25,000-\$30,000 a year), Council could find the money. He thought the Finance Committee was tasked with trying to find ways to make it work. Give the Finance Committee and City Manager time to find out how to make it work. He will only vote against it tonight, we need to look for the money. Councilor Stokes will put in a recommendation for the money. The money was already taken out of the Perpetual Care Fund because the City Manager did that. Vice Mayor Walton felt if we are going to fund this money, he wants to hire two people to look at benefits for all the City. It is the people themselves who are going to make it happen.

**CITIZEN/COUNCILOR REQUEST – PARKING VEHICLES IN YARDS - MARCH ALTMAN – COUNCILOR BUJAKOWSKI**

This will be added to the work session, and there was a draft to look.

**CITIZEN/COUNCILOR REQUEST – ECONOMIC DEVELOPMENT UPDATE, CARDINAL GROUP, CONTRACT PAY PERFORMANCE GROUP UPDATE – COUNCILOR BUJAKOWSKI**

The City Manager reported making contact with the Cardinal Group who will provide a proposal soon. Council may want to consider authorizing a contract for performance and to put out an RFP. It requires authorization to do so. The City Manager can put this item on the agenda to discuss at the next meeting.

**CITIZEN/COUNCILOR REQUEST – BEACON THEATRE – PRESENTATION TO COUNCIL ON STATUS OF CLEAN-UP AND REMAINING ITEMS TO BE DONE – COUNCILOR BUJAKOWSKI**

Scott Firestine, Executive Director of the Appomattox Regional Library, announced that the City took possession of the Beacon Theatre on March 26. He detailed some issues that needed to be addressed. The Beacon is like an old car: it runs and works, but it needs polishing. Mr. Firestine gave a great compliment to Public Works for cleaning up debris and fixing areas that needed to be addressed. He has contacted bookings that were cancelled, and as a result everyone is still scheduled to hold their events. There are no tables and chairs at the Beacon; however, the booking fees will be used to cover the cost of the rental in the interim. It is his intention to keep the budget neutral. The ARLS Board is temporarily allowing him to work on this project. His staff is enthusiastic, energetic and engaged. The staff also researched a history of the theatre, a copy of which he will provide to Council. It has a checkered past; however, the Beacon Theatre is a nice asset to the community. With development and supervision, really nice events can take place at the facility, but we are a long way away from that. With Council's guidance and the City Manager's recommendation, it can move forward. Phil Elliott and Public Works have done a great job coordinating all the work that has been done. Councilor Pelham asked about the HHS seniors using the building for a dance. Mr. Firestine confirmed their event will be held on May 21. Councilor Pelham asked about Lincoln filming. Mr. Firestine offered to be contacted about this project.

**CITIZEN/COUNCILOR REQUEST – PLAN FOR REAL ESTATE OWNED BY THE CITY DOWNTOWN ON THE MAP AND CHART – VICE MAYOR WALTON**

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Vice Mayor Walton reviewed the map of City-owned properties downtown and a list of description of properties. That will be added to the Work Session on May 24.

**CITIZEN/COUNCILOR REQUEST – ESTABLISH A “CRIME AND BLIGHT” TASK FORCE (TO INCLUDE CHIEF OF POLICE; CITY ATTORNEY; SHERIFF; COMMONWEALTH’S ATTORNEY; DIRECTOR OF CODE ENFORCEMENT; MAYOR; AND CITY MANAGER) – MAYOR LUMAN-BAILEY**

Mayor Luman-Bailey reported that there are similar issues with code, crime, and police going out, that could be handled by code; code acting on reports by deputies serving warrants; etc. At the VML Conference last year she attended a training session about communities establishing such a task force. All the departments agree and think it is a good idea. Councilor Shornak asked to be on the task force as well. The Mayor must limit the number of members but will invite Councilor Shornak to attend. Councilor Shornak requested to be on the task force. The Mayor suggested that Council take turns sitting in on the meetings but no more than two at a time. This is not a Council Committee. The City Attorney reminded Council that if it became a Council Committee, Council would need to take formal action. The Mayor wants to establish the task force first.

**REGULAR BUSINESS – ORDINANCE #2011-05 AMENDING AND REENACTING ARTICLE II, COLLECTION AND DISPOSITION OF REFUSE GENERALLY, OF CHAPTER 18 OF THE CODE OF THE CITY OF HOPEWELL**

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Pelham, to resolve to adopt Ordinance No. 2011-05 on first and only reading. Upon the Roll Call, the vote resulted:

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

**ORDINANCE NO. 2011-05**

**An Ordinance amending and reenacting Article II, Collection and Disposition of Refuse Generally, of Chapter 18 of the Code of the City of Hopewell.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL** that Article II, Collection and Disposition of Refuse Generally, of Chapter 18 of the Code of the City of Hopewell is amended and reenacted as follows:

**CHAPTER 18 – GARBAGE, REFUSE AND WEEDS**

**ARTICLE II. COLLECTION AND DISPOSITION OF REFUSE GENERALLY**  
**Sec. 18-21. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Apartment complex* means any multi-residential building with more than two (2) rental units.

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*Ashes* means that refuse from fires which has been wetted and cooled to the touch prior to collection.

*Building materials* means any material, such as lumber, brick, plaster, gutters or other substances, accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

*Bulk container* means a metal container of either two (2), three (3), four (4), six (6) or eight (8) cubic yards, made of watertight construction with sliding doors opening on two (2) sides and a hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. All new bulk containers shall meet these specifications.

*Bulky waste* shall mean a large appliance, piece of furniture or waste material from a residential source other than construction and/or demolition debris or hazardous waste that cannot be placed in a refuse cart or container.

*CFC/HCFC* shall mean those substances described in the Clean Air Act Amendments of 1990, Title VI, Stratospheric Ozone Protection, and any subsequent implementing regulations.

*Commercial waste* means garbage, rubbish, ashes and other refuse resulting from institutions and commercial concerns, such as hotels, stores and the like.

*Central business district* means that section of the city bounded by Second Street on the west, City Point Road on the south, Kippax Street on the east and Appomattox Street on the north.

*Commercial establishment* means any retail, wholesale, institutional, religious, hotel, governmental or other nonresidential establishment at which garbage or trash may be generated.

*Director of public works* means the director or his designee.

*Detachable container* means a unit, varying in capacity between twenty (20) cubic yards and forty (40) cubic yards, which is used for collecting, storing and transporting acceptable waste from industry.

*Garbage* means the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies, insects or animals.

*Hazardous waste* means waste designated as hazardous by federal law or by regulation of the United States Environmental Protection Agency or the Virginia Department of Environmental Quality. Such waste includes materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

*Household trash* means waste accumulation of paper, sweepings, dust, rags, bottles, ashes, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial waste* means waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter which is usually attendant to operating a cafeteria or business office. Industrial waste generated from the industrial processes is not collected by the city or its representative. Industrial waste includes

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debris from demolition and debris from construction of new buildings.

*Litter* means garbage, refuse, waste material or any other discarded, used or unconsumed substance which is not handled as specified herein.

*Mobile container* means a wheeled garbage receptacle compatible with garbage collection equipment, and approved by the director of public works.

*Refuse* is a collective term which encompasses all of the solid wastes of the city.

*Single-family dwelling* means any dwelling place occupied by one (1) family.

*Small dead animals* means deceased cats, dogs, small household pets and other deceased animals of similar size.

*Trailer court* means any grouping of two (2) or more trailers in which either the trailers or the trailer spaces are rented out on a commercial basis.

**Sec. 18-22. Administration and enforcement of article.**

The administration and enforcement of the provisions of this article shall be the responsibility of director of public works and/or any other department or individual designated by the city manager to do so.

**Sec. 18-23. Residential refuse to be collected and removed by city agents only; exceptions.**

(a) No person, other than under contract with the city, to service residential refuse, shall collect or remove any residential garbage or refuse set out for collection except as otherwise approved by director of public works.

(b) The individual, company or corporation with which the city contracts for the removal of residential garbage and refuse set out for collection shall be the exclusive agent of the city for such collection. No person shall contract for the removal of such garbage or refuse with any individual, company or corporation, other than that designated by the city, without the express approval of the director of public works.

**Sec. 18-24. Containers generally.**

(a) The city or its designated representative shall provide containers as indicated by this article for refuse subject to removal by the city or its designated representative.

(b) Residents shall utilize mobile containers whose size and specifications must be approved by the director of public works. Such containers must be so constructed that they can be emptied by the lifting devices mounted on the trucks of the city or its designated representative.

(c) All refuse shall be placed in approved mobile containers, except as otherwise provided in this article, or unless it is impracticable, because of the kind, size or amount of refuse, to do so. In such a case, the excess refuse shall be placed in secure containers or otherwise secured, except for leaves during a scheduled city leaf pickup period.

(d) Bulky waste set outside of mobile containers shall not exceed the quantity of material

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which can be placed in, and transported safely by, a one-half ( 1/2) ton pick-up truck (approximate maximum dimensions of bulky waste: Eight (8) ft. x four (4) ft. x four (4) ft.). The director of public works is authorized to determine when bulky waste exceeds acceptable limits for normal refuse disposal.

(e) Any resident who generates more refuse than can be serviced by one (1) mobile container may purchase a second container.

**Sec. 18-25. Placement for collection; removal of containers from pickup area.**

(a) It shall be the responsibility of each owner or occupant to place his refuse for collection at the proper time and in the proper manner as provided for in this article.

(b) Mobile containers shall not be placed for pickup more than forty-eight (48) hours prior to the collection day.

(c) Refuse not placed in mobile containers shall not be placed for pickup more than twenty-four (24) hours prior to the collection day, except leaves may be placed for collection at any time during a scheduled city leaf pickup period.

(d) Mobile containers and properly secured refuse shall be placed within five (5) feet of the curb or front of the property for servicing. In the event containers and refuse within five (5) feet of the curb or front of the property, the director of public works shall designate the area for the container and refuse to be placed for servicing.

(e) Garbage collection begins at 7:00 a.m. Mobile containers which are not out when the truck passes will not be collected until the next regularly scheduled pickup date. Mobile containers must be removed from the pickup area within twelve (12) hours after pickup.

(f) Mobile containers shall not be left in the front yard of any lot or piece of property, except during the period provided for herein. For the purpose of this section, front yard shall mean "an open space, on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot."

**Sec. 18-26. Frequency of service for mobile containers; backdoor service for such containers.**

Mobile containers shall be serviced only weekly, unless otherwise designated by the city council or the director of public works. Backdoor service is available on a once-per-week basis for residents in households where no member is able to roll the mobile container to the curb. A doctor's certificate may be required by the director of public works in order that such residents may receive this backdoor service.

**Sec. 18-27. Collectors to exercise reasonable care in handling mobile containers.**

Collectors for the city shall exercise reasonable care in the handling of mobile containers and shall not willfully break, deface or injure same.

**Sec. 18-28. Replacement of mobile containers.**

(a) In the event mobile containers have been damaged by misuse by the tenant, homeowner, or commercial user, the director of public works shall have the authority to discontinue service or require the user to replace the damaged container. Failure to remove the toter from the curbside within twelve (12) hours after a pickup, as required by section 18-25, shall be considered misuse. Failure to exercise

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reasonable care shall be considered misuse.

(b) Mobile containers which become unserviceable through normal wear and tear will be replaced at no charge for owner-occupied residences.

(c) Replacement mobile containers for rental property or commercial property must be purchased by the property owner within five (5) days of notice from the city. The city may replace mobile containers for rental and commercial properties which the owners of such properties fail to timely replace, with the cost therefor to be paid by the property owners. Unpaid mobile container costs shall constitute a lien against the property serviced by the new mobile container.

**Sec. 18-29. Tampering with containers or placing hazardous refuse therein.**

No person shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents, unless by permission of the director of public works, nor shall any person place any hazardous waste in any collection receptacle or container.

**Sec. 18-30. Reserved.**

**Sec. 18-31. Mobile toters for apartment complexes and trailer parks.**

For apartment complexes and trailer parks using the mobile toter system of refuse collection:

- (1) The owner shall purchase one toter per each apartment unit or trailer and receive a bill at least quarterly at the same rate per apartment or trailer as is set for other residential units.
- (2) Extra toters for laundries, pools, or other facilities will be billed at the same monthly rate.
- (3) The owner shall be responsible for replacing lost or damaged toters.

**Sec. 18-32. Charges for residential collection and disposal generally.**

For providing or making available garbage and refuse collection and disposal service to all citizens, residences and participating commercial establishments located within the corporate limits of the city, rates or fees shall be paid as are from time to time by resolution or ordinance set by city council.

**Sec. 18-33. Billing and payment of charges.**

The charges prescribed by section 18-32 shall be billed at least quarterly. Such bills must be paid within thirty (30) days after the date thereof. Delinquent accounts will be charged one percent of the unpaid balance per month and the cost associated with the collection of a delinquent account will be charged to that account. In addition, failure to pay such a bill within thirty (30) days may result in discontinuation of the pickup service. In the event service is discontinued due to nonpayment, the container will be returned to the city for storage.

**Sec. 18-34. Reserved.**

**Sec. 18-35. Collection of large bulky items.**

(a) Large bulky waste from residences, such as stoves, water heaters, sofas, box springs, and the like, which two (2) men can reasonably load into the back of a standard garbage truck, may be

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disposed of as other residential waste.

(b) Appliances such as refrigerators, freezers, air conditioners and humidifiers containing CFC/HCFC products from residences may be disposed of as residential waste, provided the resident pays the collection and processing fees for the removal of the CFC/HCFC products. The receipt must be attached to the appliance.

**Sec. 18-36. Collection of tree limbs and other yard waste.**

Tree limbs, cuttings, shrubbery, and similar yard waste may be disposed of as residential refuse, provided that such limbs, cuttings, shrubbery, and the like are cut in four-foot lengths, tied in bundles and stacked in a neat, manageable pile, with the large or base ends towards the curbside in a manner which will not block drainage. Such piles shall be placed next to the refuse container for collection. Lawn trimmings and leaves shall not be placed in the gutter or in any drainage ditch. Materials shall not be of a hazardous nature nor shall any individual item weigh more than seventy-five (75) pounds.

**Sec. 18-37. Collection and disposal of dead animals.**

Small dead animals shall be picked up at the curb on a call basis, and shall not be placed in or adjacent to mobile containers. Owners of large dead animals shall be responsible for their removal and disposal.

**Sec. 18-38. Deposit in streets, gutters or other public places; littering.**

(a) It shall be unlawful for any person to put, place or throw any garbage or refuse upon any sidewalk or in any public street, public alley, gutter or drainage ditch or other public place in the city. Such materials shall be accumulated as specified in this article and placed in receptacles as provided for in this article.

(b) Littering is prohibited. Litter shall be prepared and placed for collection as specified in this article.

**Sec. 18-39. Unlawful dumping.**

(a) No garbage, refuse, abandoned junk, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits; provided, however, that the owner of any lot or parcel of land desiring to conduct a fill operation shall apply to an official designated by the city manager for a permit, and any fill operation shall be conducted in accordance with the conditions contained in the permit.

(b) When a violation of the provisions of this section has been observed by any person, the owner or operator of such vehicle shall be presumed to be the person ejecting such garbage, refuse, abandoned junk or other offensive material; provided, however, that such presumption shall be rebuttable by competent evidence. Any person who witnesses and assists in the conviction of a person violating the provisions of this section shall be rewarded fifty dollars (\$50.00).

(c) Any person convicted of such violation shall be guilty of a Class I misdemeanor.

(d) This section shall not apply to a city landfill established in accordance with article III of this chapter.

**Sec. 18-40. Notice to remove conditions in violation of article.**

1. The city manager, or his authorized agent, may give the owner of any property within the city written notice to remove from such property, or from the abutting sidewalk, public street, public alley, gutter or drainage ditch, within twenty four (24) hours, any condition which is in violation of this article. The written notice may be hand-delivered to the owner of the property, and/or posted on the front door of said property.

If the owner of the property fails to comply with such notice, the city manager may have the garbage, trash, refuse, litter, lawn trimmings, cuttings, leaves or other substances removed by agents or employees of the city. The actual cost of such removal, which shall not be less than forty dollars (\$40.00), shall be chargeable to and paid by the owner of the property and may be collected by the city as taxes and levies are collected.

2. The city manager, or his authorized agent, is authorized to assess a civil penalty, not to exceed fifty dollars (\$50.00) for the first violation of this section. The civil penalty for any subsequent violation of this section shall not exceed two hundred dollars (\$200.00). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.
3. Any charge or civil penalty assessed under this section against the owner of a property, and which remains unpaid, shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia.

**Sec. 18-41. Removal of personal property.**

Personal property left outside pursuant to an eviction shall be covered or contained by the real property owner to prevent littering and dispersal. Such personal property shall be removed by the property owner or evicted tenant within forty-eight (48) hours from the time it is placed outside. Property not so moved may be removed by the city, with the cost of such removal to be paid by the property owner or evicted tenant. Failure to pay the removal cost shall result in a lien for the cost being placed on the property.

**Sec. 18-42. Commercial refuse collection and disposal.**

(a) Commercial establishments shall provide for on-site containerized refuse collection and disposal, with pick-ups of at least once weekly. If approved by the director of public works, a commercial establishment may utilize the city's toter service, or may share a refuse collection and disposal container with an adjacent commercial property.

(b) Commercial refuse collection and disposal must comply with all applicable health regulations.

(c) Commercial establishments failing to provide for refuse collection and disposal as provided in this section shall be charged the city's residential refuse collection fee, but shall not be provided the city refuse collection service.

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(d) Commercial establishments located in the central business district (downtown) are authorized to use the city's toter service.

(e) Commercial establishments utilizing the city's toter service shall purchase a toter, and any necessary replacement toter.

**REGULAR BUSINESS – ORDINANCE #2011-06 AMENDING AND REENACTING ARTICLE II, APPOMATTOX CEMETERY, OF CHAPTER 12 OF THE CODE OF THE CITY OF HOPEWELL**

Due do the late hour, the City Manager postponed this item until June 14, 2011.

**REGULAR BUSINESS – ORDINANCE AUTHORIZING THE CITY MANAGER TO RE-PURCHASE BURIAL LOTS IN THE APPOMATTOX REGIONAL CEMETERY AND TO SET A PRICE FOR SELLING BURIAL LOTS IN THE CEMETERY**

Due do the late hour, the City Manager postponed this item until June 14, 2011.

**REGULAR BUSINESS – ORDINANCE NO. 2011-07 TAX RATE ORDINANCE FOR REAL ESTATE AND MACHINERY & TOOLS**

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Shornak, to resolve to adopt Ordinance No. 2011-07 on **first and only** reading. Upon the Roll Call, the vote resulted:

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

**TAX RATE ORDINANCE**  
**ORDINANCE NO. 2011-07**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL that there is hereby levied for the tax year beginning on January 1, 2011, a tax at the rate of \$0.99 per One Hundred Dollars (\$100.00) of assessed valuation on real estate, and vehicles without motor power used, or designated to be used, as mobile homes or offices within the entire City of Hopewell as it now exists; and there is hereby levied for the tax year of 2011 a tax at the rate of \$3.05 per One Hundred Dollars (\$100.00) of assessed valuation on machinery and tools. The requirement for a second reading of this ordinance is hereby dispensed with pursuant to Chapter IV, §8 of the Hopewell City Charter.

**REGULAR BUSINESS – HEALTH CARE REFORM AMENDMENT RESOLUTION RELATING TO THE CITY'S FLEXIBLE BENEFITS PLAN**

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Pelham, to resolve to approve the Health Care Reform Amendment Resolution. Upon the Roll Call, the vote resulted:

Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

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Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**RESOLUTION**  
**2010 HEALTH CARE REFORM PROVISIONS AMENDMENT**

**ARTICLE I: PREAMBLE**

- 1.1 **Adoption and effective date of amendment.** The Employer adopts this Amendment to **CITY OF HOPEWELL FLEXIBLE BENEFITS PLAN** ("Plan") to reflect certain provisions of the Affordable Care Act of 2010 (the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act. The sponsor intends this Amendment as good faith compliance with the requirements of these provisions. This Amendment shall be effective on or after the date the Employer elects in Section 2.1 or 2.2 below.
- 1.2 **Supersession of inconsistent provisions.** This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment.
- 1.3 **Construction.** Except as otherwise provided in this Amendment, any reference to "Section" in this Amendment refers only to sections within this Amendment, and is not a reference to the Plan. The Article and Section numbering in this Amendment is solely for purposes of this Amendment, and does not relate to any Plan article, section or other numbering designations.

**ARTICLE II: ELECTIONS**

- 2.1 **Effective Date for Article III.** The provisions of Article III, unless otherwise indicated are effective as of January 1, 2011.

**ARTICLE III: MISCELLANEOUS PROVISIONS**

- 3.1 **Change in Reimbursement.** Effective January 1, 2011, the Plan's definition of "Medical Expenses" under the Health Care Reimbursement Arrangement or Health Flexible Spending Account is amended by the addition of the following:

Notwithstanding anything in the Plan to the contrary, a Participant may not be reimbursed for the cost of any medicine or drug that is not "prescribed" within the meaning of Code Section 106(f) or is not insulin.

- 3.2 **Dependent.** The Plan's definition of "Dependent" is amended by the addition of the following:

**"Dependent" shall include any child of a Participant who is covered under an Insurance Contract, as defined in the Contract, or under the Health Flexible Spending Account as allowed by reason of the Affordable Care Act.**

A Participant's "Child" includes his natural child, stepchild, foster child, adopted child, or a child placed with the Participant for adoption. An Employee's Child will be an eligible Dependent until reaching the limiting age of 26, without regard to student status, marital status, financial dependency or residency status with the Participant or any other person. When the child reaches the applicable limiting age, coverage will end at the end of the calendar year.

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The phrase "placed for adoption" refers to a child whom the Participant intends to adopt, whether or not the adoption has become final, who has not attained the age of 18 as of the date of such placement for adoption. The term "placed" means the assumption and retention by such Participant of a legal obligation for total or partial support of the child in anticipation of adoption of the child. The child must be available for adoption and the legal process must have commenced.

3.3 **Dependent.** The Plan's Change in Status provisions are amended by the addition of the following:

Notwithstanding anything in this Section to the contrary, the gain of eligibility or change in eligibility of a child up to the end of the year in which a child attains age 26, as allowed under Code Sections 105(b) and 106 and IRS Notice 2010-38, shall qualify as a change in status.

This amendment has been executed this 10th day of May, 2011.

Name of Employer: City of Hopewell

By: Edwin C. Daley, City Manager

**CERTIFICATE OF ADOPTING RESOLUTION**

The undersigned authorized representative of City of Hopewell hereby certifies that the following resolutions were duly adopted by Employer on May 10, 2011, and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that the Amendment to the **CITY OF HOPEWELL FLEXIBLE BENEFITS PLAN** (the Amendment) is hereby approved and adopted, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the amendment.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Date: May 10, 2011

Signed: Debbie Pershing, Acting City Clerk  
[print name/title]

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**SUMMARY OF MATERIAL MODIFICATIONS**

**For the**

**CITY OF HOPEWELL FLEXIBLE BENEFITS PLAN**

(Name of Plan)

**I**

**INTRODUCTION**

This is a Summary of Material Modifications regarding the **CITY OF HOPEWELL FLEXIBLE BENEFITS PLAN** ("Plan"). This is merely a summary of the most important changes to the Plan and information contained in the Summary Plan Description ("SPD") previously provided to you. It supplements and amends that SPD so you should retain a copy of this document with your copy of the SPD. If you have any questions, contact the Administrator. If there is any discrepancy between the terms

**May 10, 2011**  
**Regular Council Meeting**

of the Plan, as modified, and this Summary of Material Modifications, the provisions of the Plan will control.

**II**  
**SUMMARY OF CHANGES**

**Medical expenses:**

Effective January 1, 2011, you may not request reimbursement of "over the counter" drugs unless the drug is insulin or the drug is prescribed for you for treatment of a medical condition.

**Definition of "child":**

Effective July 1, 2011, you may be reimbursed for medical expenses for any child until the end of the calendar year in which the child reaches age 26. A child is a natural child, stepchild, foster child, adopted child, or a child placed with you for adoption. If a child gains or regains eligibility due to these new rules, that qualifies as a change in status to change coverage.

**REGULAR BUSINESS – MAY 24, 2011 WORK SESSION – PRELIMINARY AGENDA**

The City Manager presented the preliminary agenda for the May 24, 2011 Work Session as follows:

- Budget Review
- BPOL Tax
- Real Estate Tax Deferral for the Elderly
- Plan for Real Estate owned by the City downtown

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

**Motion** was made by Councilor Shornak and **seconded** by Vice Mayor Walton and unanimously **passed** to appoint Louis Corletto to the Senior Citizens Advisory Commission to fill an unexpired term to 10/31/11. Mayor Luman-Bailey announced the current vacancies on City Boards and Commissions: Architectural Review Board – one 4-year term to 10/31/14; Clean City Commission – one unexpired term to 10/31/11 and one unexpired term to 10/31/12; Industrial Development Authority – one 4-year vacancy to 10/31/15; JTCC-Local Board – one 4-year term to 6/30/15; NWAC – one vacancy Ward #3 to 10/31/11, two vacancies Ward #5 to 10/31/11; and one vacancy Ward #7 to 10/31/12; Technology Fund Committee – one vacancy; and Transportation Safety Board – two vacancies 4-year term to 10/31/14.

**REPORTS OF CITY COUNCIL COMMITTEES**

Councilor Pelham reported on behalf of the **Central Virginia Film Board** about the potential with Spielberg's visit. He is shooting a film for \$125 million. This is a great opportunity for this venue and other opportunities for Hopewell.

**REPORTS OF CITY COUNCIL MEMBERS**

Councilor Pelham publicly thanked Phil Elliott, Ed Daley, Herbert Bragg, the Vice Mayor, and Mayor who supported the Crime March last Saturday. There were great speakers and anti-crime and anti-gang activities in the gym. Next year this annual event is scheduled for the first Saturday of May.

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Councilor Bujakowski asked if anyone had questions about a need to find more space at the cemetery. The family of a lifelong Hopewell resident, who grew up in Hopewell, coached in Hopewell, was almost unable to be buried in Hopewell. The City Manager managed to make it happen. It is important to increase cemetery space. The City Manager reported that Mr. Elliott should take credit as he asked him to do this. Councilor Bujakowski also reported that if anyone is looking to put together a team for Captain's Choice, Jo Turek is an excellent pick.

Mayor Luman-Bailey reminded everyone that Minds in Motion is in Richmond this weekend at the Arthur Ashe Center and the Senior Citizens Advisory Board Banquet is May 14.

**ADJOURN**

**Motion** was made by Vice Mayor Walton, **seconded** by Councilor Bujakowski, and unanimously **passed** to adjourn the meeting at 10:36 p.m.

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Christina J. Luman-Bailey, Mayor

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Debra W. Pershing, Acting City Clerk