

May 24, 2011
Work Session

MINUTES OF THE CITY COUNCIL WORK SESSION HELD MAY 24, 2011

A Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 24, 2011 at 6:00 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 Work Session at 6:00 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 Stokes, seconded by Councilor Pelham, and unanimously approved to amend the agenda to the convene into Closed Session to discuss appointments to Boards and Commissions (conduct a School Board interview) in accordance with Virginia Code Sec. 2.2-3711 (A)(1), and to discuss a legal matter in accordance with Virginia Code Sec. 2.2-3711 (A)(7).

OPEN SESSION

Council convened into Open Session at 6: 54 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:

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

WORK SESSION

REGULAR BUSINESS – CARS IN THE YARD

Mr. Altman reported on cars in the yard. The Department of Development has received numerous comments and complaints about vehicles straddling the sidewalk of their property. There is nothing that allows regulation of parking on private property. There is a new item suggested (letter c). This was put together as a discussion piece to see where Council is with regard to additional provisions or anything to be added. This is City Code and would not have to go to the Planning Commission. Vice Mayor Walton stated that it basically covers cars parked in the yard. Side yards are visible from the street; back yard parking is not affected. The issue is dealing with street front issues. Individuals can park on the side in the improved driveway but not in the grass or dirt. The key word is “improved.” Councilor Pelham asked how that can be implemented in the building of new homes. Mr. Altman indicated that Mr. Butler has a set of driveway standards. Builders must provide a level spot on each lot for parking. This is part of the subdivision review. Vice Mayor Walton indicated that the proposed ordinance, with the timeframes, and education, must be coordinated to resolve the issue. Mr. Altman indicated that there is a portion of the City Code that is enforceable by the police department. If it is instantly punishable and Police can write a ticket, there is an instant sting with more immediate response than a zoning ordinance violation (which is a 30-day period for abatement of violation). Councilor Pelham reported that there is one across from the middle school. They cannot park in front of the yard but now park on the side. Mr. Altman will work on something in regard to exceptions. Councilor Bujakowski expressed a desire to limit the exception, i.e., limit parking to a certain section of the yard. According to the City Manager, an amendment will be crafted and put on the agenda for June 7.

ORDINANCE NO. 2011-XX

An Ordinance amending and reenacting Section 22-105, General regulations governing private property, of Article VI, Stopping, Standing and Parking, of Chapter 22, Motor Vehicles and Traffic, of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 22-105, General regulations governing private property, of Chapter 22 of the Code of the City of Hopewell is amended and reenacted as follows:

**Chapter 22 MOTOR VEHICLES AND TRAFFIC
ARTICLE VI. STOPPING, STANDING AND PARKING**

Sec. 22-105. General regulations governing private property.

- (a) A person shall not stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.
- (b) A non-handicapped operator of a motor vehicle parked in parking space reserved for the handicapped at privately owned shopping centers and business offices may be issued a summons without the necessity of a warrant being obtained by the owner of such property.

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- (c) No automobile, motorcycle, camper, other motor vehicle, boat or trailer shall be parked or remain on any unpaved/unimproved portion of the front or side yard visible from the street in portions of the city zoned residential or business, except for:
1. Parking at times of an emergency;
 2. Parking at times when a resident is moving in or out of the premises; or
 3. Vehicles present for the purposes of making repairs to the property.

(Code 1963, § 24-109; Ord. of 10-26-76; Ord. No. 83-16, 9-27-83)

State law references: Authority for subsection (b), Code of Virginia, § 46.2-1237.

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

REGULAR BUSINESS – CEMETERY

The City Manager reported that there are two issues: how can the City expand and how can the City pay for it. The first ordinance increases the price of lots to \$500 for city residents or \$1,000 for non-residents. That allows Phil Elliott, Director of Public Works, to repurchase lots with perpetual care money. Right now, the ordinance is worded so that the City buys lots for what they paid: i.e., if paid \$30 in 1920, that is what the City would buy it for today. Burial plots are scattered among various descendants. The City would buy lots for the same cost to a City resident. The current price is \$400 each. Hopewell has not raised the price in the past 20+ years. Non residents would be charged \$1,000 comparable were \$1,200. The idea is that the City would accommodate someone but focus on City residents. Councilor Stokes found this to be very acceptable. Councilor Bujakowski asked how the City classifies if someone born in Hopewell moved away and wants to be buried in Hopewell. The City Manager said there are people who are clearly Hopewell residents. He is working on some criteria but one of the questions is where has an individual lived the majority of the time? Where is the citizen oriented? If someone born and raised in Hopewell and moves to Prince George and works in Hopewell...that person would clearly be considered a Hopewell resident. Councilor Stokes asked about a Hopewell resident who buys five lots for \$500 and uses four of the lots to bury relatives who live out of state. The City Manager felt it would be up to the owner of the cemetery lots; the City could not dictate. Once they own the lot, it is theirs. There are no transfers of ownership. All the money would stay in the perpetual care fund. Ordinance No. 2011-06, "*...the principal of the perpetual care fund can be used to maintain, operate, and expand the cemetery...*" This means that the City could use the funding to expand the cemetery. For any lots that are sold as a result, the money would go back into the fund. Councilor Stokes asked about the area that is debris, and whether or not will the City clean it out and sell the lots. The City Manager confirmed that. The Public Works Department has had to use some of the area. The City has begun clearing and getting it surveyed. Councilor Shornak asked whether that the money can only be used for the perpetual fund and cannot be transferred out for anything else; the City Manager confirmed that as correct. The City pays the surveyor from that fund but the work is done City forces; the City does not reimburse for. Councilor Shornak asked why it must come out of Public Works budget. The City has spent about \$10,000 of general fund for the cemetery. With this ordinance, it would be paid by the cemetery fund. The idea is to use the fund to maintain cemetery. It could also be used to pay for the crews. Councilor Pelham asked about notifying lot owners. Dr. Daley indicated that the City does not have information on some of the current owners. It will be posted online that the City is trying to purchase some of the lots. It will be on the agenda for June 7.

ARTICLE II. APPOMATTOX CEMETERY

Sec. 12-21. Application of article.

The provisions of this article shall apply to Appomattox Cemetery, located within the city, which is owned, operated and maintained by the city.

Sec. 12-22. Definitions.

As used in this article, the term "*cemetery*" shall mean Appomattox Cemetery and the term "*supervisor*" shall mean the supervisor of such cemetery.

Sec. 12-23. Violations of article generally.

Except as otherwise provided in other sections of this article, a violation of any provision of this article shall constitute a Class 3 misdemeanor.

Sec. 12-24. General powers and duties of city manager.

(a) The city manager shall have the general management and control of the cemetery and of the supervisor and other persons employed therein.

(b) The city manager shall make such rules and regulations for the proper maintenance and operation of the cemetery and for the guidance and direction of the supervisor and employees employed therein as he may deem necessary, not inconsistent with the provisions of this Code or with the Charter. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

Sec. 12-25. Casual visitors.

Casual visitors to the cemetery, who are not members of a funeral procession or party, shall not intrude upon a funeral party and shall not loiter about an open gate.

Sec. 12-26. Expulsion or arrest of noisy, boisterous, etc., persons.

The supervisor may expel from the cemetery or arrest or have arrested any person disturbing its sanctity by noisy, boisterous or other improper conduct, or violating any of the rules and regulations prescribed in, or adopted under, this article.

Cross references: Disorderly conduct in public places, § 25-17; noise generally, Ch. 23.

Sec. 12-27. Purchase of lots and burial space generally.

(a) The purchase of lots, sections and grave spaces in Appomattox Cemetery shall be made in the manner provided in this article. All purchases shall be subject to any prior reservations made for the sale of lots.

(b) Any person who desires may purchase any unsold or unreserved burial space in the cemetery to have and to hold for future use. The contract of purchase of such burial space shall be on a form prescribed by the city manager or his duly authorized representative.

(c) The price or cost of lots, sections, half-sections and single grave portions in the cemetery

shall be as prescribed or fixed by the city council.

Sec. 12-28. Rights retained by city when lots sold.

The city retains the general management and control of all lots in the cemetery which are sold. The city further retains the right to have the supervisor enter upon any lot to prohibit, modify or remove any structure, object, improvement or adornment on such lot which has been placed thereon in violation of this article, or which may be objectionable or injurious to the lot, adjoining lots or the cemetery in general.

Sec. 12-29. Transfer back to city and resale of sections, grave sites, etc.

No privately owned section, half-section, portion thereof or single grave site in the cemetery shall be transferred other than to the city. The council may, in its discretion, agree to any such transfer back to the city on such terms and for such consideration as it deems beneficial to the city. All such grave sites thus redeemed may thereafter be resold by the city.

Sec. 12-30. Record of sale of sections, grave spaces, etc.

The city manager, or his duly authorized representative, shall keep a record of sales of sections, parts of sections and single grave spaces in the cemetery, together with the names of the purchasers.

Sec. 12-31. Record of burials, disinterments, and reinterments.

The city manager, or his duly authorized representative, shall keep a record of all burials, disinterments and reinterments in the cemetery. Such record shall include the date thereof, the lot, block and grave number where done, and the name of the deceased.

Sec. 12-32. Charges for grave openings, etc.

The charges for grave openings, disinterments and reinterments in the cemetery shall be as prescribed by the council.

Sec. 12-33. Permit for work.

No person shall do any work on any lot or section in the cemetery, unless he shall first have secured a permit therefor from the city manager, or his duly authorized representative. No charge shall be made for such permit.

Sec. 12-34. Vaults and concrete slabs.

No interment in the cemetery shall be allowed, unless a concrete or metal vault is used or a concrete slab used in lieu thereof.

Sec. 12-35. Monuments.

(a) No monument shall be erected in the cemetery, unless the specifications, plans and location are first submitted to and approved by the city manager or his duly authorized representative.

(b) Foundations for monuments shall be placed by the monument contractor from material approved by the city manager or his duly authorized representative.

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(c) The foundation for a monument shall not be built until the price on the lot upon which it is to be placed has been fully paid.

(d) The lower base of a monument shall be dressed to a true level on the bottom so as to bear evenly at all points upon the foundation without the use of sprawls, chips or underpinning. The bottom shall be beveled all around to a point one-half to three-fourths of an inch higher and extending back underneath for two (2) or three (3) inches to prevent chipping of the edges when the stone settles and the base is lowered into it.

(e) The removal of any part of the foundation, or the building up thereof, to overcome defective workmanship in the base stone shall not be permitted.

(f) No monument shall be placed nearer than one foot to the boundary line of the lot on which it stands. Unless otherwise considered advisable by the city manager or his duly authorized representative, the base of a monument shall not exceed one-third of the width of the lot nor more than five (5) percent of the area of the lot.

(g) Notice of intention to bring a monument into the cemetery shall be given by the dealer to the supervisor, at least one day before the work is to be done.

(h) No monuments or materials may be brought into the cemetery on Saturdays, Sundays or holidays.

(i) After a monument has been placed in the cemetery, a written request from the owner shall be presented before a permit will be issued to remove such monument or to make any change upon it.

Sec. 12-36. Enclosure of lots and sections.

(a) The following regulations pertaining to the enclosure of lots and sections shall apply in the cemetery:

- (1) No fences or walls of concrete, stone, wood or iron will be allowed.
- (2) No coping or curbing of concrete, brick, stone or any other material shall be allowed.
- (3) Hedges, wooden or iron trellises, posts and chains for the purpose of enclosures, railings, steps, boxings or borders are prohibited.

(b) Lots and sections in the cemetery may be enclosed only in accordance with rules and regulations of the city manager which are not inconsistent with subsection (a) of this section. It shall be unlawful and a violation of this article for any person to fail, neglect or refuse to comply with such rules and regulations.

Sec. 12-37. When emblems, markers, flags, etc., permitted.

Metal emblems or markers, flags and guidons are prohibited on lots or graves in the cemetery, except on Memorial Day. They may be placed by authorized representatives of lodges, posts, camps, and the like, not more than two (2) days before Memorial Day, and removed not later than three (3) days thereafter, and stored until called for, and at no risk to the city. Such emblems shall be removed by the

organization or individual placing them.

Sec. 12-38. Planting of grass, flowers, etc.

Permanent planting of grass, flowers, shrubs and the like shall be made in the cemetery by the city and further planting may be permitted only at the discretion of the supervisor. All plantings shall be under the control of the city. The owners of the lots shall not do any planting without the express approval of the supervisor.

Sec. 12-39. Permit for plucking or cutting plants or shrubs.

No person shall pluck or cut plants or shrubs growing in the cemetery, whether upon his own lot or others, without a permit from the supervisor.

Sec. 12-40. Potted plants.

Potted plants are permitted upon lots and graves in the cemetery at Easter, Memorial Day and other similar occasions, and may remain until the blossoms are dead. Live plants of particular value will then be removed. Upon application to the supervisor, potted plants may be allowed upon a lot or grave on special occasions for five (5) days. At all other times potted plants shall be removed from the lot at the time of mowing or trimming of the grave.

Sec. 12-41. Regulations applicable in Section B.

- (a) The provisions of this section shall apply only to Section B of Appomattox Cemetery.
- (b) Within Section B of Appomattox Cemetery:
 - (1) No mausoleum or vault above the ground shall be allowed.
 - (2) Foundations for all markers shall be built from materials approved by the city manager or his duly authorized representative.
 - (3) All lettering on individual grave markers will be of the V incises type and in no case will raised letters be permitted on these slabs.
 - (4) Grave markers with porcelain or other photographs attached thereto shall be of approved design and shall require specific approval by the city manager or his duly authorized representative.
 - (5) Individual slabs shall not be set in a pocket nor upon a limestone or sandstone base.
 - (6) Rolls or pillow stones shall not be permitted.
 - (7) After a marker has been placed, a written request order from the owner shall be presented before a permit will be issued to remove such marker or to make any change upon it.

Sec. 12-41.1. Regulations applicable in Section C.

- (a) The provisions of this section shall apply only to Section C of Appomattox Cemetery.

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- (b) Within Section C of Appomattox Cemetery:
 - (1) No mausoleum or vault above the ground shall be allowed.
 - (2) Footstones standing on end shall be prohibited.
 - (3) Foundations for all markers shall be built from materials approved by the city manager or his duly authorized representative.
 - (4) All lettering on individual grave markers will be of the V incises type and in no case will raised letters be permitted on these slabs.
 - (5) Grave markers with porcelain or other photographs attached thereto shall be of approved design and shall require specific approval by the city manager or his duly authorized representative.
 - (6) Structures of the type commonly known as "headboards" or "footboards" shall be prohibited.
 - (7) Individual slabs shall not be set in a pocket nor upon a limestone or sandstone base.
 - (8) Rolls or pillow stones shall not be permitted.
 - (9) After a marker has been placed, a written request order from the owner shall be presented before a permit will be issued to remove such marker or to make any change upon it.

Sec. 12-42. Perpetual care foundation.

(a) There is hereby created a perpetual care foundation for the purpose of maintaining in perpetuity the Appomattox Cemetery.

(b) There is hereby created a perpetual care fund consisting of the revenue from the sale of gravesites in fiscal year 1981/82, fiscal year 82/83 revised cemetery budget savings, and funds transferred from fiscal year 81/82 general fund surplus. To this fund shall be added the revenue from the sale of gravesites, plus any contributions or grants which may be received and designated for the purpose of augmenting the funds of the foundation. The mayor, city manager, and city treasurer shall constitute trustees of the perpetual care fund so established and, as such, shall have full power to invest and reinvest such funds, subject to the limitations that no investment shall be made except, upon the exercise of good faith and discretion, in securities which, at the time of making the investment are, by Title 26 of the Code of Virginia, 1950, as amended, permitted for investment or reinvestment by fiduciaries. Subject to such limitation, the trustees shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities or investments in which any part of the fund created herein have been invested.

(c) Any contribution or grant which shall be received for this fund shall be added to the fund established herein and invested in accordance with paragraph (b).

(d) The city treasurer shall be the custodian of the perpetual care fund.

(e) All interest and dividends received from investments of the perpetual care fund shall be deposited in open account in one or more banks or trust companies organized under the laws of the state or of the United States.

(f) The principal of the perpetual care fund may be used to maintain, operate, and expand the cemetery and/or increase the number of available gravesites for sale, but all money collected from the sale of the added gravesites shall be returned to the principal amount in the perpetual care fund.

~~(f)~~ (g) At such time as city council may determine, upon the recommendation of the trustees, that sufficient funds have accumulated so that the annual investment income will cover the annual cost of grounds and gravesite maintenance, such income shall be transferred annually to the general fund of the city to support cemetery operations. (Ord. No. 82-23, 9-28-82)

ORDINANCE NO. 2011-XX

An Ordinance authorizing the City Manager to re-purchase burial lots in the Appomattox Cemetery and to set a price for selling burial lots in the Cemetery.

WHEREAS, the City owns and operates Appomattox Cemetery and;

WHEREAS, the City desires to expand the number of available burial lots in the Cemetery and;

WHEREAS, there are sold, but unused burial lots in the cemetery and;

WHEREAS, the City desires to set a new price on the sale of burial lots in Appomattox Cemetery,

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that:

The City Manager is hereby authorized to offer to re-purchase unused burial lots in the Appomattox Cemetery from the current owners of those lots for the amount of \$500.00 per lot.

The price to be charged for the sale of burial lots in Appomattox Cemetery is hereby set at \$500.00 for lots sold to residents of the City of Hopewell and \$1000.00 for lots sold to non-residents of the City of Hopewell.

The City Manager shall have the sole discretion to determine who is a resident of the City of Hopewell for purposes of pricing the Cemetery lots.

REGULAR BUSINESS – REAL ESTATE TAX DEFERRAL FOR THE ELDERLY

The City Manager opened discussion on the tax deferral. It will allow the first \$100,000 net worth to be exempt. The next \$100,000 is eligible for deferral. The deferral remains with property, not the individual. When property is sold, prior taxes are due for payment. Presently, this costs about \$200,000 per year. If additional citizens apply, their taxes would be deferred. In the short term the money is set aside. The City will not receive it until the tax payer dies or the property is transferred. It creates a lien at a higher rate. It is an option and is not mandatory. It would be in addition to the first program. That is the next level.

Councilor Stokes had people come into Treasurer's Office who were paying \$700 then went up to \$750, they wanted to defer any increase (\$50). At least, the City can recover the money when the property is transferred. This is a win-win situation. It is good for citizens not to feel such a bite. The Vice Mayor agreed as long as this is just an option. Councilor Shornak asked if a completed application is required if a citizen wants to go this route. The City Manager indicated that they would fill out the same forms through

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the Commissioner of the Revenue. According to the City Attorney, this item will be a public hearing for June 7 or July meeting.

Memo

To: The Honorable City Council
From: Thomas E. Lacheney, City Attorney *tl*
Date: May 6, 2009
cc: Ed Daley, City Manager
Re: Real Estate Tax Deferral



At the request of Councilor Stokes, I reviewed the question of implementing a real estate tax deferral program.

Currently the City has a real estate tax exemption ordinance in place for certain low income elderly and disabled citizens. Under our current system, if the **owner occupants** of a house are at least 65 years old, or are disabled, they are eligible for an exemption from real estate taxes under the following terms:

- a) The owners of the property cannot have a net worth (excluding the real estate) of more than \$100,000 (*Virginia law allows a maximum of up to \$200,000*).
- b) The total **combined** income of all the relatives living in the house cannot exceed \$32,500. (*Virginia law allows a maximum of up to \$50,000*).

If the combined income of all the relatives living in the house is under \$18,500, the owners of the property receive a 100% exemption from real estate taxes.

If the combined income of all the relatives living in the house is over \$18,500 up to the \$32,500, the owners receive a 50% exemption from the real estate taxes.

- c) There is a \$850 cap on the exemption. (*Virginia law does not require a cap*).

According to the Commissioner of Revenue, we have 327 participants in the program (for tax year 2008) with a total tax exemption of \$192,425.04 annually. A tax exemption means that these are tax revenues the City is voluntarily forgiving and will never collect.

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A tax deferral program works differently. Under a deferral system, the City does not eliminate the tax altogether. Instead, some portion of the real estate tax is deferred until the taxpayer dies or sells the property. Under the Code of Virginia, council could choose to offer a deferment of the entire real estate tax every year, or in the alternative, a deferral of only the tax increases that occur. Council could also select some fixed percentage of the tax to defer on an annual basis. For example, Council could permit 50% of the taxes to be deferred.

The obvious advantage of a deferral is that the City will ultimately collect the deferred taxes when the property is sold. In the short term, there would be some reduction in revenue as citizens choose to participate in the deferral program. **However**, pursuant to the Code of Virginia, a deferral program is subject to the same means testing requirements as an exemption program. In other words, the state mandated eligibility requirements for a deferral program, and an exemption program are exactly the same.

We could therefore establish a deferral program for elderly or disabled citizens who earn more than the \$32,500 maximum currently set in our exemption ordinance. Eligibility would still be limited to those citizens whose combined household income is less than the \$50,000 state mandated threshold, and the state mandated \$200,000 maximum net worth amount (the net worth figure excludes the real estate subject to the deferment). The state mandated figures are the maximums, and we can set a lower threshold on a deferral program just as we did on the exemption ordinance we currently have in place.

The language necessary for a deferral ordinance is substantially similar to the language used in our exemption ordinance, and the actual drafting of the ordinance would be a simple process. On the other hand, analyzing the economic ramifications would require significantly more analysis. Please let me know if you have any questions or need any additional information on the subject.

REGULAR BUSINESS – BPOL TAX

According to Dr. Daley, the City Attorney issued a memo regarding two options. Some communities have a threshold amount where BPOL is not paid under a certain amount. Chesterfield is \$100,000. Hopewell staff suggested starting with a lower threshold amount such as \$25,000. If that is successful, it could be changed in the future. Councilor Pelham asked for a report to see what it does to the revenue and compare it to \$50,000 to start. The third option is to simply lower the rate across the board. If it is over two years, that helps attract a new business but existing business feel new business has an advantage. Lowering the threshold is more helpful to smaller businesses. If Council lowers the rate, it reduces revenue all across the board. Those are the three primary ways to reduce the BPOL. Mayor Luman-Bailey pointed out that having a threshold seems more in line with what is going on in surrounding localities. Businesses would still be required to file a return and have a license. Vice Mayor Walton has heard about real estate agents and brokers whose individual agents pay their own fee. The

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company also has to pay BPOL. It is state procedure as to how it is processed. The City Attorney reported that the state requires larger communities to have larger threshold.

Interoffice Memo

To: Ed Daley

From: Thomas E. Lacheney, City Attorney



Date: May 20, 2011

Re: BPOL Tax



In response to your questions yesterday concerning our BPOL Tax:

1. Beginning July 1, 2011 we can offer a two (2) year exemption to new businesses that locate to the city. I have attached the new amended state code which takes effect in July. I have highlighted the added section to §58.1-3703 for your convenience.
2. I have also attached a Virginia Attorney General's Opinion that indicates that we can set a threshold amount below which no BPOL tax will be imposed.

REGULAR BUSINESS – BUDGET REVIEW

Dr. Daley distributed a budget report from the Committee which has met several times. During that time, the committee reviewed the budget and is looking at other items that will be given to the Clerk for the record. They want to give Council a good picture. They have looked over the answers to the committee's questions. The budget was put together with good reason and speaks well for the City. As far as the budget is concerned, the Finance Committee approved. Amendments were questions asked by Committee members individually, not necessarily as a body. The City Manager answered the questions and sent back to Council to satisfy the questions. They will be used to amend the budget. There was a mistake that the City Manager noticed. Hooray for Hopewell was \$15,000 in budget--should have made it \$5,000 – which reduces to \$18,000 total. Vice Mayor Walton requested to take off FOLAR money – they did not request it and asked that it be removed. Councilor Pelham asked about capital equipment to consider giving it to assist the Commonwealth Attorney instead. Dr. Daley proposed \$14,000 and will use some of the asset forfeiture money for the computer's network that he wants. The City cannot increase salaries for the Commonwealth's Attorney's office until salaries can be increase for all City employees. Councilor Stokes suggested to Council that it accepts item 1 that adds up to \$18,000 and offset \$14,000 and entertain a motion to adopt and amend the budget as presented. That can be done at the Council meeting on June 7. Councilor Shornak asked about Council's professional services. The big ticket amount was the lobbyist. That number used to be about \$85,000. The lobbyist was removed from the budget and that leaves money for when Council has another project (such as advance two years ago, used \$3,000 for

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that project). Items 2, 3, 4 and 5 were discussed tonight. They are coming up on June 7. Those items were questions asked by different individuals on Finance.

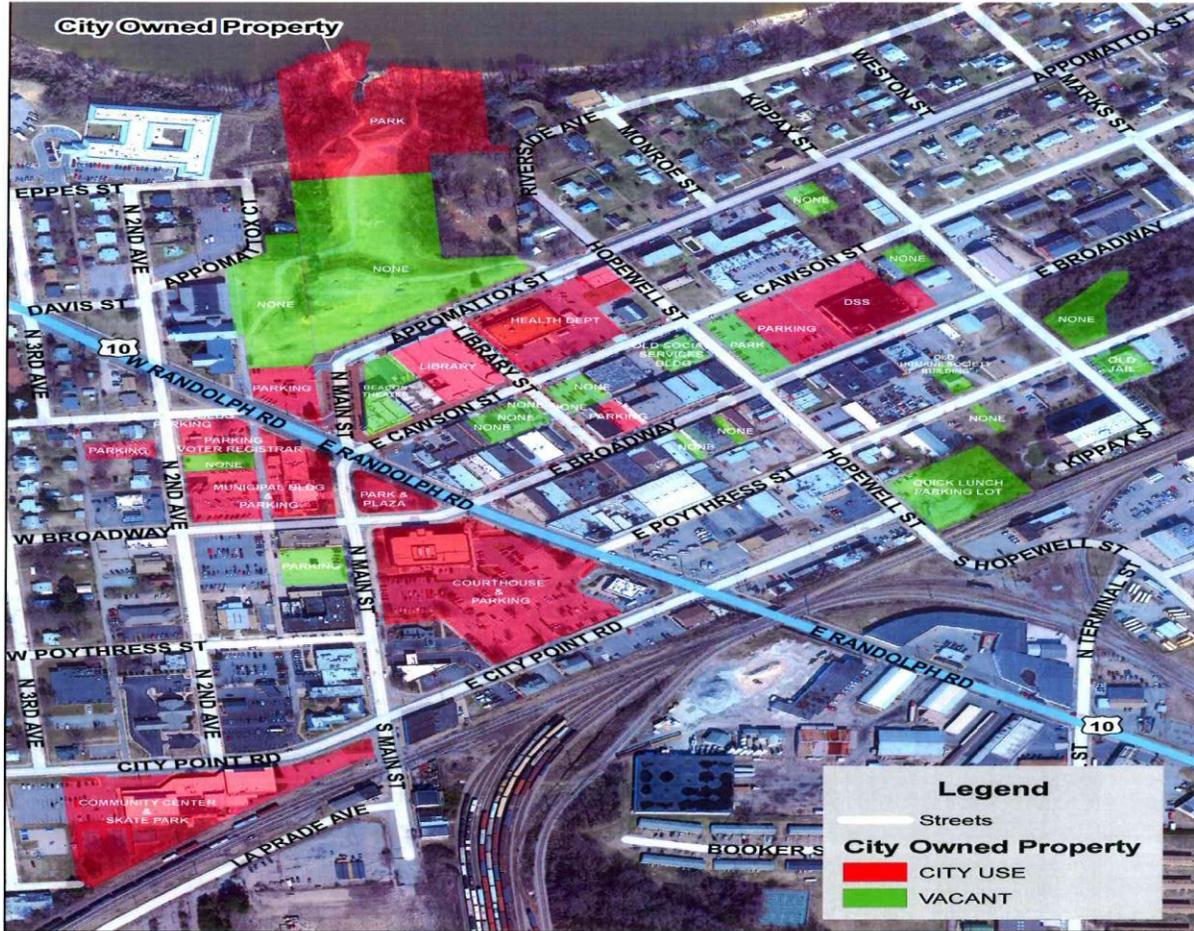
It is not necessary to adopt:

- **Item #6** - additional funding for Beacon - no monetary amount.
- **Item #7** - enter into agreement with Downtown Partnership. Some options were: a, b, or c. That whole item for #7 must be discussed in length. No was no discussion tonight.
- **Items #8, #9, #10** were vague, and should go before Council. Any transfers between any line items within the department should go before Council. Simply letting Council know when money is transferred so they would not wonder where it came from.
- **Item #11**, hire economic development director. This would make for a good work session later. It was requested that Item #1 already be incorporated into the budget. Dr. Daley will craft it in a motion for the June 7 Council meeting to be included when Budget is adopted.

Other items need to be discussed at a work session later. Councilor Pelham asked about Item #10, and whether or not salary increases could be added as well. Salary is a line item and so is equipment. That would be included. Councilor Shornak wanted to make clear—the budget has to be approved by July 1. When are we going to be discussing these issues if not tonight? What the City Manager heard is that the changes to the agencies on Item #1, would be an amendment to the budget. Council would amend, approve or reject. The next item to adopt with or without amendment. Amendments can be made anytime after July 1 (and before) and can be made retroactive to July 1. Councilor Shornak was specifically referring to item #7 with 3 options. Do we have to approve all three options? There is no funding for Item #7 in the budget per the City Manager. Item #8 funding is the way it sits in the book until Council says how much they want to reduce it. Council said they want to cut the police department. Item #9 is in the budget until Council takes it out. Council can vote on any item or have it removed; it is not set in stone. Item #9 is in the budget per the Vice Mayor. The City Manager added it because it came as a request from Finance Committee. That was before the budget was done. The Deputy Clerk position was the very last item added. The Economic Development Director not funded. Councilor Shornak requested separate items, and asked about street lighting. Dr. Daley confirmed that it is already in the budget book; they were added during the work sessions in March.

REGULAR BUSINESS – PLAN FOR REAL ESTATE OWNED BY THE CITY DOWNTOWN

Vice Mayor Walton reported that the City could buy some of the property and use monies available to do things. If anyone has a business they would be interested in locating in Hopewell, the City could make a deal if they want to put a business on one of those lots. Property could be purchased for market value. The City Manager reminded Council to make sure they are going to be used for a good purpose. Vice Mayor Walton asked who determines the type of business; and if there is any interest in Patrick Copeland Site. Dr. Daley indicated just a preliminary discussion that Mr. Altman is working on that has not gone anywhere yet. There is no proposal. Some of the listings are on the website.



**May 24, 2011
Work Session**

SUBPAR	Address	Legal Description	Owners Name	Mailing Add	Prop Status	Use	Land Value	Improv	Total
111515	100 CITY POINT RD		CITY OF HOPEWELL	300 N MAIN ST	CITY USE	COMMUNITY CTR & SKATE PK	212,600.00	3,876,300	4,088,900
	100 W BROADWAY		CITY OF HOPEWELL	300 N MAIN ST	CITY USE	COURTHOUSE & PARKING	279,300.00	8,933,000	9,212,300
800885	325 BROADWAY E	LOTS 9 THRU 18 & 29 THRU 36 & PT OF 10' ALLEY BLK	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	DSS	177,700.00	1,410,000	1,587,700
800922	220 APPOMATTOX	LOTS 5 THRU 18 & 26 THRU 39 & ALLEY BLK 10	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	HEALTH DEPT	400,400	468,300	868,700
800925	209 E CAWSON	LOTS 19-21, 40-42 & 53 BLK 10	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	LIBRARY	125,100.00	6,746,000	6,871,100
110585			CITY OF HOPEWELL	300 N MAIN ST	CITY USE	MUNICIPAL BLDG PARKING	48,300.00	9,300	57,600
110572			CITY OF HOPEWELL	300 N MAIN ST	CITY USE	MUNICIPAL BLDG & PARKING	347,900	2,831,700	3,179,600
801072	205 APPOMATTOX	6.47+ ACRES BLK 12	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARK	550,000.00	25,000	575,000
800710	101 E BROADWAY	LOTS 1-5 BLK 7	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARK & PLAZA	96,700.00	27,900	124,600
110806	RANDOLPH RD W	LOTS 1-2-3 BLK 16	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARKING	129,400.00	10,000	139,400
800775	233 BROADWAY E	LOTS 16-17 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARKING	33,800.00	5,500	39,300
110605	308 N 2ND AVE	LOT 5 BLK 12	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARKING	48,300.00	9,900	57,300
800891		LOTS 1-8 & 37-44 BLK 9	CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARKING	149,600.00	44,000	193,600
110580			CITY OF HOPEWELL	300 N MAIN ST	CITY USE	PARKING & VOTER REGIST	48,300.00	69,600	117,900
800980	401 N MAIN ST	LOTS 1-5 & 44-49 & PART OF PARCEL A	CITY OF HOPEWELL	300 N MAIN ST	VACANT	BEACON THEATER	128,100.00	490,900	619,000
111487	BURROWS	1.82+ ACRE BLK 31	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	72,000.00	0	72,000
790207	KIPPAX	LOT 36 BLK 22	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	14,200.00	0	14,200
800210	POYTHRESS E	LOT 13 BLK 3	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	11,700.00	0	11,700
800465	252 BROADWAY E	LOT 27 BLK 5	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	16,900.00	0	16,900
800480	BROADWAY E	LOT 31 BLK 5	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	16,900	0	16,900
800835	CAWSON E	LOT 38 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	16,300.00	0	16,300
800836	CAWSON E	LOTS 39-40-42-43-45-46 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	97,500.00	0	97,500
800840	CAWSON E	LOT 41 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	16,300.00	0	16,300
800855	CAWSON E	LOT 44 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	16,300.00	0	16,300
800870	CAWSON E	LOTS 47-48-20' OF 49 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	38,500.00	0	38,500
800896	325 BROADWAY E	LOTS 24-25-26 BLK 9	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	24,900.00	0	24,900
801035	330 APPOMATTOX	LOTS 26-27-28 BLK 11	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	25,600.00	0	25,600
801072	205 APPOMATTOX	PART OF BLK 12	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	550,000.00	25,000	575,000
110575		LOT 10 BLK 11	CITY OF HOPEWELL	300 N MAIN ST	VACANT	NONE	48,300.00	0	48,300
800577	323 POYTHRESS E	LOTS 13-14 BLK 6	CITY OF HOPEWELL	300 N MAIN ST	VACANT	OLD HUMANE SOCIETY BLDG	23,400.00	6,700	30,100
790213	402 POYTHRESS E	LOTS 1-2-3-4 BLK 24	CITY OF HOPEWELL	300 N MAIN ST	VACANT	OLD JAIL	36,400.00	54,000	90,400
800812	256 CAWSON E	LOTS 28-29-30-31 BLK 8	CITY OF HOPEWELL	300 N MAIN ST	VACANT	OLD SOCIAL SERVICES BLDG	65,000.00	386,400	451,400
800891		PART OF LOTS 1-8 & 37-44 BLK 9	CITY OF HOPEWELL	300 N MAIN ST	VACANT	PARK	UNK	0	0
110290	220 N MAIN ST	LOTS 4-7 BLK 6	CITY OF HOPEWELL	300 N MAIN ST	VACANT	PARKING	80,700.00	0	80,700
790920	HOPEWELL	W PT OF 200' RESERVED STRIP	CITY OF HOPEWELL	300 N MAIN ST	VACANT	QUICK LUNCH PARKING LOT	52,400.00	0	52,400

REGULAR BUSINESS – PUBLIC SAFETY PRIORITIES

The Mayor suggested Public Safety Priorities at the last meeting. The Mayor informed Council that they can provide them verbally--it doesn't have to be in writing.

Councilor Bujakowski wrote down items such as Cornez Manor; neighborhood policing, same officer same neighborhood, designated person to handle SOSN calls when primary officer away from work; internal accountability; more officers on street-less in HQ at all times.

Councilor Stokes asked about bike patrols in downtown. The City Manager assured Council that they would be visible walking and on bikes. Foot and bike patrol is something that helps a lot to have police presence. It must be a continuous effort for an extended period of time until the City can drive away the criminal element.

The Mayor invited free-flowing discussion. The Vice Mayor commented on the neighborhood watch – good eyes. The problem he sees is the 360 communication. Need feedback on police issues with public and Council. Council needs answers when citizens call. Supporting police officers is very important. Council needs to give them the tools to do their job better. Vice Mayor Walton would love to see them in a refurbished building downtown so they can have lights/windows to boost morale.

Councilor Pelham's priority also is to improve streets/potholes in neighborhoods. Curbing and gutters for entire City which is long overdue. Some neighborhoods have been more neglected than others. Tree trimming--lots of trees need trimming. The Cornez Manor area is her pet peeve. Chesterfield Hotel - one or two bathrooms with 10 people living there which is unsanitary. The building owner should be held accountable for conditions in which the tenants live. That is something to continue with the Blight Task Force.

Councilor Shornak is concerned about public safety and what she hears from the neighborhood watch is the need for more street lighting. It deters crime. If Council does not put money in the budget, it will not be done. Public Works is stretched and is trying to get the streets resurfaced. If the money is not available, it will come to a screeching halt. It is still what people are concerned about--all about downtown. Putting police officers downtown 24/7. For neighborhood watch, the police chief is trying to concentrate on getting more police officers in high crime areas. This should be a primary focus. Council needs to consider a new public safety building. Councilor Pelham emphasized that Hopewell has BIG crime, not a lot of crime in Ward 6. Whatever the highest crime areas are, downtown is a perfect example.

ANNOUNCEMENTS

Dr. Daley announced the next regular City Council meeting is June 7; on June 14 there will be a dedication of the Human Services Building; on June 28 a joint meeting with Prince George County. He asked for topics from the County for this joint work session. Councilor Pelham asked about a protocol listing of who will be invited. Mr. Bragg is working on list. Mrs. Harris' funeral is Friday at 1:00 p.m. at First Baptist Church.

Vice Mayor Walton wished his wife, Ann, a happy birthday.

Councilor Stokes and Councilor Bujakowski toured the Beacon and developed an idea. They want to open it to the public for tours. They will be giving the tours of the theatre along with Scott Firestine. This will give the citizens an idea of what we are looking at. It is hoped that this will generate a lot of excitement.

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ADJOURN

Motion was made by Councilor Bujakowski and **seconded** by Vice Mayor Walton and unanimously **passed** to adjourn the meeting at 8:20 p.m.

Christina J. Luman-Bailey, Mayor

Debra W. Pershing, Acting City Clerk