

October 16, 2012

Regular Council Meeting

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD OCTOBER 16, 2012

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 16, 2012, at 7:30 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
 Roosevelt Edwards, Jr., Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

 Edwin C. Daley, City Manager
 David C. Fratarcangelo, City Attorney
 Ann M. Romano, City Clerk

ABSENT: Michael C. Bujakowski, Councilor
 Gerald S. Stokes, Councilor

ROLL CALL

Mayor Luman-Bailey opened the meeting at 6:30 PM. Roll call was taken as follows:

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

CLOSED SESSION

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously passed to convene into Closed Session for consultation with legal counsel pertaining to probable litigation (zoning regulations of adult entertainment businesses and a manufacturing facility in the City) in accordance with Va. Code Sec. 2.2-3711 (A) (7); discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community (manufacturing facility in the City) in accordance with Virginia Code Sec. 2.2-3711 (A) (5); Personnel (City Clerk's position) in accordance with Virginia Code Sec. 2.2-3711 (A) (1); and Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1).

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:

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

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REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:30 PM. Roll call was taken as follows:

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

Prayer was offered by Bishop Marcus D. Campbell, Senior Pastor, Abundant Life Center, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Vice Mayor Walton, seconded by Councilor Edwards, and unanimously passed to approve the Consent Agenda: Minutes: Minutes Regular Meeting September 11, 2012 and Work Session/Special Meeting October 2, 2012; Pending List; Information for Council Review: Previously sent electronically: HRHA minutes 6/11/12, Special Meeting Notice & agenda 9/17/12, Date Change Notice to 10/9/12, minutes 6/11/12 & 9/17/12, agenda 9/10/12; Beacon Theatre Committee minutes 12/22/11, 2/9/12, and 7/19/12; Beacon LLC minutes 9/20/12; Recreation Commission meeting cancellation-no quorum 9/12/12 & minutes 8/8/12; and School Board minutes 8/9/12 and 8/29/12; TSB minutes 8/7/12, 10/2/12; Statement of Assessed Values for Local Tax Purposes for Railroads and Interstate Pipeline Transmission Companies-2012; Friends of Hopewell Assn., Ashford, England minutes 9/24/12 (affiliated with the Hopewell Twinning); Beacon Operations/September Expense Report–Scott Firestine; and Downtown Hopewell Partnership – Monthly Expense Report-March Altman; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: none; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Certificates of Achievement for Excellence in Financial Reporting 2010 and 2011 to Elesteen Hager, Director of Finance; and Domestic Violence Awareness Month Proclamation.

Motion was made by Vice Mayor Walton, seconded by Councilor Edwards, and unanimously passed to amend the City Council minutes dated September 11, 2012 to include Councilor Shornak’s Point of Order comments, under Regular Business, Increase Membership of Board of Directors of Beacon Theater 2012 Manager, Inc. from three (3) to five (5) members.

Mayor Luman-Bailey presented a Proclamation to the James House in observance of October as Domestic Violence Awareness Month.

PROCLAMATION

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and domestic violence is widespread and affects over four million Americans each year and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for The James House, the accredited, non-profit crisis

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center that provides cost-free, confidential support, advocacy, and education for people in Hopewell affected by domestic violence.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and City Council of the City of Hopewell, proclaim the month of October as

DOMESTIC VIOLENCE AWARENESS MONTH

and urge the citizens of Hopewell to work together to eliminate domestic violence from our community.

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 16th day of October 2012.

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

Mayor Luman-Bailey recognized Elesteen Hager, Finance Director, for receiving Certificates of Achievement for Excellence in Financial Reporting 2010 and 2011.

AMEND AGENDA

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously passed to amend the agenda to include Disposition of Osage Property.

PUBLIC HEARING – (1) PROPOSED SCHOOL BOARD BUDGET RESOLUTION AMENDMENT, SCHOOL BUDGET INCREASE, IN THE AMOUNT OF \$779,167 TO BE MADE FOR THE FY 2012-2013 BUDGET; AND (2) PROPOSED CITY BUDGET RESOLUTION AMENDMENT IN THE AMOUNT OF \$6,688,222 TO BE MADE FOR THE FY 2012-2013 BUDGET

This was the night advertised as a Public Hearing to receive public comments regarding a proposed School Board Budget Resolution Amendment, School Budget Increase, in the amount of \$779,167 to be made for the FY 2012-2013 Budget; and to receive public comments regarding a proposed City Budget Resolution amendment in the amount of \$6,688,222 to be made for the FY 2012-2013 Budget.

Mayor Luman-Bailey opened the public hearing at 7:45 PM.

Ray Watson presented the School Board Budget Resolution Amendment. Hopewell High School construction project is not yet completed.

There being no other speakers, the public hearing was closed at 7:50 PM.

Motion was made by Vice Mayor Walton, and seconded by Councilor Edwards, to approve Proposed School Board Budget Resolution Amendment, School Budget Increase, in the amount of \$779,167, to be made for the FY 2012-2013 budget. Upon the roll call, the vote resulted:

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

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BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2012-2013

WHEREAS, at the meeting of the City Council of the City of Hopewell held on October 16, 2012, an amended budget for the Hopewell Schools of fund encumbrances at June 30, 2012 was introduced in its complete form of which \$779,167 is to be re-appropriated for encumbrances for the FY 2012-2013 budget, and,

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

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

Sec. 1 The following designated funds and accounts shall be re-appropriated for school services from carryover balances.

School Operating Fund-014:

Resources:

CarryOver for Encumbrances	\$199,167
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Appropriations:

Operating Expenditures	199,167
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Bldg. & Bus Fund-063:

CarryOver Funds	\$580,000
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Appropriations:

High School Renovation Project.....	580,000
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Motion was made by Councilor Pelham, and seconded by Councilor Edwards, to approve Proposed City Budget Resolution Amendment in the amount of \$6,688,222 to be made for the FY 2012-2013 budget. Upon the roll call, the vote resulted:

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

BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2012-2013

WHEREAS, at the meeting of the City Council of the City of Hopewell held on October 16, 2012, an amended budget of the fund encumbrances at June 30, 2012 were introduced in its complete form of which \$6,688,222 is to be re-appropriated for encumbrances and on-going capital projects for the FY 2012-2013 budget, and,

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

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

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

General Fund-011:

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Resources:

Non-spendable-Encumbrances \$132,965

Appropriations:

Com of Revenue	290
Gen Dist Court	587
Sheriff Office	6,704
Sheriff I-295 Project	10,240
Voter Registrar Office.....	4,302
Finance-IS Department	1,808
Finance- Real Estate Department.....	21,034
Development- GIS Department	111
Development- Code Department	798
Police Department.....	53,415
Police Department Animal Control	476
Police Department Victim-Witness	499
Fire Department	32,014
Agency Department	200
Tourism Division	112
Non-Departmental.....	<u>373</u>
Total General Fund	\$132,965

RECREATION & PARKS Fund-035:

Non-spendable-Encumbrances \$725

Appropriations:

Rec Center	90
Parks	<u>635</u>
Total Recreation & Parks Fund	\$725

CDBG Fund-052:

Carry Over Funds \$304,133

Appropriations:

Rainbow Summer Program Project	70
Healthy Families Project.....	359
James House Project	1,155
Foster Grandparents.....	750
Respite Care Group Project	3,442
Salvation Army	635
Sunnyside Avenue Project.....	11,258
Sunnyside Avenue Project.....	10,000
19 th Avenue Project.....	30,000
Boston Street Project	27,010
Signage for Historic District.....	36,000

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Rt 10 Traffic Safety Project.....	3,473
Trenton Street Project.....	65,575
Maple Street Project.....	34,938
Hopewell Housing Authority Project	38,738
Grant Administration	<u>40,730</u>
Total CDBG Fund	\$304,133

CAPITAL PROJECTS Fund-071:

Carry Over Encumbered Funds	\$6,250,400
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Appropriations:

Beacon Theater Project.....	4,080,882
Parkview Pointe Rd	96,000
Cabin Creek Drainage Project	156,256
Atwater Rd Project	138,300
Dinwiddie Ave. Project	249,875
St Lighting Improvement Project	37,485
Curb, Gutter & Sts VDOT Match Project	571,000
Parks Project.....	16,406
City Park Project.....	26,002
Booker Street Park Project.....	409
Rec Center Roof Project	179,265
Marina Project	94,100
Hunter House Project.....	30,000
Sesquicentennial Committee Project	25,000
Heritage Gardens Project.....	14,450
GIS Mappings Project	33,308
E. Broadway Bridge Project	100,710
Cedar Level-VDOT Match Project.....	29,456
Curb/Gutter Reserve Acct.....	51,267
Drainage List Projects	12,369
Downtown Façade Grant Program	182,118
Demolition Bldgs-Code	31,518
Capital Equipment- Code	<u>94,225</u>
Total Capital Projects Fund	\$6,250,400

COMMUNICATIONS FROM CITIZENS

John H. Holloway, Sr. provided a brief update of the past seven months' of suggestions he has made to City Council.

Dr. John Fahey, School Superintendent thanked Council for its support. The graduation rate was up. The recent HHS Open House went very well. HHS Football team is number 10 in the region. The HHS Band won several first, second and third place awards in its recent competition in Washington, DC.

There being no other speakers, Communications from Citizens was closed.

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UNFINISHED BUSINESS – COUNCILOR STOKES – AD HOC PARK COMMITTEE UPDATE

Councilor Stokes was unable to attend the meeting due to illness. By consensus of Council, this item was moved to the agenda of November 13, 2012.

CITIZEN/COUNCILOR REQUEST – COUNCILOR PELHAM – LANGSTON PARK COMMUNITY INITIATIVE

Bishop Marcus D. Campbell, Senior Pastor, Abundant Life Christian Center, addressed Council with an overview of ALCC's goals, mission and purpose in its partnership with the HRHA (Hopewell Redevelopment and Housing Authority) in regard to Langston Park. A Memorandum of Understanding was signed by HRHA on September 11, 2012, effective October 6, 2012, giving Abundant Life Christian Center the ability to provide youth and family activities and volunteer services with Langston Park. On Tuesdays and Thursdays they will meet from 4:30-6:30 PM at the Hopewell Community Center; snacks and activities will be provided. The Adult Program will be on Wednesdays, from 7:00-9:00 PM and will begin on November 7, 2012. There will be a mobile computer lab with some laptops. He thanked everyone who had anything to do with this project.

REGULAR BUSINESS – REFUND \$40,766.06 – PRAXAIR, INC. – INCORRECTLY FILED AND PAID FOR TAX YEAR 2012

In accordance with State Code Sec. 58.1-3981 and 58.1-3990, the City Treasurer requested that \$40,766.06 be refunded to Praxair, Inc. Machinery and Tools Taxes were incorrectly filed and paid by Praxair for tax year 2012.

Motion was made by Councilor Pelham, seconded by Vice Mayor Walton, and unanimously passed to resolve to approve refund of \$40,766.06 to Praxair Inc.

REGULAR BUSINESS – KEEP HOPEWELL BEAUTIFUL – FALL CLEANUP DATES – OCTOBER 13-20, 2012

Keep Hopewell Beautiful announced the 2012 Fall Cleanup Dates, October 13-20, 2012.

REGULAR BUSINESS – TERRI BATTON, CITY TREASURER – (PERSONAL PROPERTY TAX RELIEF) PPTR PERCENTAGE RESOLUTION

Motion was made by Councilor Pelham, and seconded by Councilor Shornak, to adopt the resolution setting the Personal Property Tax Relief percentage rate at 56%. Upon the roll call, the vote resulted:

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

RESOLUTION

A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGE FOR 2012, 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

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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

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 2012, 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 56% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 56% 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 made on or after September 1, 2006 were deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer represented 100% of the tax assessable.

REGULAR BUSINESS – OSAGE TAX SALE

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously passed to authorize the City Attorney to initiate legal action to initiate a tax sale of the Osage/Appomattox Bio Fuel Plant.

REGULAR BUSINESS - REPORT OF CITY ATTORNEY: HOPEWELL ECONOMIC DEVELOPMENT AUTHORITY – REQUEST THAT CITY COUNCIL GIVES ITS OKAY TO THE CITY ATTORNEY PROVIDING THEM GENERAL LEGAL ADVICE

Motion was made by Vice Mayor Walton, seconded by Councilor Pelham, and unanimously passed to approve a request from the Hopewell Economic Development Authority to allow the City Attorney to provide them with legal advice.

REGULAR BUSINESS – APPOINTMENTS TO BOARDS & COMMISSIONS

No appointments were made.

REPORTS OF CITY COUNCIL COMMITTEES

Councilor Pelham attended the RC&D Council meeting where there was discussion of grant writing for the Woodlawn Learning Center, and Carter G. Woodson Middle School.

Vice Mayor Walton reported that based on a study, there will be a project in City Park at a cost of \$15,000, funded by outside sources.

Mayor Luman-Bailey attended the Virginia’s Gateway Region meeting also attended by Lt. Governor Bolling. In another matter she stated that Virginia First Cities Coalition objects to tolls on I-95.

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REPORTS OF CITY COUNCIL MEMBERS

Councilor Pelham congratulated Hopewell High School for raising its graduation rate. She announced a Neighborhood Watch meeting on Dellrose Avenue on the fourth Thursday of each month at the Church of Christ on Arlington Road.

Vice Mayor Walton reported the opening of the Pirate Playground at which many Ft. Lee soldiers volunteered. Some supporters were the Hopewell Historical Society, Jimmy Jones – donation of wood, but they need more help. Andy Clark made a great effort with the project. Mayor Luman-Bailey thanked everyone who participated and worked on the project. Vice Mayor Walton also announced that United Way is underway in the City.

Mayor Luman-Bailey reported that there will be a City Point 5K River Run and Walk on Saturday, October 27. She was pleased to have had recycling at Hooray for Hopewell. She also asked if there was any City interest in ethnic festivals.

ADJOURN

At 8:24 **motion** to adjourn the meeting was made by Vice Mayor Walton, seconded by Councilor Pelham, and unanimously passed.

Christina J. Luman-Bailey, Mayor

Ann M. Romano, City Clerk