

May 12, 2015
Regular Meeting

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL .HELD MAY 12, 2015

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 12, 2015, at 5:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
 Christina J. Luman-Bailey, Vice Mayor
 Arlene Holloway, Councilor
 Anthony J. Zevgolis, Councilor
 Jasmine E. Gore, Councilor
 K. Wayne Walton, Councilor
 Jackie M. Shornak, Councilor

Mark A. Haley, City Manager
Charles Dane, Interim City Clerk

ROLL CALL

Mayor Pelham opened the meeting at 5:30 p.m. Roll call was taken as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

CLOSED MEETING

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to resolve to convene into closed session for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, according to Virginia Code Section 2.2-3711(A)(1).

Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes

OPEN SESSION

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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:

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes

REGULAR MEETING

Mayor Pelham opened the regular meeting at 7:30 p.m. Roll call was take as follows:

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	present
Councilor Walton	-	present
Councilor Shornak	-	present

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Prayer was led by Herbert Bragg, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Walton, and seconded by Councilor Holloway, to approve the Consent Agenda, Minutes: none; Pending List: none; Information for Council Review: none; Personnel Change Report and Financial Report; Public Hearing Announcements: none; Routine Approval of Work Session: May 26, 2015-Public Safety; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Public Works; Kids in Parks Day and Foster Care Month. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes

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Mayor Pelham invited Ed Watson, Director of Public Works to receive a Proclamation for Hopewell Public Works:

PROCLAMATION

WHEREAS, Public Works infrastructure, facilities and services are of vital importance to the health, safety, and well-being of the people of this community; and

WHEREAS, the support of an understanding community is vital to the efficient operation of public works programs such as storm drainage, streetlights, roads, walkways, public buildings and grounds, solid waste recycling, collection and disposal, sanitary sewers, land development services and building construction; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skills of Public Works personnel; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments and offices is materially influenced by the people's attitude and understanding of the importance of the work they perform, and

WHEREAS, this year's theme "*Community Begins Here*" speaks to the essential nature of Public Works services in support of everyday quality of life. The year 2015 marks the 55th annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, BE IT PROCLAIMED by the City Council of Hopewell, Virginia the week of May 17-23, 2015 as

National Public Works Week

Brenda S. Pelham, Mayor

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PROCLAMATION

WHEREAS, May 16th, 2015 is the fifth Kids to Parks Day organized and launched by the National Park Trust and supported by Hopewell Recreation and Parks; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit Hopewell's parks and playgrounds; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes and hypertension;

WHEREAS, Kids to Parks Day is open to all children and adults to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and the outdoors;

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NOW, THEREFORE, the Mayor, Brenda S. Pelham, of the City of Hopewell, Virginia, does hereby proclaim to participate in Kids to Parks Day and urges all citizens to make time May 16th, 2015, to take children in their lives to a neighborhood, state or national park.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 12TH day of May, 2015.

Proclamation presented this 12th day of May 2015.

Brenda S. Pelham, Mayor

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PROCLAMATION

WHEREAS, the family is our most important resource for providing Virginia's children with love, dignity, and self-determination; and

WHEREAS, there are more children and youth in foster care in our Commonwealth; and

WHEREAS, every child in foster care deserves the security and opportunity for growth that a family can provide; and

WHEREAS, a child's success is best supported in a system that is family-focused, child-centered, and community-based; and

WHEREAS, foster, adoptive and kinship parents provide Virginia's children with the opportunity to be part of a caring family and help them reconnect with their families through reunification, permanent placement with relatives, or preparation for adoption; and

WHEREAS, through the partnerships among foster, adoptive and kinship parents, child welfare staff, and public and private child-serving organizations, efforts are made to ensure that children are safe and their voices are heard as we work for the success of every child;

NOW, THEREFORE, the Mayor, Brenda S. Pelham, of the City of Hopewell, Virginia, do hereby recognize May 2015 as FOSTER CARE MONTH in the City of Hopewell, and I call this observance to the attention of all our citizens .

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 12TH day of May, 2015.

Proclamation presented this 12th day of May 2015.

Brenda S. Pelham, Mayor

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PH-1 – An Ordinance amending Hopewell City Code Chapter 34, Taxation, Section 34-30 (Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone) of Article II (Tax on Real Estate, Machinery and Tools)

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The Mayor opened the Public Hearing and having no one signed up to speak then closed the Public Hearing. A motion was then made by Councilor Shornak, and seconded by Vice Mayor Luman-Bailey, to amend Hopewell City Code Chapter 34, Taxation, Section 34-30 (Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone) of Article II (Tax on Real Estate, Machinery and Tools). Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes

ORDINANCE 2015-5-12

An Ordinance amending Section 34-30 (Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone) of Article II (Tax on Real Estate, Machinery and Tools) of Chapter 34 (Taxation) of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 34-30 of Article II, Tax on Real Estate, Machinery and Tools, of Chapter 34 of the Code of the City of Hopewell is amended as follows:

CHAPTER 34 – TAXATION

ARTICLE II. TAX ON REAL ESTATE, MACHINERY AND TOOLS

Sec. 34-16. Accrual; when due and payable.

All taxes and levies on real estate and on machinery and tools subject to taxation by the city shall accrue on January first of each year and shall become due and payable on the first day of June of each year.

Sec. 34-17. Installment payment.

One-half of all taxes and levies accruing each year to the city on real estate and on machinery and tools shall be paid to the city treasurer on or before June fifteenth of each tax year and the remaining one-half, unless sooner paid, shall be paid on or before December fifth next following. Any taxpayer shall have the option of paying the second half of his then-current year's taxes at any time between June first and December fifth of the then-current tax year.

Sec. 34-18. Penalty for late payment.

For the nonpayment of the first one-half of the current year's taxes on real estate and machinery and tools, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on June sixteenth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due; and for the nonpayment of the second half of such taxes, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on December sixth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due.

Sec. 34-19. Interest on principal and penalty.

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Both principal and penalty for nonpayment of taxes on real estate and machinery and tools shall bear interest at the maximum rate allowed by law from the first day following the date such taxes are due.

Sec. 34-20. Treasurer's statement.

The city treasurer shall, at least fifteen (15) days before the due date of the first one-half of the taxes and levies on real estate and machinery and tools, mail to all such taxpayers a statement showing the amounts of the semiannual installments thereof. Such statement shall be prepared by the city treasurer.

Sec. 34-21. Biennial assessment of real estate.

Pursuant to the provisions of section 58.1-3253, Code of Virginia, and by virtue of the city having at least one full-time real estate appraiser or assessor certified by the state tax commissioner, beginning with the year 1977, and for each year thereafter, all real estate in the city shall be assessed and equalized biennially in lieu of the reassessments required under chapter 32, title 58.1, Code of Virginia. A new reassessment of all real property within the city shall be conducted biennially, which reassessment may be completed during an entire two (2) year period; provided that, the same standards of value are employed for all appraisals made during such period. The first such reassessment shall be effective for tax purposes on January 1, 1979.

Sec. 34-22. Exemption of fallout shelters from assessment for real estate taxes.

Where there is erected, within the city, a fallout shelter for protection against nuclear radiation, which shelter is constructed according to approved plans and specifications, as recommended by state, local or federal agencies, and which can be used only as a fallout shelter and for no other purpose whatsoever, such shelter shall be exempt from assessment for real estate taxes by the city.

Sec. 34-23. Real estate tax relief for elderly and disabled persons.

(a) An exemption and/or deferral of real estate taxes shall be granted from local real estate taxation, or a portion thereof, owned by and occupied as the sole dwelling of a person or persons not less than 65 years of age, or where such person or persons are determined to be permanently and totally disabled as defined by §58.1-3217 of the Code of Virginia, provided that (i) the dwelling is occupied as the sole dwelling by all such joint owners, and (ii) the net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, of the owners, and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding 1 acre, upon which it is situated shall not exceed: \$100,000.00 for a tax exemption, and \$200,000.00 for a tax deferral.

(b) The total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling who use it as their principal residence, (ii) owners' relatives who live in the dwelling, and (iii) nonrelatives of the owner who live in the dwelling except for bona fide tenants or bona fide paid caregivers of the owner, shall not exceed \$32,500 (provided that the first \$4,000.00 of income of each person who is not the spouse of an owner living in the dwelling shall not be included in such total) for an exemption, and \$50,000 for a tax deferral. Up to \$10,000.00 of said income of an owner who is permanently disabled shall be excluded from the \$32,500.00 amount.

(c) Where the person claiming exemption conforms to the standards and does not exceed the limitations contained herein, the tax exemption shall be as shown on the following schedule:

- (1) Total combined income not exceeding \$18,500.00, the tax exemption shall be 100%;

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- (2) Total combined income exceeding \$18,500.00 and not exceeding \$32,500.00, the tax exemption shall be 50%.

The maximum tax exemption hereunder shall be \$850.00.

(d) In addition to any exemption that may be available, the above described property owners can also choose to defer all, or part of the real estate taxes on any amounts not subject to exemption, which amounts shall be collected pursuant to §58.1-3216 of the Code of Virginia.

Tax relief shall be granted effective January 1, 2011.

Virginia State Code §§58.1-3210 to §58.1-3217

*Section (d) added by Ordinance #2011-21 on 12/12/2011

Sec. 34-24. Date for determination of taxpayer's status and assessment of value of machinery and tools.

The status of all persons liable to taxation on machinery and tools shall be fixed as of January first in each year and the value of all such property shall be assessed as of such date.

Sec. 34-25. Annual returns of machinery and tools--Generally.

Any person owning any machinery and tools on the first day of January of any year, subject to taxation by the city on which property taxes may be paid in semiannual installments, as provided by law, shall, on or before the fifteenth day of February in each year, file a return thereof with the commissioner of the revenue, on the forms provided for that purpose, of such property owned by such person on the first day of January of the current year.

Sec. 34-26. Same--Failure to file; effect.

If any taxpayer liable to file a return of machinery and tools under this article, neglects or refuses to file the same for any year, within the time prescribed in section 34-25, the commissioner of the revenue shall, from the best information obtainable, enter the fair market value of such property and assess the same as if it had been reported to him; and shall assess a penalty of ten (10) percent of the tax assessable, or ten dollars (\$10.00), whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

Secs. 34-27--34-29. Reserved.

Sec. 34-30. Rebate of machinery and tools tax for certain businesses located in the Enterprise Zone.

(a) *Rebate authorized.* A partial rebate of machinery and tools taxes is hereby provided for any business located in the Enterprise Zone which is newly constructed, expanded, renovated or replaced in accordance with the criteria set out in the Constitution of Virginia and pursuant to § 59.1-538 et seq., the Urban Enterprise Zone Act of the Code of Virginia of 1950, as amended. A partial rebate will be provided on and after July 1, 2011, and for each fiscal year until June 30, 2015 June 30, 2020.

(b) *Eligibility.* For the purposes of this section, businesses located in the Enterprise Zone shall be eligible for a partial rebate of the machinery and tools tax resulting from new construction, expansion or replacement of existing machinery and tools only if the machinery and tools installed increases the assessed value of machinery and tools above the current assessed value, or base value. If the new construction, expansion or replacement of existing machinery and tools results in a decrease in the assessed value of the machinery and tools then the business shall not be eligible to receive a partial rebate.

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(c) *Amount of rebate.* The amount of partial rebate provided for in this section shall be equal to thirty (30) percent of the increase above the base value in assessed value of machinery and tools installed in a business located within the Enterprise Zone.

(d) *Length of rebate.* The partial rebate for taxation of machinery and tools for the installation of new or the replacement of existing machinery and tools shall run with the land and for the benefit of any owner of such property during each of the three (3) years of the rebate. The owner of the property shall be entitled to receive a rebate of thirty percent (30%) of the increase in the assessed value of the machinery and tools as a result of the new construction, renovation, or replacement, as determined by the Commissioner of the Revenue, during the first year after completion and subsequent two (2) years.

(e) An application for enterprise zone benefits must be submitted to the Commissioner of the Revenue, and the benefit accessed by the business within one year of the start of operations in the enterprise zone or subzone, or within one year of a qualifying facility expansion or renovation in order to receive the machinery and tools tax rebate.

Secs. 34-31 – 34-40. Reserved.

Regular Business

R-1. – Regular Business - Update Stormwater Ordinance

Mr. Ben Leach presented before Council the Updated Stormwater plan for the City, its time table and the cost.

R-2 – Regular Business – Review of Tree Protection Ordinance for Cedar Trees along Cedar Lane

MR. HALEY: R2 is a review of a tree protection order. It's for the cedar trees along Cedar Lane. The genesis of this discussion comes from the architectural review, the review board. The cedar trees that line Cedar Lane are the entrance to the Petersburg National Battlefield, the City Point Unit and of course, our historic district. The ARB is concerned about their long term survivability and sustainability and is interested in considering a protective measure or protective ordinance to see that these trees are everlasting and stay there and when they do come to the end of their natural life, they're properly replaced. So it's really here before you tonight for your review, your first reading, no action required. And at some point if you would be interested in putting this as a work session item to burrow down further into it and then it could become a tree protection ordinance. So it's really for receive and file tonight.

R-3 – Set Date for Work Session to review a Rezoning Application

MR. HALEY: As you know there's a rezoning application of an issue again related to your historic district with a request from a resident to rezone two parcels on Maplewood Avenue from the historic district into R1. We know this has a lot of issues that come into it. It's been a longstanding matter that's come before Council in various forms over the last couple of years. And this is to set a work session to review this rezoning application so you can make informed decisions at the appropriate time. You could do it on June 9th of which Council agreed.

R-4 – Authorize the Mayor to enter into a Fee Agreement with Sandra R. Robinson to serve as the new Hopewell City Attorney

A motion was then made by Councilor Walton, and seconded by Councilor Holloway, to Authorize the

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Mayor to enter into a Fee Agreement with Sandra R. Robinson to serve as the new Hopewell City Attorney. A Substitute motion was then made to postpone the Authorize of the Mayor to enter into a Fee Agreement with Sandra R. Robinson to serve as the new Hopewell City Attorney. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Shornak	-	no
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	no
Councilor Walton	-	no

CCR-1 CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – Council to Submit Advance Topics to the City Manager:

An advanced is scheduled for City Council for all of us to get on the same page of what's going on in the City. We had to reschedule that date and the City Manager is still trying to figure out the time that we can do it. I'm just going to ask Council members to remember that we said we was going to do it in advance and to please submit your topics to City Manager so that way they can work it into our agenda.

CCR-2 CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – VML Training on Council-Manager form of Government:

I personally believe that we need to have a refresher course, everyone should get VML's course. Requested the City Manager look into this with VML.

CCR-3 CITIZEN/COUNCILOR REQUEST — COUNCILOR GORE – Create Internal Policy to address recapping major events and/or emergencies within the City:

Due to the incident with American Water and we had another incident before that, we had a major event in the City and I feel like, I know that the fire department does have internal procedures that they follow to do follow-ups of what happens. But I think that we should have one as official policy for the City so that way we get some type of written document that sums up everything that happens.

And also we can look at it what happened with this recent event because a critique of mine is that maybe we should work on how communication flows with Council members when something happens. So I was going to ask the City Manager, we talked about this, if you would get with the fire department and Mr. Ben to see how he does his process and let us know so that way we can see if we can do an official policy on that.

CCR-4 CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE– National League of Cities Public Utility Service Program:

When Ashley was here to present, she's a representative for the public service utility program that she talked about, it's in their permission, the way their program is designed, you have to get the endorsement of the City in order for you to solicit people to be able to join them. So unlike American Water, they can't go into your locality and ask for residents or offer the program to residents to be able to participate. So that's why you would have to endorse. But there has been questions regarding the endorsement that City Manager has asked and I need to forward that to you all to make sure you feel comfortable with it. And

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also if you have more questions to give it back to her. And also ask for a sample letter of what the endorsement looks like or what it entails to give to Council. And I can send that as well. And she did highlight in a previous email I sent to you all the difference between for example American Water and how their program differs. There was some extra things that they offer that American Water doesn't. But it's just an option for people. They don't have to take it if they don't want to.

CCR-5 CITIZEN/COUNCILOR REQUEST – COUNCILOR GORE – Request City Council hold Work Sessions with Finance Director and City Manager to Create an official protocol and policy for Budget Creation:

CCR-5 is talking about asking for the City Manager, I talked to him about this privately, to get with the finance director to please make an official policy for creating a budget. I know there is one. I know you have your statement on the City's website, but maybe to revise it so that that way we do not, well we can't prevent what happened this year but maybe we'll have some hard black and white rules and procedures to follow for next year especially when it comes to other agencies that we have to deal with.

ADJOURN

At 9:33 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Walton. Upon the roll call, the vote resulted:

Mayor Pelham	-	yes
Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes
Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes
Councilor Walton	-	yes

/s/ Brenda S. Pelham

Brenda S. Pelham, Mayor

Cynthia Y. Ames, City Clerk