

February 24, 2009

MINUTES OF THE CITY COUNCIL MEETING HELD FEBRUARY 24, 2009

A Special Meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 24, 2009, at 5:15 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
N. Gregory Cuffey, Vice Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
Gerald S. Stokes, Councilor
K. Wayne Walton, Councilor

Ann M. Romano, City Clerk
Edwin C. Daley, City Manager
Stefan M. Calos, Interim City Attorney

Mayor Pelham opened the Special Meeting at 5:27 PM. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Cuffey	-	present
Councilor Bailey	-	ABSENT (arrived at 5:29 PM)
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Stokes	-	ABSENT (arrived at 6:20 PM)
Councilor Walton	-	present

Mayor Pelham opened the meeting. Councilor Stokes offered the prayer, and Councilor Harris led the Pledge of Allegiance to the United States of America.

CLOSED SESSION

Motion was made by Councilor Harris, and seconded by Vice Mayor Cuffey, to convene into Closed Session to discuss personnel matters and consideration of individuals for Council-appointed positions, and appointments to boards and commissions, in accordance with Virginia Code Sec. 2.2-3711 (A) (1). Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	ABSENT (arrived at 6:20 PM)
Councilor Walton	-	yes

(Councilor Bailey left at 6:00 PM and returned at 7:10 PM.)

OPEN SESSION

At 6:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Session 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:

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Mayor Pelham	-	yes
Vice Mayor Cuffey	-	out of the room
Councilor Bailey	-	out of the room
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes (while he was present)
Councilor Walton	-	yes

REGULAR BUSINESS - UNSOLICITED PPEA PROPOSAL FOR THE HUMAN SERVICES BUILDING

Dr. Daley, City Manager, reported that two months ago Council directed him to begin review of two pieces of City property and to begin to prepare a solicitation. A document was prepared with all specifications and guidelines of the building. A request for proposals was scheduled to go out March 1, 2009. However, the City received an unsolicited proposal under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) from Associated Contracting Services, Inc. ACS. The City Manager recommended that Council accept ACS's unsolicited proposal, under the City's PPEA guidelines, for publication and conceptual stage consideration. Council was not asked to formally approve the proposal at this time.

The City Manager explained that no sites or other contractors were being eliminated and that acceptance of the unsolicited proposal at this time would simply mean receipt of it for consideration along with any others. Acceptance of the proposal would begin a required minimum 45-day process, which the City manager recommended be extended to 60 days. During such period, other firms could submit and the City could accept additional proposals. Also during such period, the City could complete option agreements and site analyses. After the 60-day process, the City would be in a position to select a site and a contractor, and enter into an agreement. Council would retain the right to reject all contractors and sites. Otherwise, construction could begin in June with completion by December 2010. A bond hearing is scheduled for May 12, 2009.

DISCUSSION: The City will receive \$190,000 per year, for 20 years, from the state for either a new Human Services building or a renovated building. Reference was made to the old Food Lion site, the old Jail site, and the old library, as well as renovation of the existing Social Services building and other buildings. Council discussed the \$2.5M borrowing this year and \$2.5M next year. The proposed building would house Social Services, the Health Department, CSA, and Healthy Families. Some of the building may be left as unfinished space for future expansion. Some Councilors felt that it was not good business to do this and felt it should be tabled and put out to bid. The present Social Services building contains 9200 sq. ft. and there are 2880 sq. ft. at their satellite office; Social Services needs a total of 18,000 sq. ft. Renovation of the existing building would not gain more square footage. There will be a Work Session on May 26, 2009 to review the entire project.

There was debate about rejecting ACS's unsolicited this proposal vs. tabling the matter. Regardless, the City Attorney would attempt to gain options on additional sites. The City Attorney explained that "accepting" an unsolicited proposal means receiving it for consideration, and starts the process. The PPEA and the City's PPEA guidelines, which were adopted by Council in 2005, allow unsolicited proposals to also be accepted by the City. Within 10 days the City must issue a notice that an unsolicited proposals has been accepted, and would publish a notification that the City is accepting competing proposals. The notification would provide instructions, terms, and conditions. Council action must be either to accept the unsolicited proposal for conceptual stage consideration or to reject it for such consideration.

The City Attorney explained that acceptance or receiving this proposal starts the process. The PPEA allows unsolicited bids to come in. Council adopted language and guidelines in 2005. Within 10 days the City must issue a notice and notification that a proposal has been accepted. The City is required to solicit additional proposals. Council action must be either to accept it or reject it.

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Motion was made by Vice Mayor Cuffey to table the Unsolicited PPEA Proposal for the Human Services Building.

There being no second to the motion, the motion died.

Motion was made by Councilor Emerson, and seconded by Vice Mayor Cuffey to accept the unsolicited PPEA Proposal for the Human Services Building, for publication and conceptual stage consideration.

A **Substitute motion** was made by Councilor Walton, and seconded by Councilor Harris, to table the matter.

Councilor Walton raised a Point of Order - to table overrides the previous motion and therefore debate must end.

Upon the roll call on the **Substitute motion**, made by Councilor Walton, and seconded by Councilor Harris, to table the issue, the vote resulted:

Mayor Pelham	-	NO
Vice Mayor Cuffey	-	NO
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	NO
Councilor Stokes	-	yes
Councilor Walton	-	yes

Four yes, three no - the motion to table passed.

Vice Mayor Cuffey left the meeting at 7:37 PM.

REGULAR BUSINESS - BUTTERWORTH'S BUILDING ORDINANCE

Motion was made by Councilor Harris, and seconded by Councilor Emerson, to adopt Ordinance No. 2009-05 on second and final reading. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

CLOSING SPECIAL MEETING

Councilor Emerson raised a Point of Order to close the Special Meeting before starting the Work Session.

Councilor Bailey expressed a desire to revisit the unsolicited PPEA proposal before closing the Special Meeting.

Motion was made at 7:40 PM to close the Special Meeting and to open the Work Session. Upon the roll call, the vote resulted:

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Mayor Pelham	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

Mayor Pelham called for a five-minute recess at 7:40 PM. The meeting reconvened at 7:48 PM.

WORK SESSION

1. Review of Patrick Copeland Park

Mr. Altman addressed Council regarding a question at the last meeting asking where the park property should be divided. There is a desire to create a park area near the water with property development closer to the road. Library Street could be extended all the way through. Mayor Pelham appointed the Patrick Copeland Park Site Planning Committee, and appointed Councilor Bailey and Councilor Walton to work with staff and bring back to Council a dividing line for the property. The committee will work with Mr. Altman and Ms. Turek, Director of the Recreation & Parks Department.

2. Update on the Rental Inspection Program

Fire Chief Tunstall was unable to attend the meeting due to illness. Police Chief Martin was present. The Department of Code Enforcement provided the number of Property Maintenance calls to “B” Village (1,471), and to the Arlington Heights area (107), during the past year.

DISCUSSION: Councilor Bailey had requested the number of rental units in “B” Village and in Arlington Heights. She also requested the number of calls in “B” Village, excluding the trailer park. The City Attorney reported that the issue is to pick an area. The whole City cannot be designated for inspection. It is at City Council’s discretion to designate one district. There was a question about “B” Village with the trailer park, and without the trailer park; and Arlington Heights, with Washington Heights, and without Washington Heights. Findings must be based on some type of evidence. There should be a report of rentals vs. non-rentals. As long as an area qualifies, Council may select it although it may qualify less. There is a need to protect the public health and welfare of the people in that district; based on evidence presented to council, and a majority vote making a finding. That finding can be attacked. The action that Council took was beyond being debatable.

The Rental Inspection Program started in City Point. The parameters were the same and no local challenges were upheld by state law. This is the basis that would have been used for the first ordinance. Based on the number of Property Maintenance calls, 1471-“B” Village, vs. 107-Arlington Heights, the area with the most calls should be looked at next. The entire City has certain blighted areas that must be looked at. The City would be remiss if it did not select “B” Village for the next phase of Rental Inspections. There was a question about how many of the reported calls were to owner-occupied residences. (Councilor Bailey requested the number of rental units receiving calls.)

In 2005 Council was provided the number of rentals in each area: City Point - 444; and, Arlington Heights - 499. “B” Village was not mentioned at that time. Chief Tunstall was asked to identify the area of the City best suited to continue the Rental Inspection Program. “B” Village was designated, not Arlington Heights. The area is defined in the finding. “B” Village was recommended because it received the most calls for service. If Council wants to select another area, it must follow the same guidelines. (Mayor Pelham requested additional information on “B” Village - more definition; there is a large disparity in the numbers.) Support has been based on visual observations in both neighborhoods. Arlington Heights is improving and taking a more private sector approach, whereas, “B” Village needs help. The elderly may need help with their owner-occupied homes.

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Since the time that Council selected Arlington Heights for the second phase of the Rental Inspection Program, there have been improvements to Arlington Heights. There was Council concern for consistency within the program. Selection of each phase must be done in the same manner. The program started with addressing bad streets, and that effort has almost stopped. If there are bad streets, it contributes to a bad neighborhood.

The City Attorney read from earlier minutes of City Council. His conclusion is that there is no explanation why City Point was chosen.

Last year Council heard Chief Tunstall on the current status of the Rental Inspection Program. Council asked him where to go next. He looked at where his calls were. That is why he recommended "B" Village. However, there would be no problem in going to Arlington Heights.

3. Graffiti Ordinance

Council received a draft ordinance on graffiti from the City Attorney. Police Chief Martin reviewed the proposed ordinance. Recently there was a new statute. The Hopewell graffiti ordinance contains blended terminology from a pre-existing ordinance and the new statute. There was an effort to streamline the process. Mr. Calos explained the ordinance and what it contains.

Councilor Stokes questioned page 2, (c) (7) of the ordinance. He asked for a definition of "partial restitution." The City Attorney will research the question and respond. Also on page 2, (c) (8) says that the City "may remediate" but does not have to. The text of the notice could be changed. There was a request that the City Attorney come back to Council before the next regular meeting.

Councilor Walton applauded getting this started. The Chief needs all available avenues of getting it cleaned up. It is important to get this on the books. Code Enforcement would first contact the building owner. If Public Works does the removal, there is a cost. The program should be fair, but the City is sure to see issues that will not be fair. Perhaps Graffiti Cleanup should be added to the budget. The City tries to work with the property owners to clean it up. There was mention of community service under the Police Department. The City Manager will research whether or not community service individuals are allowed on private property.

4. 2009/2010 Budget

Dr. Daley explained the budget priorities in reverse order. The budget needs an additional \$2M. The Budget Priorities in Reverse Order are as follows: Programs for Selected Groups (Arts, etc.), Public Appearance, Public Recreation, Education, Public Health, Public Safety, Public Existence at Subsistence Level, Materials and supplies, Work Enhancements (cell phones, color copies, etc.), Other training and travel, Essential Training and Travel (certifications, etc.), Vehicles and direct work equipment, Utilities, Vacant Positions, Employee Benefit increases, Employee Salary increases, Retiree benefits, Employee benefits, and Employee Jobs. As presented, Programs for Selected Groups could be the first item cut, and Employee Jobs could be the last. Council members were asked to prioritize in their own order and submit their revised lists to the City Manager before the next meeting.

Next was the General Fund Summary. There are six vacant positions in the General Fund, none are in public safety. There are approximately 350 full-time positions and approximately 70 part-time. Two-thirds of those positions are in the General Fund; HRWTF is not included. There was appreciation for this budget process because it is more "hands on" and Council has received more input.

ADJOURN

At 9:30 PM motion was made by Councilor Emerson, and seconded by Councilor Walton, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Stokes - yes

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Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

Brenda S. Pelham
Mayor

Ann M. Romano, City Clerk