

**October 18, 2011**  
**Regular Council Meeting**  
**MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 18, 2011**

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 18, 2011, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

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

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

ABSENT:                   Curtis W. Harris, Councilor (illness)

**ROLL CALL**

In the absence of Mayor Luman-Bailey, Vice Mayor Walton opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	*ABSENT (arrived at 7:45 PM)
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	*ABSENT (arrived at 7:35 PM)
Councilor Shornak	-	present

*\*Mayor Luman-Bailey and Councilor Pelham were detained in Emporia where they attended a visit from President Obama.*

**CLOSED SESSION**

Dr. Daley requested that another item be added to the Closed Session under Legal Matters, "*James R. Jones & Emerson Builders v. City of Hopewell (Sewer Tap Fees), and an update on the Butterworth Lofts Agreement.*"

**Motion** was made by Councilor Bujakowski, seconded by Councilor Shornak, and unanimously passed to convene into Closed Session to discuss Personnel (Performance Evaluations-City Manager, City Attorney, & City Clerk); Legal Matters (Osage Bio Energy; James R. Jones & Emerson Builders v. City of Hopewell (Sewer Tap Fees), and an update on the Butterworth Lofts Agreement) and, Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1) (3).

**OPEN SESSION**

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Shornak	-	yes
Councilor Bujakowski	-	yes

**October 18, 2011**  
**Regular Council Meeting**

**REGULAR MEETING**

Vice Mayor Walton opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	ABSENT (arrived at 7:45 PM)
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	ABSENT (arrived at 7:35 PM)
Councilor Shornak	-	present

Prayer was offered by James E. Rogers, Citizen, followed by the Pledge of Allegiance to the Flag of the United States of America.

**CONSENT AGENDA**

**Motion** was made by Councilor Shornak, seconded by Councilor Stokes, and unanimously passed to approve the Consent Agenda: Regular Meeting September 13, 2011, and Work Session September 27, 2011; Pending List: Information for Council Review: HRHA Minutes 7/11/11, Special Meeting Notice 8/23/11, Agenda 9/7/11, Meeting Notice 9/12/11; School Board minutes 8/16/11& Agenda 9/15/11; Social Services Advisory Board minutes 7/7/11 & Agenda 8/1/11; TSB agenda 10/4/11, Traffic Calming Guide-October 2002; Meeting Announcement & Agenda- Planning Commission – 10/6/11; ARLS Minutes 7/19/11; Recreation Commission minutes 9/14/11 & agenda 10/12/11; Finance Committee meeting announcement & agenda 10/12/11; Report on Audit-Hopewell Circuit Court-4/1/11 thru 7/31/11; Virginia Department of Taxation–2011 Statement of Assessed Values for Local Tax Purposes for Railroads and Interstate Pipeline Transmission Companies; 2011 Certified Statements of Assessed Value for the electric, gas, telecommunications, and water companies; & Motor Vehicle Carrier companies subject to the annual Rolling Stock Tax for the 2011 Tax Year; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: November 1, 2011–Work Session/Special Meeting; Ordinances on second and final reading: Ord. No. 2011-14, An Ordinance Amending Article XIV-B, Tourist/Historic District (TH-1), of the Zoning Ordinance of the City of Hopewell; Routine Grant Approval: Proclamations/Resolutions/Presentations: Certificate of Appreciation to Red Cross for assistance with Hurricane Irene; Proclamation – Loyd Taylor, Neighborhood Watch; Proclamation – Extra Mile America.

Vice Mayor Walton presented a Certificate of Appreciation to the Richmond Area Red Cross for its assistance during Hurricane Irene.

**CERTIFICATE OF APPRECIATION**

The City of Hopewell Expresses its Appreciation to  
Virginia Capital Region – Southside Chapter of the  
American Red Cross

For its Assistance in Providing 4,500 Meals to the Citizens of Hopewell during Hurricane Irene, and its aftermath,  
which struck on August 27/28, 2011.

October 18, 2011

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

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Vice Mayor Walton and Councilor Shornak presented the following proclamation to Mrs. Loyd (Herta) Taylor, widow, and her family, in honor of the late Loyd O. Taylor.

October 18, 2011  
Regular Council Meeting  
**PROCLAMATION**  
of the City of Hopewell, Virginia

**WHEREAS**, Loyd O. Taylor was appointed to the Neighborhood Watch Advisory Council on February 12, 2008; and

**WHEREAS**, Mr. Taylor worked tirelessly to make his neighborhood, and all neighborhoods in Hopewell, safe; and

**WHEREAS**, Mr. Taylor was instrumental in organizing people to go door to door explaining the purpose of the Neighborhood Watch and how it can help everyone in any neighborhood; and

**WHEREAS**, during those one-on-one neighborhood walks he and his members encouraged residents to join the Neighborhood Watch; explained its benefits; the assistance it has provided to the Hopewell Police Department; and the success rate in notifying the Police Department and the apprehension of criminals throughout the city; and

**WHEREAS**, it is with great sadness that the City of Hopewell offers sympathy to Mrs. Loyd O. Taylor at the passing of her husband, one of the City's most active advocates for a safe community; and

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, Christina J. Luman-Bailey, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, hereby proclaims the renaming the Autumn Woods Neighborhood Watch the,

**“Loyd O. Taylor Neighborhood Watch”**

in the City of 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 13<sup>th</sup> day of September 2011.

*/s/ Christina J. Luman-Bailey, Mayor*  
City of Hopewell, Virginia

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Vice Mayor Walton read into the record the following proclamation:

**PROCLAMATION**  
of the City of Hopewell, Virginia

**WHEREAS**, the **Extra Mile America Foundation** is a 501(c)(3) non-profit organization that empowers individuals and organizations to “go the extra mile” in the community; and

**WHEREAS**, In 2010, 116 cities and nine states supported the campaign by declaring November 1 “**Extra Mile Day**”; and

**WHEREAS**, this year, the goal is to reach 200 cities and states with the “go the extra mile message,” and so far 168 cities have joined, including Harrisonburg, Chesapeake, and Newport News, Virginia; and

**WHEREAS**, in 2009, the Executive Director, Shawn Anderson, created the **Extra Mile America Tour**, a cross-country bike tour and community outreach program. In pre-arranged interviews, Shawn met over 200 people from San Francisco to Boston who were identified as “going the extra mile.” After the tour, \$10,000 in awards were given away, \$1,000 to each of the 10 most inspiring individuals; and

**WHEREAS**, Ms. Anderson continued to push the power of the “go the extra mile” message in 2010, traveling to service clubs, non-profits, churches, and schools across the country to share the inspiring stories of “**Extra Mile**

**October 18, 2011**  
**Regular Council Meeting**

**Americans**” such as: a 95-year-old woman who has been volunteering at the same hospital for 49 years; a CEO who has given away 82% of his company’s profits; a congenital amputee who is now a tri-athlete and motivational speaker.

**NOW, THEREFORE**, I, Christina J. Luman-Bailey, Mayor of the City of Hopewell, Virginia, on behalf of the City Council and the citizens of our fair City, do hereby proclaim

**November 1, 2011**

**“Extra Mile Day”**

and encourage all citizens to volunteer and “go the extra mile!”

**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 18<sup>th</sup> day of October 2011.

/s/ Christina J. Luman-Bailey, Mayor  
City of Hopewell, Virginia

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**Ordinance No. 2011-14**

**An Ordinance amending Article XIV-B, Tourist/Historic District (TH-1), of the Zoning Ordinance of the City of Hopewell**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL**, that Article XIV-B-J-3 of the Zoning Ordinance of the City of Hopewell, hereby is, amended, and re-enacted as follows:

**ARTICLE XIV-B.**  
**TOURIST/HISTORIC DISTRICT (TH-1)**

**STATEMENT OF INTENT**

The Tourist/Historic District is intended to create an attractive surrounding to tourist who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To the ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

\* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place.'

**A. USE REGULATIONS**

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
  - a. Single family dwellings.
  - b. Public scenic parks and gardens.
  - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than fifteen (15) five (5) feet to any property line.
  - d. Off-street parking as required in Article XVIII of this ordinance.

**October 18, 2011**  
**Regular Council Meeting**

- e. Signs reviewed by the Board of Architectural Review (BAR) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.
  - f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.
  - g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
  - h. Municipal owned recreational facilities which enhance the historic nature of the district.
  - i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.
2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by Board of Architectural Review.
- a. Dwelling units in non-commercial areas of any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
  - b. Banks and financial institutions.
  - c. Bed and Breakfast establishments.
  - d. Museums and art galleries.
  - e. Professional offices, as defined.
  - f. Restaurants, excluding drive-in and fast food establishments.
  - g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
  - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
  - i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

**B. AREA REGULATIONS**

- 1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

**C. LOT WIDTH**

- 1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

**D. SETBACK REGULATIONS**

- 1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

**E. YARD REGULATIONS**

- 1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
- 2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

## **F. HEIGHT REGULATIONS**

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
  - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
  - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

## **G. SPECIAL PROVISIONS FOR CORNER LOTS**

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

## **H. REQUIREMENT FOR PERMITTED USES**

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Board of Architectural Review before a building permit or business license shall be issued or construction commenced on any permitted use in this district.

## **I. CERTIFICATION OF APPROPRIATENESS, GENERALLY**

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Board of Architectural Review.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Board of Architectural Review.
3. Evidence of such required approval shall be a certificate of appropriateness issued by the Board of Architectural Review.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

## **J. BOARD OF ARCHTITECTURAL REVIEW**

1. A Board of Architectural Review is hereby established and shall be known as the Board of Architectural Review, hereafter referred to as the review board. The review board shall consist of seven (7) members who shall be appointed by City Council. One (1) shall be a-resident of the City Point Historic District, one (1) may be a registered architect, and the remainder shall be residents of the City of Hopewell with knowledge and demonstrated interest in the historic character of the city. These members shall serve a term of four (4) years One (1) member of the city administration shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)
2. The review board shall elect from its own membership a chairman and a vice chairman and secretary, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum of four (4) voting members present is

**October 18, 2011**  
**Regular Council Meeting**

required before the review board may take any official action. The review board shall ~~within twenty (20) days~~ monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided.

4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.
5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

**K. NOTICE OF PUBLIC HEARING:**

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

**L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:**

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
  - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
  - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.
2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
  - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
  - b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
  - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
  - d. Would retention of the building help preserve the historic character of the district?
  - e. Would retention of the building help preserve a historic interest in a place or an area of the city?

**October 18, 2011**  
**Regular Council Meeting**

- f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

**M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:**

Upon approval by the review board of any erection, reconstruction, alteration, restoration or demolition, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

**N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:**

Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced; if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) month period.

**O. APPEALS FROM BOARD OF ARCHITECTURAL REVIEW:**

Any applicant aggrieved by a final decision of the board of architectural review shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30) days after the review board has made its decision. The filing of the petition shall stay the review board's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

**P. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:**

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court



**October 18, 2011**  
**Regular Council Meeting**

from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

<u>Property Valued At:</u>	<u>Minimum Offer to Sell Period:</u>
Less Than \$25,000	3 months
\$25,000 – \$39,999	4 months
\$40,000 – \$54,999	5 months
\$55,000 – \$74,999	6 months
\$75,000 – \$89,999	7 months
\$90,000 – or more	12 months

**Q. BONA FIDE OFFER TO SELL:**

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.
2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

**R. YARD VARIANCES:**

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it s deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

**S. PERMITTED USES:**

**October 18, 2011**  
**Regular Council Meeting**

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

**T. EXCLUSION:**

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal offers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure.
3. For the purpose of this section, examples of work not requiring approval of the Board of Architectural Review are: repainting an existing window, door, porch, porch rail, etc.; re-roofing a building with the same type/color of shingles; replacing same color asbestos shingles on a house now containing asbestos shingles.
4. For the purpose of this section, examples of work requiring approval of the Board of Architectural Review are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

**U. DEFINING HISTORIC BUILDINGS AND AREAS:**

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

**V. HISTORIC MARKERS:**

The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

**W. PROTECTIVE MAINTENANCE:**

1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":
  - a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
  - b. The deterioration of roofs or horizontal members;
  - c. The deterioration of exterior chimneys;
  - d. The deterioration or crumbling of exterior plaster or mortar;
  - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
  - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the

**October 18, 2011**  
**Regular Council Meeting**

zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)

3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.

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

**PUBLIC HEARING – REDISTRICTING OF THE VOTING WARDS IN THE CITY OF HOPEWELL**

This was the night advertised as a public hearing to receive citizen comments regarding the redistricting of the voting wards in the City of Hopewell.

At the August 25, 2011 City Council worksession, City Council discussed the redistricting of the City's electoral ward system based on Census 2010 demographic data. Council requested a public hearing at its October meeting. In a letter dated September 23, 2011 (copy filed in the City Clerk's Office) from March Altman, ACM for Development, it stated that Section 5 of Article VI of the Constitution of Virginia provides that "*(w)hen members are so elected by district, the governing body of any county, city, or town may, in a manner provided by law, increase or diminish the number, and change the boundaries, of districts, and shall in 1971 and every ten years thereafter, and also whenever the boundaries of such districts are changed, reapportion the representation in the governing body among the districts in a manner provided by law.*" The proposed redistricting plan complies with the requirements outlined by the U. S. Department of Justice.

The City does not have a Council election until November 2012 and thus the deadline to have a redistricting plan submitted to the U. S. Department of Justice is December 31, 2011.

Vice Mayor Walton opened the public hearing.

Mr. Altman, Assistant City Manager for Development, presented a summary of the subject to City Council.

(Councilor Stokes reported that he is the only sitting council member affected by redistricting in that it will remove him from Ward #4 and add him to Ward #3.)

There being no speakers, the public hearing was closed at 7:44 PM.

**Motion** was made by Councilor Shornak, and seconded by Councilor Pelham to approve Ordinance No. 2011-15, on *first reading*. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes

**October 18, 2011**  
**Regular Council Meeting**

Mayor Luman-Bailey - yes  
Councilor Bujakowski - yes (filed a Transactional Disclosure Statement –Wife School Employee)

**ORDINANCE NO. 2011-15**

**An Ordinance amending and reenacting Article II, Election Districts, of Chapter 13, Elections, of the Code of the City of Hopewell.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article II, Election Districts, of Chapter 13, Elections, of the Code of the City of Hopewell is amended and reenacted as follows:

**Chapter 13. ELECTIONS**  
**ARTICLE II. ELECTION DISTRICTS**

**Sec. 13-21. Establishment; names and boundaries generally.**

In pursuance of authority conferred by ~~section~~ §24.1-36 et seq., of the Code of Virginia, there are established seven (7) election districts in the city. The names and boundary lines of the election districts so established shall be as provided in the following sections of this article.

**Sec. 13-22. First district.**

All that territory bound as follows:

Ward 1: Beginning at Randolph Road (Route 10) and the northern Hopewell city limits south along the centerline of Randolph Road to the Riverside Loop, then west along the centerline of Riverside Loop to Riverside Avenue, then west along the centerline of Riverside Avenue to North 21<sup>st</sup> Avenue, then south along the centerline of North 21<sup>st</sup> Avenue to City Point Road, then west along the centerline of City Point Road to South ~~22<sup>nd</sup>~~ 24<sup>th</sup> Avenue, then south along the centerline of South ~~22<sup>nd</sup>~~ 24<sup>th</sup> Avenue to Jackson Street, then east along the centerline of Jackson Street to 17<sup>th</sup> Avenue, then south along the centerline of 17<sup>th</sup> Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 21<sup>st</sup> Avenue, then south along the centerline of South 21<sup>st</sup> Avenue to an extension of South 21<sup>st</sup> Avenue, then south along the centerline of the South 21<sup>st</sup> Avenue extension to the CSX railroad line, then east along the centerline of the CSX railroad line to the Norfolk and Southern railroad line, then north along the centerline of the Norfolk and Southern railroad line to South 15<sup>th</sup> Avenue, then north along the centerline of South 15<sup>th</sup> Avenue to City Point Road, then east along the centerline of City Point Road to North Sixth Avenue, then north along the centerline of North Sixth Avenue to West Broadway, then east along the centerline of West Broadway to East Broadway, then east along the centerline of East Broadway to Kippax Street, then north along the centerline of Kippax Street to East Cawson Street, then east along the centerline of East Cawson Street to Marks Street, then south along the centerline of Marks Street to East Broadway, then east along the centerline of East Broadway to Norfolk and Southern railroad line, then west along the centerline of the Norfolk and Southern railroad line to an extension of Williams Street, then south along the centerline of the extension of Williams Street to Poythress Run Creek, then east along the centerline of Poythress Run Creek to the eastern city limits along the James River, then north along the eastern city limits to the northern city limits at the Appomattox River, and west along the northern city limits to the point of origin ~~at Randolph Road~~.

**Sec. 13-23. Second district.**

All that territory bound as follows:

Ward 2: Beginning at the point where Poythress Run Creek enters the James River, west along the centerline of Poythress Run Creek to an extension of Williams Street, then north along the centerline of the Williams Street extension to the Norfolk and Southern railroad line, then north along the centerline of the Norfolk and Southern railroad line to East Broadway, then west along the centerline of East Broadway to Marks Street, then north along the centerline of Marks Street to East Cawson Street, then west along the centerline of East Cawson Street to Kippax Street, then south along the centerline of Kippax Street to East Broadway, then west along the centerline of East Broadway to West Broadway, then along the centerline of West Broadway to Sixth Avenue, then south along the centerline of Sixth Avenue to City Point Road, then west along the centerline of City Point Road to South 15<sup>th</sup> Avenue, then

October 18, 2011

Regular Council Meeting

south along the centerline of South 15<sup>th</sup> Avenue to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the extension of Highland Avenue, then south along the centerline of the extension of Highland Avenue to Highland Avenue, then south along the centerline of Highland Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to South First Avenue, then south along the centerline of South First Avenue to the extension of South First Avenue, then south along the centerline of the extension of South First Avenue, to its intersection with the CSX railroad line, then west along the centerline of the CSX railroad line to Winston Churchill Drive, then west along the centerline of Winston Churchill Drive to Arlington Road, then south along the centerline of Arlington Road to Dublin Street, then east along the centerline of Dublin Street, to Carolina Avenue, then south along the centerline of Carolina Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Arlington Road, then south along the centerline of Arlington Road to Locust Street, then east along the centerline of Locust Street to Dellrose Drive, then north along the centerline of Dellrose Drive to the Dominion Virginia Power line, then north along the centerline of the Dominion Virginia Power line to an unnamed tributary creek of Bailey's Creek, then south along the centerline of the unnamed tributary creek of Bailey's Creek to the southern city limits at Bailey's Creek, then east along the southern city limits at Bailey's Creek to the eastern city limits at the James River, then north along the eastern city limits at the James River to the point of origin.

**Sec. 13-24. Third district.**

All that territory bound as follows:

Ward 3: Beginning at Randolph Road (Route 10) and the northern Hopewell city limits south along the city limits to Riverside Avenue, then west along the centerline of Riverside Avenue to North 21<sup>st</sup> Avenue, then south along the centerline of North 21<sup>st</sup> Avenue to City Point Road, then west along the centerline of City Point Road to South ~~22<sup>nd</sup>~~ 24<sup>th</sup> Avenue, then south along the centerline of ~~22<sup>nd</sup>~~ 24<sup>th</sup> Avenue to Jackson Street, then east along the centerline of Jackson Street to 17<sup>th</sup> Avenue, then south along the centerline of 17<sup>th</sup> Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 23<sup>rd</sup> Avenue, then north along the centerline of South 23<sup>rd</sup> Avenue to Bluefield Street, then west along the centerline of Bluefield Street to ~~Hill Street~~, then north along the centerline of ~~Hill Street~~ to ~~Joseph Hooker Street~~, then west along the centerline of ~~Joseph Hooker Street~~ to ~~Wagner Street~~, then north along the centerline of ~~Wagner Street~~ to ~~Clingman Street~~, then west along the centerline of ~~Clingman Street~~ to ~~Hoke Street~~, then north along the centerline of ~~Hoke Street~~ to ~~Pickett Street~~, then west along the centerline of ~~Pickett Street~~ to ~~South Mesa Drive~~, then north along the centerline of ~~South Mesa Drive~~ to ~~River Road~~, then west along the centerline of ~~River Road~~ to the CSX railroad line, then north along the centerline of the CSX railroad line to the ~~extension of West Broadway~~, then east along the ~~extension of West Broadway~~ to ~~West Broadway~~, then east along the centerline of ~~West Broadway~~ to ~~North Marion Street~~, then north along the centerline of ~~North Marion Street~~ to ~~Vinton Street~~, then east along the centerline of ~~Vinton Street~~ to ~~Woodland Road~~, then north along the centerline of ~~Woodland Road~~ to an ~~extension of Woodland Road~~, then north along the centerline of an ~~extension of Woodland Road~~ to the northern city limits along the Appomattox River, then east along the northern city limits to the point of origin.

**Sec. 13-25. Fourth district.**

All that territory bound as follows:

Ward 4: Beginning at the northern city limits and an ~~extension of Woodland Road~~, then south ~~along the centerline of the extension of Woodland Road to Woodland Road~~, then south along the centerline of ~~Woodland Road~~ to ~~Vinton Street~~, then west along the centerline of ~~Vinton Street~~ to ~~North Marion Avenue~~, then south along the centerline of ~~North Marion Avenue~~ to ~~West Broadway~~, then west along the centerline of ~~West Broadway~~ to an ~~extension of West Broadway~~, then west along the centerline of an ~~extension of West Broadway~~ to the CSX railroad line, then south along the centerline of the CSX railroad line to ~~River Road~~, then east along the centerline of ~~River Road~~ to ~~South Mesa Drive~~, then south along the centerline of ~~South Mesa Drive~~ to ~~Sussex Drive~~, then west along the centerline of ~~Sussex Drive~~ to an ~~extension of Sussex Drive~~, then west along the ~~extension of Sussex Drive~~ to ~~Cabin Creek~~, then south along the centerline of ~~Cabin Creek~~ to ~~Jackson Farm Road~~, then east west along the centerline of ~~Jackson Farm Road~~ to ~~Fox Street~~, then south along the centerline of ~~Fox Street~~ to ~~Forest Street~~, then east

October 18, 2011  
Regular Council Meeting

~~along the centerline of Forest Street to Cedar Level Road, then south along the centerline of Cedar Level Road to Oaklawn Boulevard the Norfolk Southern railroad line, then west along the centerline of Oaklawn Boulevard the Norfolk Southern railroad line to the western city limits, then north along the western city limits to the northern city limits at the Appomattox River, and then east along the northern city limits to the point of origin.~~

**Sec. 13-26. Fifth district.**

All that territory bound as follows:

Ward 5: Beginning at the intersection of Woodlawn Street and Cedar Level Road, east along the centerline of Woodlawn Street to Hanover Avenue, then north along the centerline of Hanover Avenue to Kenwood Street, then south along the centerline of Kenwood Street to Maple Street, then east along the centerline of Maple Street to Miles Avenue, then north along the centerline of Miles Avenue to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the CSX railroad line, then north along the CSX railroad line to an extension of South 21<sup>st</sup> Avenue, then north along the extension of South 21<sup>st</sup> Avenue to South 21<sup>st</sup> Avenue, then north along the centerline of South 21<sup>st</sup> Avenue to Atlantic Street, then west along the centerline of Atlantic Street to South 23<sup>rd</sup> Avenue, then north along the centerline of South 23<sup>rd</sup> Avenue to Bluefield Street, then west along the centerline of Bluefield Street to Hill Street, ~~then north along the centerline of Hill Street to Joseph Hooker Street, then west along the center line of Joseph Hooker Street to Wagner Street, then north along the centerline of Wagner Street to Clingman Street, then west along the centerline of Clingman Street to Hoke Street, then north along the centerline of Hoke Street to Pickett Street~~ the CSX railroad line, then west north along the centerline of ~~Pickett Street~~ the CSX railroad line to South Mesa Drive, then south along the centerline of South Mesa Drive to ~~Sussex Drive, then west along the centerline of Sussex Drive to an extension of Sussex Drive, then west along the centerline of the extension of Sussex Drive to Cabin Creek, then south along the center line of Cabin Creek to Jackson Farm Road, then east west~~ along the centerline of Jackson Farm Road to ~~Fox Street, then south along the centerline of Fox Street to Forest Avenue then east along the centerline of Forest Avenue to Cedar Level Road, then south along the centerline of Cedar Level Road to the point of origin~~ Woodlawn Street.

**Sec. 13-27. Sixth district.**

All that territory bound as follows:

Ward 6: Beginning at the intersection of Winston Churchill Drive and South First Avenue, south along the centerline of South First Avenue to an extension of South First Avenue, then south along the centerline of the extension of South First Avenue to its intersection with the CSX railroad line, then west along the centerline of the CSX railroad line to Winston Churchill Drive, then west along the centerline of Winston Churchill Drive to Arlington Road, then south along the centerline of Arlington Road to Dublin Street, then east along the centerline of Dublin Street to Carolina Avenue, then south along the centerline of Carolina Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Arlington Road, then south along the centerline of Arlington Road to Locust Street, then east along the centerline of Locust Street to Dellrose Drive, then north along the centerline of Dellrose Drive to the Dominion Virginia Power line, then north along the centerline of the Dominion Virginia Power line to an unnamed tributary creek of Bailey's Creek, then south along the centerline of the unnamed tributary creek of Bailey's Creek to the southern city limits at Bailey's Creek, then west along the southern city limits at Bailey's Creek to an unnamed tributary of Bailey's Creek, then north along the centerline of the unnamed tributary of Bailey's Creek to Garland Avenue, then west along the centerline of Garland Street to an extension of Glendale Street, then north along the centerline of the extension of Glendale Street to Glendale Street, then north along the centerline of Glendale Street to Courthouse Road, then east along the centerline of Courthouse Road to Miles Avenue, then north along the centerline of Miles Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to High Avenue, then north along the centerline of High Avenue to Western Street, then east along the centerline of Western Street to Elm Street, then east along the centerline of Elm Street to the CSX railroad line, then north along the centerline of the CSX railroad line to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the Highland Avenue extension, then south along the centerline of the Highland Avenue extension to Highland Avenue, then south along the centerline of

**October 18, 2011**  
**Regular Council Meeting**

Highland Avenue to Winston Churchill Drive, then east along the centerline of Winston Churchill Drive to the point of origin.

**Sec. 13-28. Seventh district.**

All that territory bound as follows:

Ward 7: Beginning at the intersection of Cedar Level Road and Woodlawn Street, east along the centerline of Woodlawn Street to Hanover Avenue, then north along the centerline of Hanover Avenue to Kenwood Avenue, then south along the centerline of Kenwood Avenue to Maple Street, then east along the centerline of Maple Street to Miles Avenue, then north along the centerline of Miles Avenue to the Norfolk and Southern railroad line, then east along the centerline of the Norfolk and Southern railroad line to the CSX railroad line, then south along the centerline of the CSX railroad line to Elm Street, then west along the centerline of Elm Street to Western Street, then west along the centerline of Western Street to High Avenue, then south along the centerline of High Avenue to Winston Churchill Drive, then south along the centerline of Winston Churchill Drive to Miles Avenue, then south along the centerline of Miles Avenue to Courthouse Road, then west along the centerline of Courthouse Road to Glendale Street, then south along the centerline of Glendale Street to an extension of Glendale Street, then south along the centerline of the extension of Glendale Street ~~Garland Avenue, then east along the centerline of Garland Avenue~~ to an unnamed tributary of Bailey's Creek, then south along the centerline of the unnamed tributary of Bailey's Creek to the southern city limits at Bailey's Creek, then west along the southern city limits at Bailey's Creek to Oaklawn Boulevard, then ~~east west~~ along the ~~centerline~~ southern right-of-way of Oaklawn Boulevard to ~~Cedar Level Road~~ the western city limits, then north along the ~~centerline of Cedar Level Road~~ western city limits to ~~Woodlawn Street~~ the Norfolk Southern railroad line, then east along the centerline of the Norfolk Southern railroad line to Cedar Level Road, then south along the centerline of Cedar Level Road to the point of origin.

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.

**PUBLIC HEARING – APPOMATTOX RIVERWALK & TRAIL GRANT – RESOLUTION ENDORSING THE APPOMATTOX RIVERWALK TRANSPORTATION ENHANCEMENT PROJECT**

This was the night advertised as a public hearing to receive citizen comments regarding the Appomattox Riverwalk & Trail Grant – Resolution endorsing the Appomattox Riverwalk Transportation Enhancement Project.

The City of Hopewell wishes to construct a three-mile Riverwalk from the former Bluffs property to the Patrick Copeland site in downtown Hopewell and adjoining trail system. The proposed facility will connect existing transportation infrastructure and public amenities via a shared use trail system and Riverwalk along the Appomattox River. The proposed Appomattox Riverwalk and Trail System will serve as an educational, interpretative, and recreational amenity that provides physical and visual public access to an important and precious resource for all citizens of the community and the region. The proposed project will provide a pedestrian and bicycle connection to nationally significant historic sites, including Appomattox Plantation/Grant's Headquarters at City Point (part of the Petersburg National Battlefield), Weston Plantation, and City parks along the river via an enhanced sidewalk system and the construction of the Riverwalk and new trail connections into adjacent neighborhoods. The riverfront serves as a unifying feature that will allow the city to tell the story of its heritage and culture, while providing a stimulus for future economic growth and an enhanced quality of life.

The project is consistent with the recommendations of the Downtown Vision Plan adopted by City Council in January 2003, and the proposed B-Village and Waterfront Plan.

The project is currently in the Planning Phase, which estimated cost is \$144,000. The Grant Application is for \$120,000 with a local match of \$24,000. The grant award timeline is Spring 2012.

Mayor Luman-Bailey opened the public hearing at 7:46 PM.

**October 18, 2011**  
**Regular Council Meeting**

**Katherine Podlewski**, 507 N. 2<sup>nd</sup> Avenue, Hopewell, lives on the river. She voiced concern about whether or not projects will be taken care of properly. The current state of the pier at City Park is poor. She also voiced concern about the Bluffs drainage basin at the nursing home; there are many issues with erosion; and all of these affect the water quality.

There being no other speakers, the public hearing was closed at 7:49 PM.

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Pelham, to resolve to adopt a Resolution Endorsing the Appomattox Riverwalk Transportation Enhancement Project, and that the City of Hopewell agrees to provide 20% of the total cost for planning and design, right-of-way, and construction of the project. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (filed a Transactional Disclosure Statement – Wife School Employee)

**RESOLUTION**

A resolution endorsing the Appomattox Riverwalk Transportation Enhancement Project

**WHEREAS**, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring local jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in the City of Hopewell.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Hopewell, Virginia,

That the City of Hopewell requests the Commonwealth Transportation Board to establish a project for the implementation of the Appomattox Riverwalk.

That the City of Hopewell hereby agrees to provide a minimum 20 percent (20%) of the total cost for planning and design, right-of-way, and construction of this project.

That the City of Hopewell hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right-of-way acquisition, and construction of a federally funded transportation project.

That the City of Hopewell will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

That if the City of Hopewell subsequently elects to cancel this project the City of Hopewell hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Virginia Department of Transportation through the date the Virginia Department of Transportation is notified of such cancellation. The City of Hopewell also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this 18<sup>th</sup> day of October, 2011

City of Hopewell, Virginia

By: \_\_\_\_\_

Attest



October 18, 2011  
Regular Council Meeting

**PUBLIC HEARING – PROPOSED BUDGET RESOLUTION AMENDMENT OF THE FUND ENCUMBRANCES AT JUNE 30, 2011 AND BUDGET INCREASES FOR FY 2011-2012, INTRODUCED IN ITS COMPLETE FORM, OF WHICH \$5,550,000 IS TO BE REAPPROPRIATED FOR ENCUMBRANCES AND ON-GOING CAPITAL PROJECTS, AND \$790,000 IN NEW BUDGET AMENDMENTS ARE TO BE MADE FOR THE FY 2011-2012 BUDGET**

This was the night advertised as a Public Hearing to receive citizen comments regarding a proposed budget resolution amendment of the Fund encumbrances at June 30, 2011 and budget increases for FY 2011-2012, introduced in its complete form, of which \$5,550,000 is to be reappropriated for encumbrances and on-going capital projects, and \$790,000 in new budget amendments are to be made for the FY 2011-2012 budget.

Mayor Luman-Bailey opened the public hearing at 7:55 PM.

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

**Motion** was made by Councilor Shornak, and seconded by Vice Mayor Walton, to amend the budget to exclude \$70,000, and table the issue until November 15 when the agreement has been approved by all parties. Upon the roll call, the voting resulted:

Councilor Stokes	-	NO (filed a Transactional Disclosure Statement – City Employee (Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	NO (Transactional Disclosure Statement – employed by schools)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	NO
Councilor Bujakowski	-	yes (Transactional Disclosure Statement – wife employed schools)

The vote was tied = no action.

The original **motion** was made by Councilor Pelham, and seconded by Councilor Bujakowski, approve the Proposed Budget Resolution Amendment of the Fund Encumbrances at June 30, 2011 and Budget Increases for FY 2011-2012, introduced in its complete form, of which \$5,550,000 is to be re-appropriated for encumbrances and on-going Capital Projects, and \$790,000 in new Budget Amendments are to be made for the FY 2011-2012 budget. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	NO
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (filed a Transactional Disclosure Statement – wife is school employee)

**BUDGET RESOLUTION AMENDMENT  
FISCAL YEAR 2011-2012**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on October 18, 2011, an amended budget of the fund encumbrances at June 30, 2011 and budget increases for FY 2011-2012 were introduced in its complete form of which \$5,550,000 is to be re-appropriated for encumbrances and on-going capital projects and \$1,062,000 in new budget amendments are to be made for the FY 2011-2012 budget, and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for encumbrances and budget amendments;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

**October 18, 2011**  
**Regular Council Meeting**

Sec. 1 The following designated funds and accounts shall be re-appropriated to operate city services from carryover balances.

General Fund-011:

Resources:

Non-spendable-Encumbrances .....	\$207,428
Police Dept Animal Control .....	<u>118,283</u>
Total General Fund .....	\$325,711

Appropriations:

City Council .....	59,525
Human Resources Department .....	944
Finance- IS Department .....	73,822
Development Office .....	5,780
Tourism Office .....	2,785
Commissioner of Revenue Office .....	652
City Treasurer Office .....	50
Sheriff Office .....	7,770
Voter Registrar Office .....	2,764
Police Department .....	36,947
Police Department Animal Control .....	118,283
Police Department Victim-Witness .....	4,903
Fire Department .....	7,493
Public Works Departmental .....	<u>3,993</u>
Total General Fund .....	\$325,711

CDBG Fund-052:

Carry Over Funds .....	\$216,405
<u>Appropriations:</u>	
Healthy Families Project .....	4,077
James House Project .....	3,417
Boys & Girls Club Project .....	389
Rainbow Summer Program Project .....	70
Respite Care Group Project .....	2,819
Dinwiddie/Courthouse Rd Project .....	11,258
Rt 10 Traffic Safety Project .....	3,473
Signage for Historic District .....	36,000
Waverly St Phase II Project .....	12,147
Sunnyside Avenue Project .....	10,000
19 <sup>th</sup> Avenue Project .....	30,000
Boston Street Project .....	27,010
Hopewell Housing Authority Project .....	21,738
Grant Administration .....	<u>54,007</u>
Total CDBG Fund .....	\$216,405

Capital Projects Fund-071

Energy Grant Funds .....	\$251,438
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**October 18, 2011  
Regular Council Meeting**

Use of Assigned Reserve Funds .....	3,191,821
Total Capital Projects Fund .....	\$3,443,259

Appropriations:

Parkview Pointe Rd .....	\$96,000	
Land Purchases .....	4,000	
Atwater Rd Project .....	382,650	
Dinwiddie Ave. Project.....	252,394	<u>RECR</u>
Parks Project .....	12,675	<u>EATI</u>
Human Services Bldg. ....	435,247	<u>ON &amp;</u>
Capital Equipment-Phones .....	48,799	<u>PARK</u>
Cabin Creek Drainage Project .....	156,256	<u>S</u>
Energy Grant Project .....	502,875	<u>Fund-</u>
City Park Project.....	30,871	<u>035:</u>
Mathis Field Project.....	25,055	
Booker Street Park Project.....	409	
Rec Center Roof Project .....	200,000	
Hunter House Project.....	30,000	
Sesquicentennial Committee Project .....	30,000	
Heritage Gardens Project .....	20,000	
Downtown Façade Grant Program .....	198,021	
GIS Mappings Project.....	35,708	
E. Broadway Bridge Project .....	105,650	
Cedar Level-VDOT Match Project.....	29,456	
Curb/Gutter Reserve Acct Project .....	51,267	
Drainage List Projects.....	<u>12,369</u>	
Total Capital Projects Fund .....	\$3,443,259	

Non-spendable-Encumbrances .....	\$10,350
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Appropriations:

Rec Center .....	2,814	
Parks .....	7,442	
Grants Program.....	<u>94</u>	
Total Recreation & Parks Fund .....	\$10,350	

HARBOR & MARINA Fund-038:

Non-spendable-Encumbrances .....	\$3,000
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Appropriations:

Contracted Services .....	\$3,000
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Sec. 2      New appropriation of monies to city departments and capital projects. Police appropriation is to come from the police assigned-equipment reserve account. Other funds are to be covered from current revenues or bond proceeds.

GENERAL FUND-011:

Sources:

I-295 Project Revenues .....	\$40,000
Assigned-Police Department Equipment .....	<u>200,000</u>
Total Sources.....	\$240,000

**October 18, 2011  
Regular Council Meeting**

Appropriations:

Police Department Capital Equipment (Vehicles) .....	200,000
Sheriff Department Capital Equipment(E-Ticket) .....	<u>40,000</u>
Total Appropriations .....	\$240,000

**CAPITAL PROJECTS FUND-071:**

Sources:

Bond Proceeds .....	\$702,000
I-295 Project Funds.....	70,000
Surplus Balance .....	<u>50,000</u>
Total Sources.....	\$822,000

Appropriations:

Marina Improvements (bond monies).....	\$500,000
Downtown Real Estate(bond monies) .....	202,000
Downtown Partnership (Main Street Program) .....	70,000
Demolition Bldg. Account (surplus).....	<u>50,000</u>
Total Appropriations.....	\$822,000

**PUBLIC HEARING – PROPOSED SCHOOL BOARD BUDGET RESOLUTION AMENDMENT, INTRODUCED IN ITS COMPLETE FORM, OF WHICH \$2,401,024 IN AMENDMENTS ARE TO BE MADE FOR THE FY 2011-2012 BUDGET, BY APPROPRIATING THE \$1,110,786.00 TO FUND 14 AND \$1,290,238 TO FUND 63**

In a letter dated September 2, 2011 from Ray Watson, School Board Clerk, to Elesteen Hager, City of Hopewell Finance Director, (copy filed in the City Clerk’s office), the School Board requested Hopewell City Council to amend the FY2012 School Board Budget by appropriating the \$1,110,786.00 to Fund 14 and \$1,290,238 to Fund 63. These appropriations should bring Fund 14, Fund 63, Fund 56, and Fund 57 into balance with the School Board Budget.

The appropriation to Fund 63 and the specific expenditures were reviewed by the City/School Construction Committee prior to their approval by the Hopewell School Board. Since the total amount exceeds \$500,000.00, it required a public hearing.

Ray Watson, Assistant School Superintendent, addressed Council with a request for a supplemental appropriation from the FY 2010 end-of-year transfer in the Building/Bus Replacement Fund, in the amount of \$1,290,238.00; with \$915,238 to go into the Facilities Category for the Hopewell High School gymnasium addition, Harry E. James Elementary School roof replacement, the Harry E. James rooftop HVAC unit, and \$375,000 into the Transportation Category for bus replacements. The Schools Construction Committee has approved all of the requests.

The graduation rate was 67%, but it is currently at 82 graduation index, with a target of 85 for June 2011.

Mayor Luman-Bailey opened the public hearing at 8:11 P.M.

**Charles Bennett**, 632 Cedar Level Road, Hopewell, applauded the Interim School Superintendent for finding a surplus in the budget. He found it hard to believe that any agency spent all of the money in the budget at the end of the fiscal year.

**October 18, 2011**  
**Regular Council Meeting**

**Marion Hebert**, 711 Mansion Drive, Hopewell, let Council know that it was hard to hear them from the audience. She also stated that she got the impression that City Council was bored. She asked that Councilors please not speak with their heads down, but into the microphone.

There being no other speakers, the public hearing was closed at 8:15 P.M.

**Motion** was made by Councilor Stokes, and seconded by Councilor Shornak, to approve the Proposed School Board Budget Resolution Amendment, introduced in its complete form, of which \$2,401,024 in amendments are to be made for the FY 2011-2012 budget, by appropriating the \$1,110,786.00 to Fund 14 and \$1,290,238.00 to Fund 63. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee (Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (filed a Transactional Disclosure Statement – wife is School employee)

**SCHOOL BUDGET RESOLUTION**  
**FISCAL YEAR 2011-2012**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on October 18, 2011, a budget request was introduced in its complete form from School Board; of which \$2,401,024 in amendments are to be made for the FY 2011-2012 budget, and

WHEREAS, additional school funding has been approved thru the state and federal funding source and use of fund surplus;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The estimated revenues shall be appropriated for the funds listed:

School Operating Fund-014:

Estimated Revenues:

Beginning Fund Balance .....	\$0
From State Sources.....	486,687
From Federal Sources.....	<u>624,099</u>
Total Revenues.....	\$1,110,786

Appropriations:

Non-Categorical .....	\$1,110,786
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School Bldg. & Bus Fund-063:

Estimated Revenues:

Beginning Fund Balance .....	\$1,290,238
From State Sources.....	0
From Federal Sources.....	<u>0</u>
Total Revenues.....	\$1,290,238

Appropriations:

Facilities Category.....	\$915,238
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**October 18, 2011**  
**Regular Council Meeting**

Transportation Category.....	<u>375,000</u>
Total Expenditures .....	\$1,290,238

**PUBLIC HEARING – PROPOSED AMENDMENT TO 2004 AND 2009 ORDINANCES – USE OF BOND PROCEEDS TO FINANCE PUBLIC SAFETY BUILDING, MARINA AND BEACON THEATRE PROJECTS**

The 2004 Ordinance was adopted on June 22, 2004, and authorized general obligation public improvement bonds of the City of Hopewell in the estimated maximum amount of \$20,000,000. The 2004 Ordinance authorized such bonds to finance the acquisition, construction, reconstruction, renovation and equipping of various public improvements within and around the downtown area of the City, which may include without limitation, a new main library for the Appomattox Regional Library System, apartment building redevelopment, streetscape improvements and the adaptive re-use of the Mallonee Building. The Council amended the 2004 Ordinance in 2006 to add the following general purposes for which such bonds have been authorized: the acquisition, construction (which, by definition, includes demolition), reconstruction, renovation, redevelopment and equipping of the property on which the Bluffs Apartments facility currently is located, 600 Victoria Street. The Council proposed to amend the 2004 Ordinance to add the following general purposes for which such bonds have been authorized: the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina.

The 2009 Ordinance was adopted on June 9, 2009, and authorized general obligation public improvement bonds of the City of Hopewell in the estimated maximum amount of \$10,000,000. The 2009 Ordinance authorized such bonds to finance the construction of the Human Services Building and renovations to the high school. The Council proposed to amend the 2009 Ordinance to add the following general purposes for which such bonds have been authorized: the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon theatre and the Marina.

The public hearing on the proposed issuance of general obligation public improvement bonds of the City is for the purpose of financing the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the marina. The proposed issuance is in the estimated maximum principal amount of \$11,000,000.

Mayor Luman-Bailey opened the public hearing at 8:17 P.M.

**Charles L. Bennett**, 632 Cedar Level Road, Hopewell, expressed confusion by the language and that the money has not been spent. He would be happy if it had not been spent. The Marina would be a great thing. However, other decisions should have been made regarding the Marina. The residents of Hopewell elected City Council to do what is right for the citizens. Three to five Hopewell Police Department officers are funded by grants that will run out. Transportation between Hopewell and Petersburg was also grant funded. There are possible tax increases for 2012 and 2014. Regarding the ticket writing on I-295 is destroying the city. Originally Council approved two cars to patrol I-295; but, he has seen four or five at any one time. When ticket money is tied to items, we primarily need that money. It is time to quit doing things on the spur of the moment. What is wrong with paying the loan off? Council must do what is righteous. There is no reason to spend money.

**Steve Bennett**, 3709 Galena Avenue, Hopewell, agreed with the pastor. He made \$25,000 last year and has a wife and four children. When there is money left over he saves it. There is no extra money. If the City has money, hold on to it. Do not spend it. There will be civil unrest in the streets. There is a money-eating “animal” in the City that must be fed more, and more, and more. The City will have to come to the citizens again and again for more money.

**James E. Rogers**, 1103 Smithfield Avenue, Hopewell, has listened to spending talk about the Beacon Theatre and the Osage Plant (that is not functioning). Three years ago just finished the project. He has a ditch in

**October 18, 2011**  
**Regular Council Meeting**

front of his house. He was told by the City that it would be completed; it has not been completed. There is mosquito infestation in that ditch. Nothing has been done. But, Council spent money in a defunct downtown but is not taking care of tax-paying citizens. He would be ashamed to sit on City Council. There is no supervision; no management; and no follow-up. The City does not need to put money into downtown where many businesses are closing and leaving.

**Patricia Dostee**, 1005 Heretick Avenue, Hopewell, voiced that she is ashamed to be in Hopewell. She is a realtor who cannot sell homes here. The City does not need Beacon renovation again. She urged Council to take care of its citizens. There are many potholes, and ditches full of water in the City. Take care of the police and firefighters. She is physically unable to clean the ditches. It is sad that so many citizens are here tonight. She raised three children in Prince George. People do not feel take care of. She used to enjoy being in Hopewell. She is hoping and praying that Council will wake up and smell the coffee. She is ashamed of having voted Council into office.

**Karen Fricke**, 1011 Heretick Avenue, Hopewell, calculated that for the \$5,000,000.00 for the Beacon Theatre, every person will be required to pay approximately \$159.00. She and her husband are truck drivers, and must work for 24 hours to make the money she needs to pay taxes for the Beacon. Her front yard has a ditch that needs a pipe installed and the top to be leveled. Children are our future. It is up to us to make sure they get a good education. God bless whoever patrols I-295.

**Brian Silver**, 1705 Bexley Drive, Hopewell, represented the Loyd Taylor Neighborhood Watch. He asked if the City should be spending public funds on the Beacon Theatre. He urged emphasis on economic development on Route #36. Bring some money into Hopewell. With the growth of Ft. Lee, we need to bring businesses into Hopewell. He is a retired teacher. Funds should be used for the children. Meet state and federal guidelines for AYP. Fund for the Beacon Theatre renovation should come from private funds not the public sector.

**Carl Calhoun**, an employee of the City of Hopewell – Public Works Department, addressed the audience saying that about 90% of the Public Works Department was in the Council Chambers. He used to work on about 35 Police cars; he is now working on 70 vehicles himself.

**Elliott Eliades**, 900 Mansion Drive, Hopewell is all for the progress of Hopewell. All projects have merit. He would like to hear more about the Marina and the Beacon Theatre. He asked how the Public Safety Building fits into the Downtown Plan. He does not understand where they will put it. Where will the parking deck go, that was in the original Downtown Plan? He agrees with many of the previous speakers. The City must get good working school busses. Need to make this town progress. Look at each project individually.

There being no other speakers, the public hearing was closed at 8:50 P.M.

**DISCUSSION:** if we do not use this money for capital projects we would have to pay for arbitrage and federal fines. There was money appropriated seven years ago that has not been spent yet. It cannot be put into the Capital Fund to be designated. It must be designated or pay arbitrage. There was a suggestion to use the bond proceeds for the Marina and the Beacon Theatre, without consideration for the public safety building. There was a question about how to do that without a plan. An estimate, nor any paperwork, has been seen. (At the work session Council discussed the estimate of \$5M from the PPEA for the Beacon.) Another question raised was whether or not consideration of the public safety building could be eliminated, which to some Councilors, was more important than the Marina or the Beacon. The reason that the public safety building is off is because we now have many questions about it. Council did not have the questions when the City Manager presented use of the old library. Council raised no objections. Do we want it at the library? Do we want the Hopewell Police Department and the Hopewell Bureau of Fire combined? Do we want to put it somewhere else? Do we want a satellite at the other end of the City? Council has been given this estimate because it will cover the entire project. If it comes back at a higher cost, just don't do the project. If it cannot be done for the money available, it will not be done. There is no raise included in the taxes. Tonight's issue is not to spend the money; but, just to make it available. The City has not received the PPEA yet, and it does not know the particulars. We do not have a contract while no knowing what it costs. The issue should be tabled for true estimates and true plans. Many people have sent e-mails to their

**October 18, 2011**  
**Regular Council Meeting**

Council representatives. Some Councilors indicated that they had not seen anything definite for the Beacon. The money in question has been available for the past seven years. This is not a request to *spend* the money, but to *reallocate* it to another fund. The \$2,000,000.00 could be used for infrastructure such as road repairs, and added as a specific project. The amendment was to remove the public safety building. The Police Department has had a hard time. To remove them because of questions while there are questions about the other two issues is unfair.

**Motion** was made by Councilor Stokes, and seconded by Councilor Shornak, to approve Ordinance No. 2011-17 on *first reading*. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (filed a Transactional Disclosure Statement – wife School Employee)

At a regular meeting of the City Council of the City of Hopewell, Virginia, held on the 18th day of October, 2011, at the time and place established by the Council for such meetings, at which the following members were present and absent during the voting on the ordinance referred to below:

**PRESENT:**

**ABSENT:**

the following ordinance, having been introduced at a regular meeting held on October 18, 2011, and having been the subject of a public hearing held on October 18, 2011, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, was duly adopted at a regular meeting held on November 11, 2011, by the affirmative roll-call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:

**MEMBER**

**VOTE**

**ORDINANCE NO. 2011-17**

**ORDINANCE AMENDING AN ORDINANCE ADOPTED JUNE 22, 2004, ENTITLED “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$20,000,000” AND AMENDING AN ORDINANCE ADOPTED JUNE 9, 2009, ENTITLED “AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$10,000,000”**

**WHEREAS**, on June 22, 2004, the City Council (the “Council”) of the City of Hopewell, Virginia (the “City”), adopted Ordinance No. 2004-07 (the “Ordinance”) authorizing the issuance of \$20,000,000 general obligation public improvement bonds of the City to finance the acquisition, construction, reconstruction, renovation and equipping of various public improvements within and around the downtown area of the City,



**October 18, 2011**  
**Regular Council Meeting**

which may include without limitation, a new main library for the Appomattox Regional Library System, apartment building redevelopment, streetscape improvements and the adaptive re-use of the Mallonee Building;

**WHEREAS**, a portion of such bonds were issued on July 13, 2004, as part of the City's \$6,210,000 Taxable General Obligation Public Improvement Bonds, Series 2004B (the "2004B Bonds"), pursuant to a resolution (the "2004 Resolution") adopted by the Council on June 22, 2004;

**WHEREAS**, on September 26, 2006, the Council amended the 2004 Ordinance (the "2004 Amended Ordinance") to provide for an additional authorized use of the proceeds of the 2004B Bonds;

**WHEREAS**, the 2004B Bonds were refunded on June 26, 2008 as part of the City's \$4,480,000 Taxable General Obligation Public Improvement Refunding Bonds, Series 2008B (the "2008B Bonds"), pursuant to a resolution (the "2008 Resolution") adopted by the Council on June 3, 2008;

**WHEREAS**, on June 9, 2009, the Council adopted Ordinance No. 2009-04 (the "2009 Ordinance" and, together with the 2004 Amended Ordinance, the "Ordinances") authorizing the issuance of \$10,000,000 general obligation public improvement bonds of the City to finance the construction of the Human Services Building and renovations to the high school;

**WHEREAS**, a portion of such bonds were issued on June 25, 2009, as part of the City's \$10,000,000 General Obligation Public Improvement Bonds, Series 2009A (the "2009A Bonds"), pursuant to a resolution (the "2009 Resolution" and, together with the 2004 Resolution and the 2008 Resolution, the "Resolutions") adopted by the Council on June 9, 2009; and

**WHEREAS**, the Council now desires to amend the Ordinances and the Resolutions to provide additional authorized uses of the respective bond proceeds;

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

1. Section 1 of the 2004 Amended Ordinance is hereby amended to provide that in addition to the purposes set forth therein for which the proceeds of the 2004B Bonds are authorized to be used, the proceeds of the 2004B Bonds also may be used to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina. Section 1 of the 2009 Ordinance is hereby amended to provide that in addition to the purposes set forth therein for which the proceeds of the 2009A Bonds are authorized to be used, the proceeds of the 2009A Bonds also may be used to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina.

2. All references to projects financed by the 2004B Bonds and the 2008B Bonds in the 2004 Resolution and in the 2008 Resolution are hereby amended to include the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina. All references to projects financed by the 2009A Bonds in the 2009 Resolution are hereby amended to include the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina.

3. Except as amended hereby, the Ordinances and the Resolutions are hereby ratified, confirmed and approved.

4. All other actions of officers of the City in conformity with the purposes and intent of the Ordinances, the Resolutions and this ordinance are approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the use of the proceeds of the 2004B Bonds, the 2008B Bonds and the 2009A Bonds as hereby amended.

**October 18, 2011**  
**Regular Council Meeting**

5. This ordinance shall take effect immediately.

The undersigned City Clerk of the City of Hopewell, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Council of the City of Hopewell, Virginia, held on the 8th day of November, 2011, and of the whole thereof so far as applicable to the matters referred to in such extract.

**WITNESS** my signature and seal of the City of Hopewell, Virginia, this \_\_\_\_ day of November, 2011.

(SEAL)

City Clerk, City of Hopewell, Virginia

**PUBLIC HEARING – BOND ORDINANCE AUTHORIZING DEBT ISSUANCE AND REIMBURSEMENT – USE OF BOND PROCEEDS TO FINANCE PUBLIC SAFETY BUILDING, MARINA AND BEACON THEATRE PROJECTS**

This was the night advertised as a public hearing to receive citizen comments regarding the Bond Ordinance authorizing debt issuance and reimbursement – Use of Bond Proceeds to Finance Public Safety Building, Marina and Beacon Theatre Projects.

Jimmy Sanderson, Davenport & Co., provided a brief overview. The City Manager stated that the City is considering spending \$11 million for three projects. Council should amend it to \$5 million and remove the Public Safety Building. This authorizes bonds for the future. Mr. Sanderson was asked if the City can set money aside. The bonds are being called for early is not cost effective. It would require a tax increase of 1¢. Paying off existing debt would require a 1¢ increase. Deficit of borrowing less and would require 1¢ tax increase in 2013. Setting aside \$2.3 million. Borrowing in the current market. Using \$2.25 million is just paying off peaks in debt service. Borrowing \$5 million. It is better than borrowing \$7 million.

**DISCUSSION:** This would add additional debt to the City. There is no savings by paying off bonds from a higher tax rate to a lower tax rate. The city must invest in treasuries; advanced refunding. Negative arbitrage is so different that it does not make good economic sense. To borrow \$5 million would have to set aside \$2.5 million debt. Why can't the reserves be used to pay off the bonds? It would take \$2.25 million and turn it into \$1.7 million. Because the public service building has been removed from consideration, where is that \$5 million going? Council should reduce borrowing maximum to \$5 million from \$11 million and omit the public service building from the ordinance. Setting aside some reserves using it to off set cost of \$5 million of debt service. If we needed to come back for more bonds, would we be able to issue debt because of our debt ratio? Borrowing \$11 million next year (2012) would be at the limit; but this is okay

Mayor Luman-Bailey opened the public hearing at 9:26 P.M.

**Charles L. Bennett**, 632 Cedar Level Road, Hopewell – the public is listening to high finance. We really don't need anything. Should use some of that money for pot holes and ditches in the city. There is no reason to have to borrow anything until we find out what we get for it. That money still must be paid back. Really don't know what it will cost. Citizens are tired of the government allocating. He told Council – if you fund it he will do his best to get them out of office. It is time to rethink it.

**Steve Bennett**, 3709 Galena Avenue, Hopewell – the City is taking food out of our children's mouths. We are being suckered by Washington running everything. Reduce 5% of our 5% capital. The people have basically funded these projects. There is no imposed cap. Every year it will go up another 5%. It is another scam. The citizens are being scammed by the government. There is a difference between wants and needs. Take care of the needs.

**Deborah Randolph**, 400 Cedar Lane, Hopewell – It is obvious that maybe it was a bit premature. Council does not seem to understand it and they are not in full agreement. Take the public service building off. She wants to see the city move ahead. It is all about the bottom line. Neither project will be a revenue generator

**October 18, 2011**  
**Regular Council Meeting**

for the city. Who determined last month that these were the things to use the money for? Take care of the citizens and the city. Take care of their money. Use it wisely. Must cut back. Do not need to do things just to be doing them. No reason to do everything at once. Should consider doing projects in bits and pieces. Citizens have said that they want Council to make decisions in an educated manner. The debt ratio is very high. Put us in a position that does not jeopardize us in difficult financial times. Be more cautious with citizens money.

**Janice Denton**, 807 Smithfield Avenue, Hopewell – Four years ago heard citizens say they did not want an ethanol plant. The majority of people here tonight who want the Beacon right now. Has not heard one person who supports this. You are not listening to them. Now we have Osage sitting idle. Listen to the people.

**Karen Fricke**, 1011 Heretick Avenue, Hopewell – remove trees at stop signs where you cannot see. Can there be ten feet of trees removed?

**Eric Jones**, 401 Cedar Lane, Hopewell – Cannot believe anyone would be in favor of this bond issue. Cannot afford to pay city employees a decent wage, let alone a raise. Citizens are being choked to death. Have run all the businesses out of Hopewell. Need to go to Colonial Heights or Richmond to shop. Fly by night Ethanol plant. Where are the taxes they promised? Most of the people at the Marina do not live in Hopewell. Would like to see the Beacon and Marina. But, use private money not public. The city is broke. Do not do this to the citizens of Hopewell. Do not change the name to Welfare City.

**Marion Hebert**, 711 Mansion Drive, Hopewell – She spent a good portion of this week and last sending e-mails to her Councilor. They do not agree. Does not see any plan for bringing money in. The economy is going downhill. If we do not raise our taxes and home values continue to decrease, the City will have less money for projects. If there is an answer Mr. City Manager, put it in the newspaper. Both the Beacon and the Marina are high-end projects. Only the most affluent people will be able to use them. She wants to see Hopewell prosper – yes! She came to Hopewell with many ideas to roll up her sleeves and renovate downtown. Not by raising taxes and borrowing \$5 million. All home owners and renters should be able to afford using the Beacon and the marina. She could not afford \$35.00 to see a production at the Beacon. She could not afford to buy a boat and use the marina. Since the economy is going down, maybe Council should put this project on hold. She would like to see the waterfront used. To Council and all citizens --- roll up your sleeves for citizens to work on the downtown. Make a riverfront walk. Think ahead. Think what you can do for your community.

**Daniel Bennett**, Hopewell – Hopewell used to be a well of hope. Now it is not a place to be proud to live in. It is not how much one you make --- it is how much money you spend. The answer is cut spending. “Tyranny is only a matter of days.”...Napoleon Bonaparte. Washington cannot be changed. But you have the ability to help the people of Hopewell.

There being no other speakers, the public hearing was closed at 9:55 PM.

**DISCUSSION:** The Ethanol plant is not paying any taxes. Next year road improvements are proposed at \$600,000. At the VML Conference there was talk about cities going bankrupt; revenues are growing very little; half of 83 cities are postponing capital outlay and infrastructure. Council appreciates citizen comments. Ten times the people who spoke tonight would be 100. People do not come out and speak publicly but they do use the phones. It is bad to do nothing. The bond was for \$20 million, \$18 million of which has been spent. We need to finish the project. Need to take a chance. Disagrees that only the most affluent can afford the Beacon and the Marina. It would be a disservice to the citizens not to finish these projects. Perhaps those businesses that left the city might return. Must be ready to take a chance. Invest in the city. Invest in our future. The ethanol is not in operation. That is not to say they will not sell the plant and get it up and running. The Beacon Theatre – we allowed the persons there in the past to spend our money. They were not held accountable. No one should be measured by one vote. Look at the totality. One councilor reported constituents who want the vote to be No for these projects. If more were in favor they should have been here tonight. We have cut the budget to the bone. With decreasing real estate taxes and personal property taxes, will have to be increased in the future. We cannot afford this. Show the revenue coming from these projects and they will get the support. The tax payers will bear the brunt of these projects and decisions made tonight. One councilor does not know how many people know how long the Beacon has dragged on. It must be completed. The City needs to be proud of our gateways as well as our

**October 18, 2011**  
**Regular Council Meeting**

neighborhoods. When the Recreation Building was about to be bonded and built, citizens were against it. When the new schools came along, citizens did not support it because it did not provide income. The new Social Services building has replaced the cramped quarters they once had. We must do something positive for the city. One Councilor spoke to two realtors in the City who would not support Hopewell by talking against it. Who ran the businesses out of town? (Councilor Shornak raised a Point of Order – Are we attacking the public now?) One Councilor would like to see the public plant flowers in the City. Marion Hebert stood from the audience and told Councilor Stokes that he was out of line; it was wrong to attack individuals in the audience.

**Motion** was made by Councilor Bujakowski, and seconded by Councilor Pelham, to approve Ordinance No. 2011-16 (remove the public safety building) on *first reading*. Upon the roll call, the voting resulted:

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

**Motion** to postpone was made by Vice Mayor Walton, and seconded by Councilor Shornak. Upon the roll call, the vote resulted:

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

**Motion** was made on the original motion, to remove the money (\$2,000,000.00 for possible infrastructure, i.e. road repairs) and approve the amendment to the original motion to approve Ordinance No. 2011-16 on *first reading*. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	NO
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**The undersigned City Clerk of the City of Hopewell, Virginia (the “City”), certifies as follows:**

1. A regular meeting of the Council of the City of Hopewell, Virginia, was held on November 8, 2011, at the time and place established by such Council for its regular meetings, at which the following members were present and absent during the voting on the ordinance referred to below:

**PRESENT:**

**ABSENT:**

2. Ordinance No. 2011-16 entitled “An Ordinance Authorizing the Issuance of General Obligation Public Improvement Bonds of the City of Hopewell, Virginia, in the Maximum Principal Amount of \$11,000,000,” having been introduced at a regular meeting held on October 18, 2011, and, having been the subject of a public hearing held on October 18, 2011, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, was duly adopted at a regular meeting held on November 8, 2011, by an

**October 18, 2011**  
**Regular Council Meeting**

affirmative roll call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:

**MEMBER**

**VOTE**

3. Attached hereto is a true, correct and complete copy of such ordinance as adopted at such meeting.

4. The foregoing ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Hopewell, Virginia, this \_\_\_\_ day of November, 2011.

(SEAL)

\_\_\_\_\_  
City Clerk, City of Hopewell, Virginia

**ORDINANCE NO. 2011-16**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF HOPEWELL, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$11,000,000

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

1. It is determined to be necessary and expedient for the City of Hopewell, Virginia (the "City"), to finance the acquisition, construction, renovation, redevelopment and equipping of certain capital improvement projects for the City, including but not limited to, a Public Safety Building, the Beacon Theatre and the Marina (the "Project"), and to borrow money for such purposes and issue the City's general obligation public improvement bonds therefor.

2. Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, there are authorized to be issued general obligation public improvement bonds of the City in the maximum principal amount of \$11,000,000 to provide funds, together with other available funds, to finance the Project and to pay costs of issuing such bonds.

3. The bonds shall bear such date or dates, mature at such time or times not exceeding 40 years from their dates, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold at such time or times and in such manner as the Council may hereafter provide by appropriate resolution or resolutions.

4. The bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The City intends that the proceeds of the bonds be used to reimburse the City for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Ordinance. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the bonds or other debt.

**October 18, 2011**  
**Regular Council Meeting**

6. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

7. The City intends to make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

8. The City intends that the adoption of this Ordinance confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

9. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Ordinance in the Circuit Court of the City of Hopewell, Virginia.

10. This Ordinance shall be effective immediately upon its adoption after a second reading.

**COMMUNICATIONS FROM CITIZENS**

**Archie L. Bunch, Jr.**, P. O. Box 321, Hopewell (resides in Chesterfield), is a disabled veteran who uses the Hopewell Community Center to rehabilitate himself. He will not be disrespected by employee at that facility. He demands respect. He complained about the locker room. He has reported it a towel does not fix it. The mold must be treated; fix it. It will cost the City more money if someone gets sick from the mold. There are double standards because he is multi-racial. He is 100% disabled. America's veterans have made sacrifices for their country.

**Gino Cortese**, 218 N. 21<sup>st</sup> Avenue, Hopewell – He is a tax payer and an employee of the City in the Department of Public Works. Employees have gone four years without a raise. The bonus was nice last year, but it does not help anyone's retirement.

There being no other speakers, Communications from Citizens were closed at 10:20 PM

**UNFINISHED BUSINESS – VAWCO AND DEQ, CITY OF HOPEWELL WATER CONSERVATION PLAN TO INCORPORATE THE CITY OF HOPEWELL INTO THE REGIONAL PLAN**

At the City Council meeting on September 13, 2011, Council held a public hearing to receive citizen comments, the subject of which was "*Virginia American Water Company, in concert with the City of Hopewell and the Appomattox River Water Authority Regional Water Supply Plan partners, are moving forward with the water supply planning process as outlined in 9 VAC 25-780 Local and Regional Water Supply Planning, including the required public hearings for program adoption.*"

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Shornak, to resolve to adopt the Water Conservation Plan. Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.)
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)

**October 18, 2011**  
**Regular Council Meeting**

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

**CITIZEN/COUNCILOR REQUEST – COUNCILOR STOKES – REPORT OF FINANCE COMMITTEE MEETING – OCTOBER 12, 2011**

Councilor Stokes reported on behalf of the Finance Committee, of which Councilor Bujakowski and Councilor Shornak are also members. The Finance Committee Meeting met on October 12, 2011 with Dr. Daley. They addressed five issues:

- |   |  |
|---|--|
| 1. 3% Employee Bonus                              | 3/1 vote in favor  |
| 2. Proposal to eliminate the vehicle license fee  | agreed with 53 plan  |
| 3. Method of payment for Beacon & Marina projects | 2/1  |
| 4. Employee raises for FY 2012/2013, and          | The City Manager will present to Council 3% or more for employees. |
|   | Come back to Council in May 2012.                                  |
| 5. Two-year budget cycle                          | agreed.  |

**CITIZEN/COUNCILOR REQUEST – SCOTT FIRESTINE, DIRECTOR – APPOMATTOX REGIONAL LIBRARY, HOPEWELL/PRINCE GEORGE CHAMBER OF COMMERCE – HCIP LOGO & SIGNAGE**

Scott Firestine made the presentation on behalf of the Hopewell Community Industry Panel (HCIP), in the absence of Becky McDonough, Executive Director of the Hopewell/Prince George Chamber of Commerce. They have created a logo and brand that will be posted in the community. Hopewell High School students created the logo. Mr. Firestine is the Co-chair of HCIP with Humberto Caldelas.

**CITIZEN/COUNCILOR REQUEST – VICE MAYOR WALTON – INCREASE THE AMOUNT OF REIMBURSEMENT FROM 5K TO 10K ON A DOLLAR-FOR-DOLLAR MATCHING BASIS CONCERNING THE FAÇADE PROGRAM**

Vice Mayor Walton wished to discuss the misunderstanding between the Downtown Partnership and City Council on how much the reimbursement amount is. City Council passed \$5,000 and the Downtown Partnership has been telling businesses that it was \$10,000. There is only a maximum of \$200,000 anyway.

The Vice Mayor expressed his disappointment in management. Council voted to give \$200,000 for the Façade Program, or \$10,000 total. The Downtown Partnership told business owners that it was \$10,000 with another \$10,000, not \$5,000. The Downtown Design Review Committee reviewed the plan. Council saw the draft. Staff did not bring it back to Council. That is how it ended up not coming before Council. The ordinance will be on the November agenda, to bring the Façade Program to \$10,000.

**Motion** was made by Vice Mayor Walton, seconded by Councilor Bujakowski, and unanimously approved to bring the Façade Program to \$10,000.00 cap.

Councilor Stokes filed a Transactional Disclosure Statement as a City Employee of the Sheriff's Department. Councilor Pelham filed a Transactional Disclosure Statement as a School employee.

**CITIZEN/COUNCILOR REQUEST – COUNCILOR BUJAKOWSKI – PROPOSED EMPLOYEE BONUS – DECEMBER 2011**

Councilor Bujakowski added to the agenda a request for “2011 Employee Bonus – December 1, 2011.” He reported that since the City will have approximately \$1 Million more than anticipated, because of efforts from city departments and tickets on I-295, he requested that Council approve a 3% bonus for employees in December and also ask staff to survey the surrounding localities for salary increase programs in our two-year budget. The

**October 18, 2011**  
**Regular Council Meeting**

Finance Committee has capped the bonus at \$1,800.00. The Salary Survey should get back to Council no later than January 2012.

**DISCUSSION:** City employees deserve a raise. It is great to give a bonus. But there is concern that in May, if there is not any money, Council might not be able to give the raise. There was support for the bonus and raise, but unsure that Council will approve the bonus and raise. There is hope that July 1 raises happen. And hope that the money is there to do that. Councilors would like to see figures from like-staff in other areas. Raises are important for retirement. Regarding bonuses, staff should be creative in not giving too large a check. (Employees can change deductions for this check.) Employees should contact tax advisors.

**Motion** was made by Councilor Bujakowski, seconded by Councilor Pelham, and unanimously approve to give City employees a 3% bonus, with a maximum of \$1,800.00, in December.

**An Ordinance Approving a 3% Employee Bonus**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the City does hereby direct the City Manager to pay all City of Hopewell employees a one-time bonus of three percent (3%) of the employee's annual pay (excluding supplemental and over-time pay) based on the following guidelines:

1. The bonus shall be paid to all permanent full-time and part-time personnel with more than one year of employment.
2. There will be a cap on the bonus payments of \$1,800 per employee.
3. The pay will be issued to the employee in a separate paycheck.
4. The payments shall be made on December 1, 2011.
5. Employees with less than one year of service will become eligible to receive a bonus payment upon successful completion of their first full year of employment.
6. City Council and members of city boards and commissions are exempt from the program.

**CITIZEN/COUNCILOR REQUEST – RICHARD COMMANDER – HOPEWELL FOOD PANTRY**

Dick Commander, Food Pantry distributed handouts (filed in the City Clerk's Office). He will be asking for a Community Grant. The Food Pantry feeds an average 2,150 people per year. In 2010 – 8,725, and they expect over 10,000 this year. This function is very necessary in Hopewell right now. He has budgeted \$25,000.00. Last year they spend \$63,000, and are expecting to spend \$81,000 this year. He has submitted grants to the John Randolph Foundation and the Cameron Foundation. The Food Pantry is being challenged. They can feed one person for one week for \$8.00 (total of 21 meals). They receive many contributions and donations. This year they will give away 700 turkeys for Thanksgiving. Last year they fed 45 families per day. He would appreciate any help from the City.

**CITIZEN/COUNCILOR REQUEST – VICE MAYOR WALTON – CREATE AN EDA (ECONOMIC DEVELOPMENT AUTHORITY) AND HIRE AN ECONOMIC DEVELOPMENT DIRECTOR**

Vice Mayor Walton discussed the Economic Development Recruiter. At the VML Conference there was discussion about economic development to recruit businesses for the City. \$70,000 to the Main Street Program to hire someone to develop a part of downtown. Consideration should be given to Route #36, Cavalier Square and 15<sup>th</sup> Avenue. Many businesses have dressed up their places of business, but we need more. Need someone with fresh eyes to attract businesses. The City Manager should decide who this position will report to. Dr. Daley indicated that he would advertise the position and see what come back from that. It would have to be an independent entity.

**DISCUSSION:** Can this go to the Finance Committee? Part of what we want to do at the Beacon and Marina must attract other businesses, etc., around them. The Cardinal Group referred to the marina and to finish the



**October 18, 2011**  
**Regular Council Meeting**

Beacon. Some Councilors are willing to put emphasis on downtown, but not on Route #36. We need revenue to increase our tax base. We must market that area. The current focus is on downtown, with none on the Ft. Lee corridor and Route #36. The Economic Development person could help in attracting them to Hopewell. The Cardinal Group said to go out to Route #36 as well as downtown. Some believe that is self-fulfilling because of Ft. Lee. Those businesses that have come to #36 focus on the needs at Ft. Lee. We need more than auto supply stores and “dollar” stores; need pedestrian-friendly cross walks in Hopewell. The city is only 10 square miles. Wants something that brings a return on the investment. Downtown is “feel good.” Must consider retired people; rental property. All of these things have been talked about for many years.

**Motion** was made by Vice Mayor Walton, and seconded by Councilor Bujakowski to advertise hiring an Economic Development Director.

An **amended motion** was made by Councilor Pelham, and seconded by Councilor Stokes, to send this request to the Finance Committee before voting on it, and come up with a recommendation for funding the Economic Development Position. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	NO
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**CITIZEN/COUNCILOR REQUEST – CHANGE REGULAR MEETING FROM NOVEMBER 8, 2011 TO NOVEMBER 15, 2011 DUE TO ELECTION DAY ON NOVEMBER 8**

**Motion** was made by Councilor Stokes, seconded by Councilor Pelham, and unanimously passed to change the November City Council meeting from November 8, to November 15, 2011, due to Election Day on November 8.

**REGULAR BUSINESS – BOND RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF SEWER SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2011, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$23,500,000 OF THE CITY OF HOPEWELL, VIRGINIA**

Jimmy Sanderson, Davenport & Co., described refinancing \$17,000.00 in 2009, due in 2012. It is currently callable. He recommended looking at interest rates, revenue bonds, not general obligation bonds.

**Motion** was made by Councilor Stokes, and seconded by Councilor Shornak, to resolve to adopt the Bond Resolution providing for the issuance, sale and award of Sewer System Revenue and Refunding Bonds, Series 2011, in a principal amount not to exceed \$23,500,000 of the City of Hopewell, Virginia, heretofore authorized, and providing for the form, details and payment thereof (Copies are filed in the Office of the City Clerk.). Upon the roll call, the voting resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**RESOLUTION**

**RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF SEWER SYSTEM REVENUE AND REFUNDING BONDS, SERIES 2011, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$23,500,000 OF THE CITY OF**

October 18, 2011  
Regular Council Meeting

**HOPEWELL, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING  
FOR THE FORM, DETAILS AND PAYMENT THEREOF**

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

**WHEREAS**, the City Council adopted an ordinance on November 17, 2009 (the “Ordinance”), authorizing the issuance of sewer system revenue bonds in the maximum principal amount of \$30,000,000 in one or more series to provide funds to finance improvements to the System, of which bonds \$22,005,000 have been issued and sold;

**WHEREAS**, the City desires to finance the costs of expansion and improvements to the System, including but not limited to, the improvement and upgrade of an existing pump station (the “Project”) through the issuance of sewer system revenue bonds in a maximum principal amount of \$3,750,000, which amount does not exceed the unused authorized amount remaining under the Ordinance;

**WHEREAS**, on December 22, 2009, the City issued its \$17,845,000 Sewer System Revenue Bonds, Series 2009 (the “2009 Bonds”), secured by a pledge of revenues of the System;

**WHEREAS**, the City’s administration has recommended to the City Council that the City issue and sell one or more series of sewer system revenue and refunding bonds in the maximum principal amount of \$23,500,000 (the “Bonds”) through negotiation with Davenport & Company LLC (the “Underwriter”) to provide funds to (1) refund the outstanding 2009 Bonds (the “Refunded Bonds”), (2) finance the Project, (3) fund a debt service reserve fund for the Bonds and (4) finance all or a portion of the costs of refunding the Refunded Bonds and issuing the Bonds;

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

- (a) Third Supplemental Agreement of Trust dated as of December 1, 2011 (the “Third Supplemental Agreement”) between the City and the Trustee;
- (b) Preliminary Official Statement describing the Bonds; and
- (c) Bond Purchase Agreement to be dated the sale date of the Bonds between the City and the Underwriter;

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

**October 18, 2011**  
**Regular Council Meeting**

**Issuance of Bonds.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act, the City Council hereby provides for the issuance and sale of the Bonds in the maximum aggregate principal amount of \$23,500,000 to provide funds to (i) finance the Project, (ii) refund the Refunded Bonds, (iii) fund a debt service reserve fund for the Bonds and (iv) to pay the costs of issuing the Bonds and refunding the Refunded Bonds.

**Bond Details.** The Bonds shall be issued in one or more series, shall be designated "Sewer System Revenue and Refunding Bonds, Series 2011" or such other designation as may be determined by the City Manager, shall be in registered form in denominations of \$5,000 and integral multiples thereof, shall be dated such date as determined by the City Manager and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds to the Underwriter are authorized on terms as shall be satisfactory to the City Manager; provided, however, that the Bonds (a) shall have a "true" or "Canadian" interest cost not to exceed 6.00% (taking into account any original issue discount or premium), (b) shall be sold at a price not less than 98% of the original aggregate principal amount thereof (excluding any original issue discount) and (c) shall mature or be subject to mandatory sinking fund redemption in annual installments ending no later than December 31, 2043.

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

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

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

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

**Sale of Bonds and Bond Purchase Agreement.** The sale of the Bonds to the Underwriter is authorized upon the following terms. The City Manager shall (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1, (b) determine the interest rates of the Bonds, maturity schedule of the Bonds, and the price to be paid for the Bonds by the Underwriter, subject to the limitations set forth in Section 2, and (c) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 3, all as the City Manager determines to be in the best interests of the City.

Following the determination of the terms of the Bonds and their sale, the City Manager is authorized to execute and deliver to the Underwriter the Bond Purchase Agreement. The Bond Purchase Agreement shall be in substantially the form presented to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the City Manager, the execution thereof by the City Manager to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. Following the sale of the Bonds, the City Manager shall file a copy of the Bond Purchase Agreement with the records of the City Council. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the City Council.

**Official Statement.** The draft of a Preliminary Official Statement describing the Bonds, copies of which have been provided to the members of the City Council, is approved as the form of the Preliminary Official Statement by which the Bonds will be offered for sale, with such completions, omissions, insertions and changes not

**October 18, 2011**  
**Regular Council Meeting**

inconsistent with this Resolution as the City Manager may consider appropriate. The City Manager is authorized and directed to execute an Official Statement in final form (the "Official Statement") and deliver it to the Underwriter. The Official Statement shall be in substantially the form of the Preliminary Official Statement submitted to this meeting, with such completions, omissions, insertions and other changes as may be approved by the City Manager, the execution thereof by the City Manager to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The City shall arrange for the delivery to the Underwriter of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Underwriter initially sells Bonds.

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

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

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

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

**Redemption of Refunded Bonds.** The Refunded Bonds are specifically and irrevocably called for redemption on a date that is no later than 90 days after the issuance of the Bonds as selected by the City Manager. The Third Supplemental Agreement shall provide for notice of redemption to be given in accordance with the Master Agreement of Trust and the Third Supplemental Agreement. If requested by the City, the Trustee, acting as escrow agent, is authorized to execute an initial and final subscription form for the purchase of the Government Obligations.

**Deposit of Bond Proceeds.** Bond proceeds will be deposited as provided in the Third Supplemental Agreement. The Director of Finance is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Bonds.

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

**Other Actions.** All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of

**October 18, 2011**  
**Regular Council Meeting**

the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

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

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

The undersigned Clerk of the Council of the City of Hopewell, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the City Council of the City of Hopewell, Virginia, held on the 18<sup>th</sup> day of October, 2011, and of the whole thereof so far as applicable to the matters referred to in such extract.

(SEAL)

Clerk of the Council, City of Hopewell

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**REGULAR BUSINESS – LAND PURCHASE – 207 EAST CAWSON STREET**

**Motion** was made by Councilor Stokes, and seconded by Councilor Bujakowski, to authorize the City Manager to enter into an agreement to purchase 207 East Cawson Street, Hopewell, for the sum of \$200,000.00, and appropriate the necessary funds to effectuate said purchase. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**REGULAR BUSINESS – 2011-2012 CHALLENGE GRANT – VIRGINIA COMMISSION FOR THE ARTS \$10,000 GRANT AWARDED – FUNDS NOT APPROPRIATED BY COUNCIL - HISTORIC HOPEWELL FOUNDATION, INC.**

A letter to Jo Turek, Director of the Department of Recreation and Parks, from David Harless, President of the Historic Hopewell Foundation, Inc., stated that it verified that Historic Hopewell Foundation will give the match of \$5,000 required of Hopewell City Council to receive the appropriated donation for the Local Challenge Grant. That will allow City Council to receive the matching funds from the State.

**Motion** was made by Councilor Pelham, and seconded by Vice Mayor Walton, to authorize acceptance of the donation and appropriate the donation (\$5,000 gift from Historic Hopewell Foundation) allowing the State to match the funds for the challenge grant. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**2011-2012 CHALLENGE GRANT VIRGINIA COMMISSION FOR THE ARTS GRANT AWARDED HOWEVER FUNDS NOT APPROPRIATED BY COUNCIL**

**ISSUE:** The Historic Hopewell Foundation (HHF) is seeking a Challenge Grant from the State Commission for the Arts for which the Department of Recreation and Parks must apply, as city dollars are used for the match. The

**October 18, 2011**  
**Regular Council Meeting**

grant amount of \$5,000 is the City's match. The grant will enable HHF to conduct art and art-related programs at Weston Manor, which programs are being expanded. **The grant was awarded in the amount of \$10,000.**

The City will file for the grant, under the same conditions as in previous years:

1. The grant will not be accepted unless the City's FY 2011-2012 adopted budget includes the matching funds; **HHF would like to give the City of Hopewell the match of \$5,000.**
2. Should the grant request be denied or only partially funded, the City would still make available to HHF, for art and art-related programs, whatever local funds have been allowed in the City's FY 2011-2012 General Fund Budget. **The City did not include funding in the budget.**

**RECOMMENDATION:** The Department of Recreation and Parks requested that Council receive the donation and appropriate the donation therefore allowing the State to match the funds for the Challenge Grant.

**TIMING:** Council action is requested on October 18, 2011.

**BACKGROUND:** The City of Hopewell, through the Department of Recreation and Parks, has been applying for said grant annually.

**FISCAL IMPACT:** \$10,000, of which 50% (or \$5,000) will be reimbursed by the State through the Challenge Grant. The remaining 50% would be through the City of Hopewell after receiving the donation.

**REGULAR BUSINESS – CITY MANAGER – TWO-YEAR BUDGET**

Dr. Daley indicated that Council must direct staff to prepare a Charter Amendment for a two-year budget. The first year there will be two budgets; the following year Council would amend one and approve one. That allows Council to make changes to plan for future expenditures and projects. The advantage is that Council can see the second year budget 18 months in advance. The disadvantage is that it will end up changing the one 18 months out. Sometimes it will be amended up, sometimes down. It will be tied to opposite assessments.

**DISCUSSION:** It is difficult to do a one-year budget. Some don't know how to anticipate expenses for a two-year budget. Why haven't other localities done it. Virginia budgeting is very traditional. Staff is usually doing this as an exercise. Because more accurate as you go. Will have a framework. The School Superintendent knew both of his year's appropriations. There is the option of always coming back to it. A public hearing is needed for the charter change. If adopted, then it will be submitted to Delegate Ingram and ask to submit it to the legislature.

**Motion** was made by Councilor Stokes, and seconded by Vice Mayor Walton, to set a public hearing for a charter change to allow Hopewell to develop a two-year budget.

Amended **motion** was made by Councilor Stokes, and seconded by Councilor Bujakowski, to accept the PPEA proposal.

**Motion** was made by Councilor Shornak, seconded by Councilor Bujakowski, and unanimously passed to postpone the charter change for a two-year budget to the November 15, 2011 Council Meeting.

**REGULAR BUSINESS – CITY MANAGER- PUBLIC SAFETY BUILDING**

Dr. Daley reported that the City has received a PPEA for a Public Safety Building at the old library and old Social Services building. The City must decide to accept and advertise; it is not tied to this site. Receive proposals for renovation of the building or new construction. There is an option to amend one building and not the other. Private development in the old library, or the old Social Services building could be used for the Health Department and Communications Center. Council may also elect to reject it.

**DISCUSSION:** Some Councilors did not understand why this issue was on the agenda. It was taken out of the bond issue. Some asked why it was being addressed again. Dr. Daley explained that for the last six months,

**October 18, 2011**  
**Regular Council Meeting**

Council said they wanted to work on a Public Safety building. The PPEA did not include the fire station, but the communication system was included. The Health Department would move there, and it should be explored. But the communication system should be a separate issue. Renovation of that building for the Health Department and Communication Center; not a Public Safety building. Some Councilors felt that they should accept this and take a look at what it is all about and not advertise right away. If the proposal is accepted, the City must advertise. Would have to be willing to seriously consider the PPEA. Another Councilor asked whether or not Council could reject the PPEA and then look at what it says for the old Social Services Building. (Dr. Daley explained that if the PPEA is not accepted, it must be returned unopened.) Another consideration would be whether or not the renovation could be in the existing Police Department and not accept the PPEA. However, it was removed from the other two bond issues. Council should not waste time and effort discussion the Public Safety building. Council needs some input from the Public Safety people. (Dr. Daley indicated that he has been working on this building since May. He did the preliminary work 18 months ago. Until two weeks ago, Council was very interested in this project.) Other buildings involved should also be looked at.

**Motion** was made by Councilor Shornak, seconded by Councilor Bujakowski, and unanimously passed to postpone to the November 15, 2011 City Council meeting the issue of the unsolicited PPEA proposal from Enochs Construction Co.

**REGULAR BUSINESS – DRAFT AGREEMENT – DOWNTOWN PARTNERSHIP**

**Motion** was made by Councilor Pelham, seconded by Councilor Bujakowski, and unanimously approved to resolve to postpone the Draft Agreement for the Downtown Partnership to November 15, 2011.

**REGULAR BUSINESS – CITY TREASURER, TERRI BATTON – RESOLUTION SETTING TAX RELIEF PERCENTAGE RATE**

**Motion** was made by Councilor Bujakowski, and seconded by Councilor Shornak, to adopt a Resolution setting forth the Personal Property Tax Relief Percentage for 2011, in the City of Hopewell, Virginia, in accordance with the Personal Property Tax Relief Act of 1998 and the 2005 Appropriations Act. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**RESOLUTION**

**A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2011, IN THE CITY OF HOPEWELL, VIRGINIA IN ACCORDANCE WITH THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 AND THE 2005 APPROPRIATIONS ACT**

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

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

**October 18, 2011**  
**Regular Council Meeting**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hopewell, Virginia, that qualifying vehicles situated within the City during the tax year 2011, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at more than \$1,000 and up to \$20,000 will be eligible for 53% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 53% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (e.g., business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

**Motion** was made by Councilor Shornak, and seconded by Vice Mayor Walton, to adopt Ordinance No. 2011-18, setting the 2011 Tax Rate at \$3.50 per \$100.00, on first and only reading. Upon the roll call, the vote resulted:

Councilor Stokes	-	yes (filed a Transactional Disclosure Statement – City Employee(Sheriff Dep.))
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes (filed a Transactional Disclosure Statement – School Employee)
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes

**ORDINANCE NO. 2011-18**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that there is hereby levied for the tax year beginning January 1, 2011 a tax rate of \$0.10 per One Hundred Dollars (\$100.00) of assessed valuation on one (1) motor vehicle used in the performance of his/her duties as a bona fide member of the Hopewell Emergency Crew as assessed by the Commissioner of the Revenue as tangible personal property and certified by said organization that said member was in good standing on January 1 and duly authorized to represent said organization; a tax at the rate of \$3.50 per One Hundred Dollars (\$100.00) of assessed valuation on tangible personal property, except such items of household goods and personal effects as itemized under §58.1-3504 of the Code of Virginia, which are hereby excluded, but including the property separately classified by §58.1-3506 of the Code of Virginia, having to do with boats and water craft, and all other property not herein specifically described, subject to taxation by the City of Hopewell, except that real and tangible personal property of Public Service Corporations shall be taxed in accordance with Chapter 26, Title 58.1, of the Code of Virginia, 1950, as amended.

**REPORT OF THE CITY ATTORNEY**



October 18, 2011  
Regular Council Meeting

No report.

**REGULAR BUSINESS – REPORT OF THE CITY CLERK – APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Motion** was made by Vice Mayor Walton, seconded by Councilor Bujakowski, and unanimously approved to: reappoint to the Board of Building Code & Fire Prevention Code Appeals, Richard Savidge, Sr., for a term extending thru October 31, 2016; reappoint to the Crater District Area Agency on Aging, Tommy Wells, for a term extending thru September 30, 2013; reappoint to the Neighborhood Watch Advisory Council, for terms extending thru October 31, 2013, from Ward #1-Nathan Adams; Ward #2-Renate Harris; Ward #3-Toni Cortese; Ward #3-Shirley Hall; Ward #4-Randy Simpson; Ward #5-William Crockett; and Ward #5-Jerry Williams; appoint to the Recreation Commission, Antonio Chambers, HHS student, for a term extending thru May 31, 2013; reappoint to the Senior Citizens Advisory Commission, for terms extending thru October 31, 2013, Shirley Brannan and Paul Karnes; reappoint to the Social Services Advisory board, for a term extending thru October 31, 2015, Ruby Wellington; reappoint to the Hopewell Regional Wastewater Treatment Commission, for terms extending thru October 31, 2013, Dave Anderson-Smurfit-Stone Container, and Karl Bostaph-Ashland Aqualon.

Appointments/reappointments to be made on November 15: Board of Architectural Review, two vacancies, one term to October 31, 2012 and one term to October 31, 2014; Board of Zoning Appeals, one vacancy, term to October 31, 2016; Central Virginia Film Office Board, one vacancy, term to October 31, 2014; Central Virginia Waste Management Authority, one member vacancy, term to October 31, 2013, and one alternate vacancy, term to October 31, 2013; Crater District Health Advisory Board, one vacancy, term to 10/31/14; District 19 Community Services Board, one vacancy, term to October 31, 2014.

**REPORTS OF CITY COUNCIL MEMBERS**

Due to the late hour there were no reports from Council Members.

**ADJOURN**

At 11:35 PM **motion** to adjourn the meeting was made by Councilor Shornak, seconded by Councilor Bujakowski, and unanimously passed.

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Christina J. Luman-Bailey  
Mayor

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Ann M. Romano, City Clerk