

June 7, 2011
Regular Council Meeting

MINUTES OF THE CITY COUNCIL MEETING HELD MAY 10, 2011

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, June 7, 2011 at 6:30 p.m. in Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

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

 Edwin C. Daley, City Manager
 Thomas E. Lacheney, City Attorney
 Debra W. Pershing, Acting City Clerk

ABSENT: Curtis W. Harris, Councilor (illness)
 Ann Romano, City Clerk (medical leave)

Mayor Luman-Bailey opened the meeting at 6:32 p.m. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (illness)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED SESSION

Motion made by Councilor Bujakowski, seconded by Councilor Stokes, and unanimously approved to convene into Closed Session to discuss Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711 (A)(1).

REGULAR MEETING

Mayor Luman-Bailey convened into Open Session at 7:32 p.m. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the Roll Call, the vote resulted:

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

The Mayor welcomed all visitors. Prayer was offered by Rev. Sylvia Tucker, Chaplain at John Randolph Medical Center, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

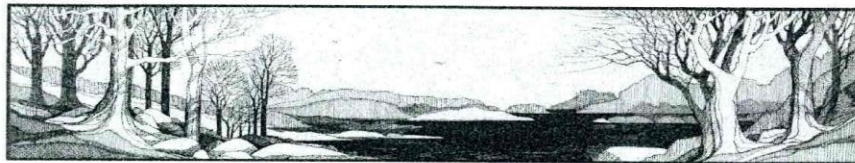
Motion was made by Councilor Pelham, seconded by Vice Mayor Walton, and unanimously passed to approve the Consent Agenda: **Minutes** – Regular Meeting May 10, 2011, and Work Session May 24, 2011; **Pending List; Information for Council Review:** DSS Advisory Board Minutes March 14, 2011; School Board Minutes April 7, 2011 (Special Meeting); School Board Minutes April 14, 2011; HRHA Meeting Agenda/Letter May 9, 2011; and ARLS Board of Trustees Minutes April 19, 2011; Financial Report and Personnel Change Report; **Public Hearing Announcements:** July 12, 2011 – CSA Budget Resolution Amendments FY 2010-2011; **Routine Approval of Work Sessions:** June 21, 2011 (Joint Work Session with Prince George County); **Ordinances on second and final reading:** None. **Proclamations/Resolutions/Presentations:** Virginia Scenic Board Certificate of Recognition and Appreciation presented to the City of Hopewell. The Mayor thanked Vice Mayor Walton for working on this project; Designation of July as Park and Recreation Month.

COMMONWEALTH OF VIRGINIA



DEPARTMENT OF CONSERVATION AND RECREATION

VIRGINIA SCENIC RIVER BOARD



CERTIFICATE OF RECOGNITION AND APPRECIATION

Presented to:

City of Hopewell:

IN APPRECIATION AND RECOGNITION OF SERVICES AND ACTIONS THAT:
Resulted in the designation of the Appomattox River from its Route 36 in the City of Petersburg and Colonial Heights to the junction with the James River. The City's support of an evaluation, followed by the City Council's resolutions of support resulted in the submission of Legislation formally extending the scenic designation of the river. Their actions to inform the public of the program let to a better understanding of the significance of the river and its value to the locality and State.


David A. Johnson
Director, Virginia Department of
Conservation and Recreation


Richard G. Gibbons
Chair, Virginia Scenic River Board

Date: May 4, 2011



Resolution

of the
City of Hopewell, Virginia

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including THE CITY OF HOPEWELL; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated **July as Parks and Recreation Month**; and

WHEREAS, THE CITY OF HOPEWELL recognizes the benefits derived from parks and recreation resources; recognizes and honors vital contributions of employees and volunteers in park and recreational facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE HOPEWELL CITY COUNCIL that July is recognized as Park and Recreation Month in the **CITY OF HOPEWELL, VIRGINIA**.



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 7th day of June, 2011.

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

PUBLIC HEARING – PLANNING COMMISSION – CONSIDER REQUEST FROM JAROLD D. & MARY SUE LANGLEY TO VACATE A PORTION OF UNDEVELOPED RIGHT-OF-WAY IDENTIFIED AS S. 3RD AVENUE NORTH OF ITS INTERSECTION WITH WINSTON CHURCHILL DRIVE

The purpose of the Public Hearing was to receive public comments regarding a request from Jarold D. and Mary Sue Langley to vacate undeveloped right-of-way identified as S. 3rd Avenue located along Winston Churchill Drive approximately 650 feet east of the intersection of S. 6th Avenue and Winston Churchill Drive. March Altman reported that the total area of the right-of-way to be vacated is approximately 11,885 square feet, or 0.27 acres. There are no utilities present in the right-of-way. When the vacated right-of-way is combined with the existing parcels it creates a lot totaling approximately 40,542 square feet or 0.93 acres.

At the May 5, 2011 Planning Commission meeting, the Commission conducted a public hearing to consider the request. No citizens spoke during the public hearing. The Commission expressed some concern that the adjoining property owner, Appomattox Bio-Energy, LLC, was not interested in participating in the vacation of the right-of-way and City Council's policy prefers that all property owners adjoining the subject right-of-way participate. After discussing the issue a length the Commission determined that if the need arose in the future Appomattox Bio-Energy would be able to access the

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portion of S. 3rd Avenue adjacent to their property via other undeveloped portions of right-of-way that are connected to the subject right-of-way. The Planning Commission voted unanimously to recommend approval of the request to vacate a portion of the unimproved S. 3rd Avenue right-of-way to City Council. Mr. and Mrs. Langley are present this evening if there are any questions. Mr. Morene and Mr. Dunbar are also here from the Planning Commission. Proffer question by Councilor Pelham if they decide to sell in the future.

The Public Hearing was opened at 7:44 p.m.

Jarold Langley, 3831 Yorkshire Place. The street divides the two pieces of property. The one on the right is too small to build. The other side is in a ravine. They are being charged for taxes as if it is all usable property which it is not.

There being no other speakers, the Public Hearing was closed at 7:45 p.m.

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and passed unanimously to approve the request.

PUBLIC HEARING – PLANNING COMMISSION – CONSIDER REQUEST TO AMEND ARTICLE XV, FLOODPLAIN DISTRICT, OF THE ZONING ORDINANCE OF THE CITY OF HOPEWELL

This was the night advertised as a Public Hearing to receive citizen comments on a proposed zoning ordinance amending Article XV – Floodplain District. This ordinance amendment is necessary to bring the zoning ordinance provision related to floodplains into compliance to adopt the new Federal Emergency Management Agency’s (FEMA) Flood Insurance Study and accompanying Flood Insurance Rate Maps for the City of Hopewell. The study and maps will be effective June 16, 2011.

The amendments to the ordinance are shown in the text of the proposed ordinance by the use of underlining to indicate additions and ~~striketrough~~ to indicate deletions to the existing ordinance

In 2009, the City undertook a complete revision of Article XV to bring the ordinance provision into compliance with the provisions of the Code of Virginia and the Virginia Department of Conservation and Recreation’s model ordinance. The Planning Commission conducted a public hearing to consider the proposed zoning ordinance amendment at their October 8, 2009 meeting, and voted (5-0) to recommend approval of the proposed amendment to City Council. The City Council conducted a worksession to discuss the proposed amendment on October 27, 2009, and after a brief discussion determined to conduct a public hearing at their November 17, 2009 special meeting. The City Council unanimously approved the proposed ordinance at the November 17, 2009 meeting.

The purpose of the ordinance is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base.

At the May 5, 2011 Planning Commission meeting, the Commission conducted a public hearing to consider the proposed zoning ordinance amendment request submitted by Staff. During the public hearing, no citizens spoke regarding the proposed amendment. After discussing the request with staff, the Planning Commission voted unanimously to recommend approval of the request to City Council.

The Public Hearing was opened at 7:47 p.m.

There being no speakers, the Mayor closed the Public Hearing at 7:48 p.m.

Motion was made by Councilor Pelham, and seconded by Councilor Shornak, to adopt Ordinance No. 2011-03 on one and only reading on emergency measure. Upon Roll Call, the vote resulted:

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

Ordinance No. 2011-03

**An Ordinance amending Article XV, Floodplain District,
of the Zoning Ordinance of the City of Hopewell**

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

ARTICLE XV – FLOODPLAIN DISTRICT

A. Purpose and Intent

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
2. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
4. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

This ordinance is adopted pursuant to the authority granted in 15.2-2280 of the Code of Virginia.

B. Applicability

These provisions shall apply to all lands within the jurisdiction of the City of Hopewell and identified as being in the 100-year floodplain by the Federal Insurance Administration.

C. Compliance and Liability

1. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and

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maintained by the zoning administrator.

4. This ordinance shall not create liability on the part of City of Hopewell or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

D. Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

E. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

F. Penalty for violations

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of development or any authorized employee of the City of Hopewell shall be guilty of a Class 1 misdemeanor and subject to the penalties therefore.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the City of Hopewell to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

G. Definitions

1. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
2. Base flood elevation - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
3. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
4. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
5. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
6. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
7. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
8. Existing manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured

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- homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
9. Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
 10. Flood or flooding -
 - a. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - i. the overflow of inland or tidal waters; or,
 - ii. the unusual and rapid accumulation or runoff of surface waters from any source.
 - b. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 11. Flood Insurance Rate Map (FIRM): an official map of a community, on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
 12. Flood Insurance Study (FIS): an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
 13. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
 14. Flood proofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
 15. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
 16. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
 17. Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
 18. Historic structure - Any structure that is
 - a. listed individually in the National Register of Historic Places (a listing maintained by the

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- Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - i. by an approved state program as determined by the Secretary of the Interior; or,
 - ii. directly by the Secretary of the Interior in states without approved programs.
19. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
20. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
21. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after September 5, 1979, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
23. New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
24. Recreational vehicle - A vehicle which is
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and,
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
25. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
26. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater

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chance of being flooded in any given year as determined in Section I of this ordinance.

27. Start of construction - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
28. Structure - for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. ``Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
29. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
30. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
 - a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - b. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
31. Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
32. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

H. Establishment of Floodplain Districts

1. Basis of Districts

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The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for City of Hopewell prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 16, 2011, as amended.

- a. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 3 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
 - b. The Special Floodplain District shall be those areas identified as either an AE Zone or A1-30 zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.
 - c. The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.
 - d. The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.
2. Overlay Concept
- a. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
 - b. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
 - c. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

I. Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the City of Hopewell offices.

J. District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the City of Hopewell where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

K. Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

L. Submitting Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

M. District Provisions

1. Permit and Application Requirements

a. Permit Requirement

All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance, the Virginia Unified Statewide Building Code, all other applicable codes and ordinances, as amended, and the City of Hopewell Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

b. Alteration or Relocation of a Watercourse

Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

c. Site Plans and Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- i. The elevation of the Base Flood for the site.
- ii. The elevation of the lowest floor (including basement).
- iii. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- iv. Topographic information showing existing and proposed ground elevations.

2. General Standards

In all special flood hazard areas the following provisions shall apply:

- a. New construction and substantial improvements shall be done according to the Virginia Unified Statewide Building Code and anchored to prevent flotation, collapse or lateral movement of the structure.
- b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

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- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
 - j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
 - k. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.
 - l. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
3. Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to section M.4, below, the following provisions shall apply:

a. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

b. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than two (2) feet above the base flood elevation. Buildings located in all A, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and

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hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the zoning administrator.

c. Elevated Buildings

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- i. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- ii. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- iii. include, in Zones A, AO, and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a.) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b.) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - (c.) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d.) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (e.) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - (f.) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

d. Standards for Manufactured Homes and Recreational Vehicles

- i. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in section 2 a and b, and section 3 a.
- ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has **not** incurred substantial damage as the result of a flood shall be elevated so that either:
 - (a.) the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation; or

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- (b.) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade
- (c.) and be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
- iii. All recreational vehicles placed on sites must either:
 - (a.) be on the site for fewer than 180 consecutive days;
 - (b.) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - (c.) meet all the requirements for manufactured homes in section 3 d.
- 4. Standards for Approximated Floodplain

The following provisions shall apply with the Approximate Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Department of Development and City Engineer.

When such base flood elevation data is utilized, the lowest floor shall be two (2) feet above the base flood elevation. During the permitting process, the applicant shall obtain and submit information proving:

- a. the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
 - b. if the structure has been flood-proofed in accordance with the requirements of this article, the elevation to which the structure has been flood-proofed.
5. Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A and AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Hopewell.

Development activities in Zones A, AE, and AH, on the City of Hopewell's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies – with the City of

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Hopewell's endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

6. Standards for the Floodway

The following provisions shall apply within the Floodway when it has been identified as in section M.4, above:

- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the zoning administrator.
- b. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer or applicant first applies – with the City of Hopewell's endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.
- c. If section 6 a, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section M.
- d. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

7. Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall:
 - i. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - ii. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

8. Standards for Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

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- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

N. Variances

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.
7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
13. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
14. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

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The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

O. Existing Structures in Floodplain Areas

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the Virginia Uniform Statewide Building Code.
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the Virginia Unified Statewide Building Code.

PUBLIC HEARING – PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET FOR THE PERIOD BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.

This was the night advertised as a Public Hearing to receive citizen comments on the proposed budget. Citizens received letters regarding proposed receipt of funds. This is a reduction of funding that the City received. The City of Hopewell tried to fund everyone possible. Ultimately, the City was unable to potentially fund one project as far as requested from an outside agency. The City has some infrastructure projects. Those dollars will help move towards the process to take down buildings and provide NOW to live somewhere else. The CDBG budget is divided into portions. Of the \$197,000, the City is allowed to use 20% towards the administration of the program; 15% towards public service; and the remaining amount toward infrastructure and the like. The City is always short and limited. There are always more requests than can be handle.

The Public Hearing was opened at 7:52 p.m.

Jean Grimm, CARES, 15500 Courthouse Road, PG. CARES is located at 244 Halifax Street in Petersburg. On behalf of the Board, women, and children, we humbly request continued support. It is a 20-bed facility with stays up to 30 days, and they service Colonial Heights, Chester, Dinwiddie, Petersburg, Prince George, and Hopewell. The facility is currently full. Some statistics specific to Hopewell in the past fiscal year: total of 212 bed nights – of those 8 women, 3 placed in permanent housing; 1 is sharing housing with family; and 1 is sharing housing with friends. 1 bed night=\$35 per night. CARES is responsible to follow up with families for up to one year. The goal is to keep them housed forever. This responsibility falls upon Ms. Grimm and one part-time social worker. She thanked Council for their time and requested continued support for CARES and the children.

Richard Harrup, 303 Ramsey Avenue, owns 2504 Maple Street. There is a ditch behind his property that floods with every rain. He distributed pictures for Council's review. The City created this problem when he was a child. He understands there is money for such projects. All the trash washes

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down. He believes the City put in the ditch in the late 1950's. There is vermin that causes a problem as well. It is a danger, especially with the children in the area. It is also eroding his property as well as the alley which provides utility easement.

Renee Peterson, 1510 Delaware Avenue, addressed street improvements. She also asked that Vanguard Neighborhood Watch be considered when grant money is available. She has a problem with the ditch line in front of her house being improperly graded because they closed the drainage at the corner of her house. If Freeman Street was considered to be in the first phase, it would take care of the problem. Please consider Freeman Street before Trenton Street. She is not aware of the order in which the street improvements will be done.

Donna Lott, 2311 Freeman Street, expressed appreciation for all Council has done to improve curb and gutter. She asked for curb and gutter 7 years ago. The format was changed. She was advised to speak with Mrs. Griffin. This has been ongoing on Freeman Street for years. Ms. Lott appreciates what is being developed. There is flooding in the main area – systemically from Waverly to Freeman to Trenton.

Chana Ramsey, JAMES House, 1016 Maplewood Avenue, thanked Council for the recommendation of \$2,000 to support their work. They offer free services for victims impacted by domestic violence.

Rudolph Dunbar, endorsed what Ms. Grimm stated on behalf of CARES. He thought no one was going to be here to represent. He is prayerful that Council will consider the request because they need some money.

Richard Harris, 2508 Maple Street. On the flooding issue, there is a ditch between his rental property and another property. When the City put the gravel road down, instead of leaving a flood ditch, it was covered over. He has spoken on this issue previously. The gravel was never removed. The workers cleaned up to a certain distance then stopped. Water is not going completely all the way down the line. Mr. Altman said the project will make some improvement in the area on the other side of Maple Street. Ultimately, the project will alleviate the problem on Maple Street. Mr. Harris's dog suffers because of the water that comes through his property, which hurts him. He proudly serves his district on the Neighborhood Watch Advisory Council. He loves the City of Hopewell and serves as best as he can. Per the Mayor, phase II should help take care of this problem.

Yolanda Stokes, is concerned that Council will give \$17,000 to HRHA to demolish apartments and displace tenants at Langston Park. She doesn't believe that CDBG would approve and asked Council to reconsider the request, and give it to those organizations that are trying to eliminate homelessness, like CARES.

The Mayor asked Mr. Altman to provide the public with the knowledge of the CDBG program. Mr. Altman suggested that if there is an issue, to please contact his office. They will look to see if eligible. If an organization wishes to be considered, they are to contact his office. They have the application process that begins in the fall (October/November time frame) which is due to the Department of Development in February. His phone number is 541-2220. Eligible wards include Wards #1, #2, #6 and #7. There is a CDBG web page on the City's website: www.hopewellva.gov, click on Government tab, departments, Development, CDBG. Per the Mayor, CDBG funds are constantly under attack. If you want them to stay there, contact representatives and let them know it helps our community.

There being no further speakers, the Mayor closed the Public Hearing at 8:16 p.m.

Motion was made by Councilor Pelham, seconded by Vice Mayor Walton, and unanimously passed to approve the proposed CDBG budget.

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Councilor Pelham filed a Transactional Disclosure Statement.

Councilor Pelham agreed with Ms. Stokes point to look at redistributing funding to go to other programs. Vice Mayor Walton thanked Ms. Stokes for her comments. The Committee has met several times and came up with a formula which is restricted. This is something to consider for the next process.

PUBLIC HEARING – PROPOSED ORDINANCE REPEALING ORDINANCE NO. 2009-01 AND ORDINANCE NO. 2009-02 AND REENACTED AS § 34-23, REAL ESTATE TAX RELIEF FOR ELDERLY AND DISABLED PERSONS, OF THE HOPEWELL CITY CODE

This was the night advertised as a Public Hearing to receive citizen comments on the real estate tax relief per the City Manager. Councilor Stokes initiated this last year. What this does is the current exemptions are at the \$100,000 total value below the income levels \$32,500. This places above that between \$100,000-200,000 total value and allows the property owner, if they qualify, to place this in a deferral that would remain there until the property is sold. The intent is that the exemption would continue as is in place today. Then if there is additional, it would raise up to the \$200,000 level. That amount could be deferred (exemption on first \$100,000 and deferral on second \$200,000). This is an option and is not mandatory. This is strictly up to the citizen. When property is sold, taxes will become due. This was discussed at the work session. The current exemption remains in place, the deferral is in addition. Per Councilor Stokes, it is a way of recovering the money in the future.

The Public Hearing was opened at 8:25 p.m.

There being no speakers, the Mayor closed the Public Hearing at 8:25 p.m. The Vice Mayor commented that it is important to understand that this is a choice.

Motion was made by Councilor Stokes, and by Councilor Pelham, to approve the proposed Ordinance No. 2011-11. Upon Roll Call, the vote resulted:

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

ORDINANCE NO. 2011-11

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Hopewell City Ordinances No. 2009-01 and Ordinance No. 2009-02 are hereby repealed and re-enacted as § 34-23, Real estate tax relief for elderly and disabled persons, of the Hopewell City Code.

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

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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.

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.

~~Nothing in this Code or the ordinance adopting this Code shall affect any ordinance granting relief from real estate taxes to elderly or disabled persons, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.~~

(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

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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.

(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%;

(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

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. Partial exemption from taxation of machinery and tools tax for certain businesses located in the Enterprise Zone.

(a) *Exemption authorized.* Partial exemption from machinery and tools taxes is provided for businesses located in the Enterprise Zone which is newly constructed, expanded, renovated or replaced in accordance with the criteria set out in Article X, Section 6, Paragraph (a)(6) of the Constitution of Virginia and pursuant to § 59.1-279 et seq., the Urban Enterprise Zone Act of the Code of Virginia of 1950, as amended. Partial exemption is provided on and after July 1, 2011, and for each fiscal year until June 30, 2015.

(b) *Eligibility.* For the purposes of this section, businesses located in the Enterprise Zone shall be eligible for a partial exemption 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 exemption.

(c) *Amount of exemption.* The amount of partial exemption 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 exemption.* The partial exemption from 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 exemption. The owner of the property shall be entitled to receive an exemption 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.

Secs. 34-31 – 34-40. Reserved.

This ordinance shall be deemed an emergency measure to take effect immediately, after passage on one and only reading.

COMMUNICATIONS FROM CITIZENS

At 8:25 p.m., the Mayor asked if there were any communications from citizens:

Janice Denton, 807 Smithfield Avenue. For the last 5 years, she has attended most City Council meetings. She believes that she can speak with some experience. It is time the citizens are made aware of the manner in which the Council is running the City. Duties are clearly defined. Since the voting in 2007 of the Ethanol Plant (at which she was present), she was sure the vote was going to be no--from the petitions and the people who spoke out against it, but 4 Councilors – Cuffey, Sealey, Pelham, and Bailey supported it. (Councilor Pelham raised a point of order about calling out names. The City Attorney said she may do so as long it is not defamatory.) Mrs. Denton continued. She said that last week, there were two Councilors who went to the Treasurer's office and filed a request to seize property for back taxes on the Beacon. Last month, Council tried to pass a resolution to commit the City to nearly \$500,000 over the next 5 years; it was not passed. All of this needs to stop. Our citizens expect, deserve and demand your very best in the areas (only read and not personal). Over 55% of our City is rental property. Before we can

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do anything, that percentage has to drop. We need people moving into our community to make an investment, not just to pass through. Council needs to look at the big picture and get away from all of the self serving and self gratification. We are blessed with an area rich in history with two rivers, Weston Manor, and one of the largest military operations in the US right here. We have opportunities. Her challenge to Council is to let's get to work....let's do what we can on the big picture, not on the little ones.

Yolanda Stokes. She was also concerned about the great City of Hopewell. She grew up in Hopewell. She watched the City thru Rev.Harris and others begin to grow racially and harmoniously. During the last two weeks, Rev. Harris's fight has almost divided what's happening in the City. She is ashamed. Who will come to our City if they read in Topix about our City government where we cannot get along? The City is in a Walgreen's world to her. To watch Council destroy a person's character. There are 106 followers on Facebook. She said, "we love you Ms. Pelham and we will pray that as you sit in Council that they support you from Piper Square, Hopewell Heights, Wards #2, #6, and some in #7." She thanked God for Rev. Harris, Rev. Dunbar, and Councilor Pelham for people who stand up for us in our community. We cannot allow a split and undo race relations. She is certified by EEOC. She is the only black female in this area that is mediating a lot of racial complaints. She understands what she is talking about. She hopes you will support Councilor Pelham through this time. The only difference with names called out is race, color, and sex.

Earline Allen, 1818 Stewart Avenue, has been in the City for 38 years. There is a neighbor that lives on Liberty Street. They have a dog pen, and there is a terrible odor. The dog catcher came and looked several times. The flies are terrible.

LaDerick Terrell Greene, 4222 Cameron Road, is a 1st Sgt. in the US army and has served for 19 years with 5 in direct combat. He has partnered with Councilor Pelham on several functions. She supported them as soldiers on Fort Lee. There are 39,000 soldiers, sailors, and marines. One reason for high amount of rental property is because of housing prices. Soldiers are only here 24-36 months. There is no benefit for military to purchase homes. He expressed support for all that Councilor Pelham has done and will continue to do.

Karen Brighton, Waverly Street, joined the military but moved back last year. She has never been so embarrassed to call Hopewell home. There was stuff going in the police department then; now there's other stuff going on. She is thinking about leaving because she is so embarrassed. It seems the older you get, the more of an issue race is becoming. All this other stuff is getting in the way of running business. If there is something you don't like, vote them out. It's time to get down to City business and let all the other stuff go by the wayside.

Brenda Bell, Ward #1, 109 N. 15th Avenue. In the early 1960's, there was the great divide of races, minds, and opinions. This is 2011--why can we not take our personal opinions and feelings and leave them at home and not bring them to work? We all have a job to do—Council and the private sector. You will have a clash of opinions and misunderstandings. Not everyone is going to agree. When people's character is personally attacked, that is hitting below the belt. Councilor Pelham doesn't deserve this type of treatment lately. She served in the military. She is a veteran. Her integrity has carried her a long way. She was a captain. She has a standard to maintain in the military. That same integrity she has to maintain for the citizens in Hopewell. She looks back on her childhood and upbringing as to how she carries herself. We need to look at the attacker. What standards were set in their lives? Let's look at the man in the mirror.

Marion Hebert, 711 Mansion Drive, was not born and raised here. She came because she wanted to. She did not live in the deep south. She said it has always broken her heart that there has to be something like that. What is going on here today is not defined as black and white issue. It will divide us further. She is not disparaging Councilor Pelham's reputation, but she does think it should play out in the

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court. It was not her choice that she be brought up on charges. She has always supported all races. This is wrong. Ms. Hebert indicated that she will be afraid to look at her African American neighbor, and wonder what they are thinking. She has neighbors that are African American. Please don't let this divide the City. Don't do it pitting African Americans against Caucasians. It is not right. We all bleed the same, same organs in our body, we are not different. Please let's not divide our City.

Victoria Green, 4222 Cameron Avenue, was born in Russia and lived in Germany. She has been living in the US for the last 10 years--8 years in Louisiana and 2 years in Virginia. In her personal opinion, Hopewell is very racially divided. She has not experienced racial discrimination in Russia, Germany, or Louisiana. It is making it difficult to learn to love Hopewell. She is not comfortable with her child being raised here. She pointed to Council and asked the audience to look at the Council. People are convicted as doing something wrong without doing it. It is up to us to change it, and welcome the military. They are not welcomed and do not feel comfortable. She said something has to change. This should be a global community. Hopewell cannot stay hopeful. There needs to be color on Council.

Carmel Shelton, 3438 Courthouse Road. On May 19, 2011, she pursued getting help for her husband. He is at Riverside Correctional Facility. To a degree, her concern is that she was a victim with little response from the City to help. She said that Dawn Loving was a great help with Victim Witness. Since she has been gone, there has been no response. A year later, she believes her situation was handled incorrectly. She believes that she has a little more rights as a citizen not to have beg for information that involves her life.

The Mayor closed Communication from Citizens at 8:55 p.m. Rev. Bennett thanked the City for help in his recent situation.

PRESENTATIONS FROM BOARDS & COMMISSIONS

VAWCO – Doug Woodhouse, Virginia American Water Operations Manager. Mr. Woodhouse distributed “5 things you need to know about Hopewell’s drinking water” and provided a PowerPoint presentation. The Mayor thanked Mr. Woodhouse for all the hard work by the Stakeholders Advisory Group.

DISCUSSION: Councilor Shornak asked about the calls she receives from citizens about the water having a bad stench and can't drink it. Citizens are told to boil the water but rates continue to rise. Does VAWCO ever think about giving a credit to citizens when water is not drinkable? Although her Ward wasn't affected, she had to reassure them they could still drink the water. How do you justify rising costs and charging customers when quality of water is not there? Per Mr. Woodhouse, they had a lot of equipment that has been in place since WWI in 1914. They are trying to operate their facility but the plant needed to be improved. VAWCO is a private company. Any investment means an increase in rates. They are trying to modernize equipment because regulations have become more and more strict. They have no choice. There are capacity issues. The Department of Health directed them to expand the plant.

Councilor Bukajowski asked about the 5-6% increase to make improvements to help handle odor and taste issue. Is this the citizens contribution or 100% of cost and how much is VAWCO investing as a company? Per Mr. Woodhouse, they do always try to break it down where everyone pays their fair share. They look at commercial, residential, impact at Fort Lee, as well as the Federal Reformatory. It is never easy to make these decisions, and that's why they have the Stakeholders Advisory Group. They are trying to keep up with new regulations. Regulations add up on top of each other. Councilor Stokes asked about the gallons per day. Per Mr. Woodhouse, 26-28 million gallon per day are consumed in the summer. Councilor Bujakowski again asked does the 5-6% cover the entire cost or is VAWCO going to foot some of the bill? The way it is set up, per Mr. Woodhouse, it is spread across the board and distributed fairly. All rates must be approved by the State Corporation Commission. Per the Mayor, this is an option. This is not a sure thing. Councilor Pelham asked the ratio incurred in the past. Councilor Pelham asked that Mr. Woodhouse provide this information.

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Vice Mayor Walton asked when calculating their new expansion, whether or not the ethanol plant had to play a part in that. Since the plant is not starting up, will that help? According to Mr. Woodhouse, very little as it was non-potable water at Ethanol--very minimal impact.

Councilor Shornak asked about the citizens as the average person doesn't go to the State Corporation Commission in downtown Richmond. Her office is nearby. She doesn't believe anyone other than Tom Lacheny showed up. Citizens depend on Council to oversee things like this. Can VAWCO ever consider offering a credit to citizens? Mr. Woodhouse indicated that it has not been brought up specifically, but he will bring this question back to committee. A Boil Advisory was issued last week. He thanked Herbert Bragg and Ben Ruppert with helping with the reverse 911. Their staff at VAWCO placed door hangers on homes to get the word to the citizens affected. The Vice Mayor said the Call Center was still telling people to boil water. Mr. Woodhouse assured that it has been corrected and the notice lifted.

Councilor Pelham said to contact the City Clerk for a listing for FOIA and emails as well as Code Red on the City's website. Ben Ruppert's telephone number is 541-2298. Mr. Woodhouse apologized to the City for the inconvenience to its citizens. The Mayor thanked Mr. Woodhouse for clarifying that there was an accident. It was a precaution only—proactive.

UNFINISHED BUSINESS – CEMETERY – ORDINANCE 2011-06 AMENDING AND REENACTING ARTICLE II, APPOMATTOX CEMETERY, OF CHAPTER 12 OF THE CODE OF THE CITY OF HOPEWELL

According to the City Manager, there are two items, Ordinance #2011-06 allows use of perpetual funds to maintain, operate and expand cemetery and increase grave sites for sale. All monies used will be returned to perpetual care fund. Councilor Stokes received a letter which will be addressed on those issues.

Motion was made by Vice Mayor Walton and seconded by Councilor Bujakowski, to approve Ordinance #2011-06 on one and only reading. Upon Roll Call, the vote resulted:

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

ORDINANCE NO. 2011-06

An Ordinance amending and reenacting Article II, Appomattox Cemetery, of Chapter 12 of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Article II, Appomattox Cemetery, of Chapter 12 of the Code of the City of Hopewell is amended and reenacted as follows:

CHAPTER 12 – CEMETERIES
ARTICLE II. APPOMATTOX CEMETERY

Sec. 12-21. Application of article.

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

Sec. 12-22. Definitions.

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

Sec. 12-23. Violations of article generally.

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

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

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

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

Sec. 12-25. Casual visitors.

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

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

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

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

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

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

(c) The price or cost of lots, sections, half-sections and single grave portions in the cemetery shall be as prescribed or fixed by the city council.

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

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

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

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

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

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

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

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

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

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

Sec. 12-33. Permit for work.

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

Sec. 12-34. Vaults and concrete slabs.

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

Sec. 12-35. Monuments.

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

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

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

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

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

(f) No monument shall be placed nearer than one foot to the boundary line of the lot on

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which it stands. Unless otherwise considered advisable by the city manager or his duly authorized representative, the base of a monument shall not exceed one-third of the width of the lot nor more than five (5) percent of the area of the lot.

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

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

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

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

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

(1) No fences or walls of concrete, stone, wood or iron will be allowed.

(2) No coping or curbing of concrete, brick, stone or any other material shall be allowed.

(3) Hedges, wooden or iron trellises, posts and chains for the purpose of enclosures, railings, steps, boxings or borders are prohibited.

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

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

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

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

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

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

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

Sec. 12-40. Potted plants.

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

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

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

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

- (a) The provisions of this section shall apply only to Section C of Appomattox Cemetery.
- (b) Within Section C of Appomattox Cemetery:
 - (1) No mausoleum or vault above the ground shall be allowed.
 - (2) Footstones standing on end shall be prohibited.
 - (3) Foundations for all markers shall be built from materials approved by the city manager or his duly authorized representative.
 - (4) All lettering on individual grave markers will be of the V incises type and in no case will raised letters be permitted on these slabs.
 - (5) Grave markers with porcelain or other photographs attached thereto shall be of approved design and shall require specific approval by the city manager or his duly authorized representative.
 - (6) Structures of the type commonly known as "headboards" or "footboards" shall be prohibited.

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- (7) Individual slabs shall not be set in a pocket nor upon a limestone or sandstone base.
- (8) Rolls or pillow stones shall not be permitted.
- (9) After a marker has been placed, a written request order from the owner shall be presented before a permit will be issued to remove such marker or to make any change upon it.

Sec. 12-42. Perpetual care foundation.

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

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

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

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

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

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

~~(f)~~ (g) At such time as city council may determine, upon the recommendation of the trustees, that sufficient funds have accumulated so that the annual investment income will cover the annual cost of grounds and gravesite maintenance, such income shall be transferred annually to the general fund of the city to support cemetery operations.

UNFINISHED BUSINESS – CEMETERY – ORDINANCE 2011-08 AUTHORIZING THE CITY OF HOPEWELL CITY MANAGER TO RE-PURCHASE BURIAL LOTS IN THE APPOMATOX CEMETERY AND TO SET A PRICE FOR SELLING BURIAL LOTS IN THE CEMETERY

Motion was made by Vice Mayor Walton, and seconded by Councilor Bujakowski, to approve Ordinance #2011-08 on one and only reading. Upon Roll Call, the vote resulted:

Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

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

ORDINANCE NO. 2011-08

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

WHEREAS, the City owns and operates Appomattox Cemetery and;

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

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

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

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

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

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

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

CITIZEN/COUNCILOR REQUEST – COUNCILOR STOKES, FINANCE CHAIRMAN – DISCUSS REQUEST FROM COMMONWEALTH’S ATTORNEY FOR SALARY INCREASE FOR HIS STAFF

As Finance Committee Chair, Councilor Stokes indicated that the only thing to be discussed is the salary. He wants to put this item on the agenda for the first meeting in July to resolve the information received from the Commonwealth’s Attorney for additional monies.

CITIZEN/COUNCILOR REQUEST – MAYOR LUMAN-BAILEY – RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF HOPEWELL TO DEFEND OFFICERS AND EMPLOYEES OF THE CITY OF HOPEWELL AGAINST MERITLESS CRIMINAL CHARGES

It was noted for the record that Councilor Pelham left the room as she did not want to be involved in discussion. The Mayor amended the resolution as requested that “MERITLESS” be stricken. The Vice Mayor referred to e-mails from the City attorney to City Council, and two other lawyers, indicating if Council passes such a resolution, it would hurt Ms. Pelham’s case. People are trying this thing in public. The state code allows exactly what this thing says: State Code trumps City ordinance. The Vice Mayor asked the City Attorney to read the code section. Per the Vice Mayor, the verbiage in the code says “may” and the ordinance says “will pay.” It is a case-by-case study. Council members are trying to handle the court’s decision on Council. It is hard for Vice Mayor Walton to support this. He asked that the court be allowed to do its job. Councilor Bujakowski asked the City Attorney if it is his opinion City Council is interfering with court system. Mr. Lacheney indicated that once the charges are brought to a conclusion, he views this as an “advisory resolution only” and will review it as such, what Council intends or would like to do. State law prohibits the City from doing anything. Councilor Bujikowski asked about the

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difference between civil and criminal. Per Mr. Lacheny, if Council is charged civilly, under state law and the VML, coverage is from day one. Criminal actions are always outside the scope of legal authority, and the council hat is removed when a crime is committed. People should not be reimbursed for criminal allocations. The law draws a distinction between criminal and civil suits. Councilor Shornak asked the City Attorney, because of state code, should the City wait for the outcome of the matter in the court system before making this decision? Mr. Lacheny did not say that but simply cannot decide today to reimburse legal fees as it is against state law. This Resolution is supportive and not binding. The Mayor indicated that is the intent. Councilor Shornak felt that if there is a not guilty plea verdict, then money would be appropriated at that time. It is now a political decision according to the City Attorney. Vice Mayor Walton indicated that it is nothing against Councilor Pelham, but we are trying this thing right here with newspapers present. When Richmond comes down to try a case, they are going to look at it as interference. He believed that behavior to be wrong.

The Mayor had requested the City Attorney to draft a resolution, which follows, and asked that the word "meritless" be stricken.

Motion was made by Councilor Stokes, and seconded by Councilor Bujakowski, to adopt a Resolution with the exception that the word "meritless" be stricken. Upon Roll Call, the vote resulted:

Councilor Pelham	-	ABSENT (recused herself)
Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	NO

The motion passed 3-2.

**A RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF HOPEWELL TO
DEFEND OFFICERS AND EMPLOYEES OF THE CITY OF HOPEWELL AGAINST
~~MERITLESS~~ CRIMINAL CHARGES**

WHEREAS, Councilor Brenda Pelham was recently indicted for failure to declare her interest pursuant to the State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3112; and

WHEREAS, to defend herself against these charges she will incur legal fees and expenses; and

WHEREAS, the City Council of the City of Hopewell finds it necessary and in the interests of the City to protect and defend the officers and employees of the City against meritless criminal charges brought against them; and

WHEREAS, pursuant to Virginia Code §15.2-1521, "[i]f any officer or employee of any locality is investigated, arrested or indicted or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of his official duties, and no charges are brought, or the charge is subsequently dismissed, or upon trial he is found not guilty, the governing body of the locality may reimburse the officer or employee for reasonable legal fees and expenses incurred by him in defense of the investigation or charge, the reimbursement to be paid from the treasury of the locality."

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HOPEWELL THAT it is the policy of this City Council to protect and defend the officers and employees of the City of Hopewell against meritless criminal charges to the full extent contemplated by the Virginia General

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Assembly when it enacted Virginia Code § 15.2-1521, and to that end, that the City reimburse Councilor Brenda Pelham’s reasonable legal fees and expenses upon her exoneration of these criminal charges.

REGULAR BUSINESS – BUDGET AMENDMENT FOR FY 2011-2012

	<u>2011-2012 Budget Amendments</u>		
<u>Additions</u>			<u>Reductions</u>
1. General Fund			
	<u>Outside Agencies</u>		
John Randolph Foundation	\$2,000	South Centre Corridors	\$1,000
Richard Bland College	1,000	Capital Planning Emer Serv	1,000
Virginia State University	1,000	Council Professional Serv	<u>15,000</u>
Historic Hopewell Foundation	8,000		\$17,000
Hooray For Hopewell	<u>5,000</u>		
	\$17,000		
2. Capital Fund			
Capital Equipment (for use in Commonwealth Attorney Office)	\$14,000	Use of Excess Funds	\$14,000
TOTAL	\$31,000		\$31,000

Councilor Bujakowski clarified that the \$14,000 for the Commonwealth’s Attorney is for computers. Councilor Pelham asked about excess of seizure money. Would the Commonwealth’s Attorney be willing to use it? According to the City Manager, Mr. Newman will use some of the money but did not define it in the presentation to Council. She asked about an over-abundance of forfeiture to get a refund. The City Manager anticipates that he will spend more than \$14,000 that he is asking the City for. Vice Mayor Walton spoke with the Commonwealth’s Attorney in Prince George. Their Constitutional Officers are under the umbrella of the County. He would like the City to see about doing this. Hopewell’s Treasurer has tried to approach this to determine if the group can come together on this issue. Discussions are ongoing. Councilor Pelham indicated that Council should not forget to give a percentage of support for each Constitutional Officer.

Motion was made by Councilor Stokes and seconded by Councilor Bujakowski to adopt the Budget Amendment. Upon the Roll Call, the vote resulted:

Councilor Pelham	-	yes (*filed Transitional Disclosure-employed by Schools)
Councilor Shornak	-	yes (*filed Transitional Disclosure-daughter employed by City)
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (*filed Transitional Disclosure-spouse employed by Schools)
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

REGULAR BUSINESS – ADOPT BUDGET RESOLUTION FOR FY 2011-2012

Motion was made by Councilor Bujakowski and **seconded** by Councilor Shornak to adopt the Budget Resolution. Councilor Bujakowski **amended** the motion to state “in exchange for Council getting hotel rooms at the VML Conference in Henrico that we allocate that money [\$1,000] into South Centre Corridors.” After some discussion, Councilor Bujakowski **withdrew his amended motion**.

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Councilor Pelham asked the Committee to put in monies for a lobbyist. The Vice Mayor said we need to hold off on the allocation of \$1,000 to South Centre Corridors. We may consider having the Finance Committee look at this.

Upon the Roll Call on the original motion, the vote resulted:

Councilor Pelham	-	yes (*filed Transitional Disclosure-employed by Schools)
Councilor Shornak	-	yes (*filed Transitional Disclosure-daughter employed by City)
Mayor Luman-Bailey	-	yes (*filed Transitional Disclosure-employed by RBC)
Councilor Bujakowski	-	yes (*filed Transitional Disclosure-spouse employed by Schools)
Councilor Stokes	-	yes (*filed Transitional Disclosure-employed by City)
Vice Mayor Walton	-	NO

BUDGET RESOLUTION

FISCAL YEAR 2011-12

WHEREAS, at the meeting of the City Council of the City of Hopewell held on May 10, 2011 a budget of the estimated revenues and expenditures for the fiscal year beginning July 1, 2011, and ending June 30, 2012, showing the expenditures of the preceding year, the amount appropriated for the current year, and the proposed expenditures for the ensuing twelve months was introduced in its complete form; of which \$103,632,036 is estimated to be received from sources other than property tax levies, leaving a balance to be raised by levies on property segregated to the city for local taxes of \$26,264,349 and,

WHEREAS, a tax rate sufficient to raise the last mentioned sum has been levied by ordinance of the City Council of the City of Hopewell; and,

WHEREAS, in this budget approved by City Council there are estimates of revenues used for appropriated expenditures to pay for said city services, and when said estimated revenues are projected by the City Manager to be less than the amount of appropriated expenditures, the City Manager shall initiate action to adjust appropriated expenditures to agree with revised estimated revenues. The City Manager is directed to advise City Council, at the next scheduled meeting, of the adjustments made and City Council may amend said adjustments or offer alternatives as the appropriating body; and,

WHEREAS, an annual statement of revenues, borrowing, disbursements, assets, liabilities, and surplus of the city, and an itemized and complete balance sheet for the city as of June 30, 2010 has been introduced to the City Council of the City of Hopewell as required by law;

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

Sec. 1 The following designated funds and accounts shall be appropriated from the designated revenues to operate city services and to provide a capital improvement program for the city:

General Fund-011:

Estimated Revenues:

From Local Sources

General Property Taxes.....	\$26,264,349
Other Local Taxes.....	6,002,525
Licenses, Permits, Fees.....	86,000
Fines & Forfeitures.....	1,376,000
Use of Money/Property.....	70,000
Other Local Revenues.....	521,700

From Other Agencies

State Sources.....	6,033,701
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Federal Sources	349,800
Transfers & Fund Balance	
Transfer from Self-Insurance-076	85,000
Transfer from Solid Waste-030	502,000
Transfer from Sewer Services-031	382,500
Use of fund Balance	<u>0</u>
Total Revenues	\$41,673,575
<u>Appropriations:</u>	
Legislative:	
City Council	\$137,000
City Clerk	93,603
City Attorney	192,514
Constitutional/Courts:	
Clerk of Circuit Court	267,208
Commonwealth Attorney	389,144
Commissioner of Revenue	298,209
City Treasurer	270,670
Electoral Board/Registrar	136,727
City Sheriff	1,095,586
Circuit Court	94,131
General District Court	47,600
Court Services	8,500
VJCCCA Grant	147,441
Crater Detention Center	280,904
Riverside Regional Jail	2,018,856
Administration:	
City Manager	236,953
Info/Research	88,097
Human Resources	187,539
Finance	1,263,718
Development	806,375
Police	4,819,060
Vitim-Witness Grant	111,801
Fire	2,648,428
Public Works	3,476,143
Health	182,283
Outside Agencies	1,023,201
Non-Departmental	4,897,486
Operating Transfers/Contingency	<u>16,454,378</u>
Total General Fund	\$41,673,575
<u>Social Services Fund-012:</u>	
Estimated Revenues:	
From State Sources	\$1,714,664

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From Federal Sources	2,647,713
Transfer from General Fund-011	643,368
Use of Surplus	<u>0</u>
Total Revenues	\$5,005,745

Appropriations:

Administration.....	0
Public Assistance.....	864,828
Purchased Services	1,260,194
Eligibility.....	1,506,685
Services	1,196,158
Cooling Assistance	0
Pass-Thru Program	166,278
Foster Home	4,750
Day Care Staff.....	550
Quality Day Care.....	<u>6,302</u>
Total Social Services Fund.....	\$5,005,745

Community Services Act Fund-015:

Estimated Revenues:

Client Fees	\$0
From State Sources	1,151,454
Transfer from General Fund-011	<u>875,000</u>
Total Revenues	\$2,026,020

Appropriations:

Administration.....	112,459
Direct Services.....	<u>2,598,399</u>
Total Community Services Act Fund	\$2,026,020

Recreation Fund-035:

Estimated Revenues:

Fees & Charges.....	\$331,686
Transfer from General Fund-011	1,233,961
Use of Surplus	<u>24,227</u>
Total Revenues	\$1,589,874

Appropriations:

Recreation Center Div	553,245
Community Div	102,705
Athletics Div.....	137,766
Seniors Div	139,868
Pool Div.....	186,306
Parks Div	398,845
Grants	<u>71,139</u>
Total Recreation Fund	\$1,589,874

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Harbor Fund-038:

Estimated Revenues:

Slip Rentals.....	\$69,000
Ramp Fees	35,000
Vending Commissions.....	1,750
Use of Surplus	<u>0</u>
Total Revenues	\$105,750

Appropriations:

Marina Operation.....	105,750
Contingency.....	<u>0</u>
Total Harbor Fund	\$105,750

Community Development Block Grant Fund-052:

Estimated Revenues:

From Federal Sources	\$194,500
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Appropriations:

Grants Administration	0
August Youth Month Program	0
Cares Homeless Shelter	0
Healthy Families.....	0
Salvation Army.....	0
Rainbow Summer Program.....	0
Spot Blight-HHRA	0
Community Center Roof.....	0
Contingency.....	<u>194,500</u>
Total Community Development Block Grant Fund.....	\$194,500

Anti-Litter Fund-053:

Estimated Revenues:

From State Sources	\$3,000
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Appropriations:

Operating Expenses	\$3,000
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Self Insurance Fund-076:

Estimated Revenues:

Interest Income	\$25,795
Misc Income	0
Use of Surplus	<u>464,205</u>
Total Revenues	\$490,000

Appropriations:

Property/Liability Insurance Premiums	295,000
Insurance Claims/Deductibles	10,000
Transfer to General Fund-011.....	85,000

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Transfer to Capital Projects Fund-071	100,000
Total Self Insurance Fund.....	\$490,000

Cemetery Fund-003:

Estimated Revenues:

Interest Income	19,765
Grave Site Sales.....	10,000
Use of Surplus	<u>405,735</u>
Total Revenues	\$435,500

Appropriations:

Repairs.....	3,000
Grass Cutting.....	27,000
Miscellaneous.....	5,500
Capital Expansion Project.....	<u>400,000</u>
Total Cemetery Fund.....	\$435,500

School Operating Fund-014:

Estimated Revenues:

Beginning Fund Balance.....	\$0
From State Sources.....	23,391,712
From Federal Sources.....	4,786,999
Other Revenues	765,519
Transfer from General Fund-011	11,500,000
Transfer from School Bldg/Bus Replacement Fund-063.....	441,873
Transfer from Capital Projects Fund-071	<u>1,292,089</u>
Total Revenues	\$47,178,192

Appropriations:

Non-Categorical	39,955,988
Debt Service	1,733,962
Transfer to Text Book Fund-056	42,718
Transfer to Bldg/Bus Replacement Fund-063	<u>445,524</u>
Total School Operating Fund.....	\$42,178,192

School Textbook Fund-056:

Estimated Revenues:

From State Sources.....	\$120,919
Interest Income	8,000
Transfer from Operating Fund-014.....	42,718
Use of Surplus	<u>353,363</u>
Total Revenues	\$525,000

Appropriations:

Text Book Purchases	525,000
Fund Balance.....	<u>0</u>
Total School Textbook Fund.....	\$525,000

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School Cafeteria Fund-057:

Estimated Revenues:

From State Sources	\$38,106
From Federal Sources	1,190,000
School Food Fees	567,000
Interest Income	8,000
Use of Surplus	<u>756,413</u>
Total Revenues	\$2,559,519

Appropriations:

Operating Expenses	2,559,519
End Balance	<u>0</u>
Total School Cafeteria Fund	\$2,559,519

School Bldg/Bus Replacement Fund-063:

Estimated Revenues:

From State Sources	\$0
Transfer from School Operating Fund-014	441,873
Use of Bond Proceeds	2,501,000
Use of Surplus	<u>1,954,850</u>
Total Revenues	\$5,067,723

Appropriations:

Transfer to Operating Fund-014 for Debt Service	441,873
Capital Outlay	4,455,850
Fund Balance	<u>0</u>
Total School Bldg/Bus Replacement Fund	\$4,897,723

Solid Waste Fund-030:

Estimated Revenues:

Fees & Charges	\$2,101,207
Convenience Center Fees	0
Use of Surplus	<u>264,201</u>
Total Revenues	\$2,365,408

Appropriations:

Curb-Side Pickup	1,668,034
Convenience Center	195,374
Transfer to General Fund-011	<u>502,000</u>
Total Solid Waste Fund	\$2,365,408

Sewer Services Fund-031:

Estimated Revenues:

Use of Surplus	\$2,000,000
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Appropriations:

Transfer-Sewer System Revenue Fund-040	<u>2,000,000</u>
Total Sewer Services Fund	\$2,000,000

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Sewer System Revenue Fund-040:

Estimated Revenues:

Charges for Services	\$5,499,211
HRWTF Admin Fee	0
Interest Income	0
Transfer-Sewer System Revenue Fund-031	<u>2,000,000</u>
Total Revenues	\$7,499,211

Appropriations:

Transfer to Sewer System Operating Fund-041	5,246,549
Transfer to Sewer System Imprv/Redemp Fund-042.....	1,333,050
Transfer to Sewer System Bond Fund-043	<u>919,612</u>
Total Sewer System Revenue Fund	\$7,499,211

Sewer System Operating Fund-041:

Estimated Revenues:

Transfer f/ Sewer System Revenue Fund-040	\$5,246,549
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Appropriations:

Maintenance & Inspections	1,012,206
City Pump Stations	2,243,343
Contingency.....	<u>0</u>
Total Sewer System Operating Fund	\$5,246,549

Sewer System Imprv/Redemp Fund-042:

Estimated Revenues:

Transfer f/ Sewer Services Fund-031	\$0
Transfer f/ Sewer System Revenue Fund-040	<u>1,333,050</u>
Total Revenues	\$1,333,050

Appropriations:

Transfer to Reserve Account Fund-042	0
Capital Construction	<u>1,333,050</u>
Total Sewer System Imprv/Redemp Fund	\$1,333,050

Sewer System Bond Fund-043:

Estimated Revenues:

Transfer f/ Sewer System Revenue Fund-040	\$919,612
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Appropriations:

Bond Principle	\$0
Bond Interest	<u>919,612</u>
Total Sewer System Bond Fund	\$919,612

HRWTF Fund-032:

Estimated Revenues:

Industrial User Charges	\$7,783,905
City User Charges.....	1,515,859

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Debt Service Charges	1,460,733
Total Revenues	\$10,760,497

Appropriations:

Operating Expenses	\$10,760,497
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Capital Projects Fund-071:

Estimated Revenues:

Meals Tax	\$1,600,000
Lodging Tax	700,000
HRWTF Admin Fee	125,000
Interest Income	271,000
Transfer from General Fund-011	1,921,000
Transfer from Self Insurance Fund-076.....	100,000
Use of Surplus Balance.....	<u>400,000</u>
Total Revenues	\$5,117,000

Appropriations:

Debt Service	3,318,311
Debt Service Fees	5,000
Capital Projects:	
Hist Hopewell Found Match Grant.....	4,000
Beacon Theater Capital.....	50,000
Public Works Equipment	138,000
Street Lighting	50,000
Pavement Mgt. Program	205,000
Equipment Funding- All Departments.....	28,000
Sheriff Vehicle.....	30,000
Police Vehicles	90,000
Parks Renovations	150,000
Computers/Software-Inspection/Code Project.....	100,000
Computer Replacements.....	50,000
Contingency Balance	557,489
Transfer to Surplus	<u>341,200</u>
Total Capital Projects Fund	\$5,117,000

Economic Development Fund-075:

Estimated Revenues:

Interest Income	\$5,760
Use of Surplus	<u>141,447</u>
Total Revenues	\$147,202

Appropriations:

Bond Principle	\$82,000
Bond interest.....	65,202

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2008 Downtown	0
Total Economic Development Fund	\$147,202

- Sec. 2 Constitutional Officers and respective Constitutional Office employees shall receive the position salary approved by the Virginia Compensation Board or granted by the Virginia General Assembly and any salary supplement authorized by City Council. No Constitutional Officer shall be compensated for any vacation, sick, holiday, jury service, military leave, funeral leave or other paid time-off granted regular city employees.
- Sec. 3 Appropriations in addition to those contained in the general appropriation resolution may be made by the City Council only if there is available in the fund an unencumbered and un-appropriated sum sufficient to meet such appropriation.
- Sec. 4 Except as set forth in Sections 7, 14, 16, 17, 18, and 19 the City Manager may, as provided herein, authorize the transfer of any unencumbered balance or portion thereof from one classification of expenditure to another within the same department or appropriation function/category. The City Manager may transfer up to \$25,000 from the unencumbered balance of the appropriation of one appropriation function/category to another appropriation function/category. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$25,000.
- Sec. 5 The City Manager may increase appropriations for the following items of non-budgetary revenue that may occur during the fiscal year:
- a. Insurance recoveries received for damage to city vehicles or other property for which city funds have been expended to make repairs.
 - b. Refunds or reimbursements made to the city for which the city has expended funds directly related to that refund or reimbursement.
 - c. Any revenue source not to exceed \$25,000.
- Sec. 6 All outstanding encumbrances, both operating and capital, at June 30, 2011 shall be re-appropriated to the 2011-12 fiscal year to the same department and account for which they are encumbered in the previous year.
- Sec. 7 At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than Capital Projects, reserves, grants, and donations restricted to specific purposes.
- Sec. 8 Appropriations designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriations until the completion of the projects or until the City Council, by appropriate ordinance or resolution, changes or eliminates the appropriation. The City Manager may approve necessary accounting transfers between funds to enable the capital projects to be accounted for in the correct manner. Upon completion of a capital project, staff is authorized to close out the projects and transfer to the funding source any remaining balances. This section applies to all existing appropriations for Capital Projects at June 30, 2011 and appropriations in the 2011-12 budget year. The City Manager may approve construction change orders to contracts up to an increase of \$25,000 and approve all change orders for reductions to contracts.
- Sec. 9 The City Manager may authorize the transfer of Sewer Services Capital Projects funds that are 20% or up to \$100,000 of the original project cost, whichever is less, from any Sewer Services Capital Project to any other Sewer Services Capital Project or to the original funding source. Should the actual contract price for a project be significantly (over \$100,000) less than the appropriation, the City Manager may approve transfer of excess funds to the funding source prior to completion of the project.
- Sec. 10 The City Manager is hereby authorized and directed to apply for and accept all city eligible grants which require no local match money to receive without further City Council action.
- City Manager is further authorized to apply for and accept eligible grants of \$50,000 or less and with up to fifty (50) percent or less of the total dollar grant amount match requirement. City Manager is authorized to use current budget appropriated funds towards any local match required.
- Any grant application/award greater than \$50,000 must first be approved by City Council prior to the city administration making application.
- The City Manager is hereby authorized to sign and execute all necessary documents for the acceptance of any city grant approved by the City Council.
- Sec. 11 That the approval by the City Council of any grant of funds to the city constitutes the appropriation of both the revenue to be received from the grant and the city's expenditure required by the terms of the grant, if any. The appropriation of grant funds will not lapse at the end of the fiscal year, but shall remain appropriated until completion of the project or until the City Council, by appropriate resolution, changes or eliminates the appropriation. The City Manager may reduce any grant appropriation to the level approved by the granting agency during the fiscal year. The City Manager may approve necessary accounting transfers between accounts to enable the grant to be accounted for in the correct manner. Upon completion of a grant project, staff is authorized to close out the grant and transfer back to the funding source any unspent remaining balances. This applies to appropriations for grants outstanding at June 30, 2011 and appropriations in the 2011-12 budget year.

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- Sec. 12 The City Manager may appropriate any expenditure for donations made by citizens or citizen groups in support of city programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be re-appropriated into the subsequent fiscal year for the same purpose.
- Sec. 13 The City Manager may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
- Sec. 14 The Director of Finance is authorized to make transfers to the various operating funds for which there are transfers budgeted. The Director shall transfer funds only as needed up to amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfer are to be made.
- Sec. 15 The City Treasurer may advance monies to and from the various funds of the city to allow maximum cash flow efficiency. The advances must not violate city bond covenants or other legal restrictions that would prohibit an advance.
- Sec. 16 The City Manager is authorized to make expenditures from Trust & Agency Funds for the specified reasons for which the funds were established. In no case shall the expenditure exceed the available balance in the fund.
- Sec. 17 The City Manager may appropriate revenues and increase expenditures for funds received by the city from asset forfeitures for operating expenditures directly related to drug enforcement. This applies to funds currently on-hand at June 30, 2011, and all funds received in the 2011-12 budget year.
The outstanding balance of these funds at June 30, 2011 shall not lapse but be carried forward into the next fiscal year.
- Sec. 18 After completion of all necessary audit transactions for the General Fund, the City Manager may at his discretion, increase appropriations or authorize transfers of existing appropriation at June 30 as follows:
Subsequent to all audit adjustments and the ending general fund balance is maintained at maximum of 10% of general fund expenditures, transfer all available current year operation funds to the undesignated fund balance of the Capital Projects Fund for future capital projects.
At year-end, any budgeted Fire Department appropriations in excess of actual expenditures for the year shall be transferred to a reserve account for future fire equipment purchases. This applies to funds on-hand at June 30, 2011, and all funds received in the 2011-12 budget year.
- Sec. 19 The City Manager is authorized to reallocate funding sources for Capital Projects, arbitrage rebates/penalties, and debt services payments and to appropriate bond interest earning to minimize arbitrage rebates/penalties. This authority would include the appropriation of transfers among funds to accomplish such reallocation. Budgets for specific Capital Projects will not be increased beyond the level authorized by sections 4 and 5.
This applies to funds currently on-hand in FY 10-11 and all funds received in the FY 2011-12 budget year.
- Sec. 20 The City Manager is authorized to transfer among appropriation categories any amount of funds associated with implementation of the implementation of the VJCCCA Grant to record transactions.
- Sec. 21 The City Manager is authorized to transfer among appropriation categories any amount of monies associated with implementation of the Comprehensive Services Act for at-risk youth and families, but the local city match appropriation shall be reduced to the amount required to match the original state approved budget. Any supplemental budget request for funding shall be presented to city council for appropriation.
- Sec. 22 The City Manager is authorized to disburse state Four-For-Life Program funding to the Hopewell Emergency Crew for authorized expenditures or to disburse funds between the Hopewell Emergency Crew and the Hopewell Bureau of Fire, all in the best interest of providing emergency services to Hopewell. Amount of funds authorized to be disbursed shall not exceed the state funding award.
- Sec. 23 The City Manager is authorized to transfer among appropriation categories any amount of monies associated with implementation of the Department of Social Services budget for services, but the local city match appropriation shall be reduced to the amount required to match the original state approved budget. Any supplemental budget request for funding shall be presented to city council for appropriation.
- Sec. 24 The City Manager is hereby authorized to reassign or reallocate any full-time authorized position within the authorized fund complement of positions to a lower or higher grade after the City Classification and Compensation Committee have approved the job evaluation and recommended to the City Manager their respective action. This authority is not to be construed as giving the City Manager authority to create or increase the authorized full-time city work force, City Council reserves to itself the authority to increase or decrease the authorized full-time employee positions.
- Sec. 25 City Council hereby authorizes and reaffirms the city retiree health insurance contribution policy adopted in FY 04-05.
In accordance with that policy, city retiree health insurance contributions are fixed for all retirees retired prior to January 1, 2004; and any employee hired prior to July 1, 2004 and retiring after January 1, 2004 shall receive an amount equal to an active single employee towards retiree health insurance contribution from the city; and any employee hired after July 1, 2004 shall receive a percentage amount of an active single employee, determined by length of service, towards retiree health insurance contribution from the city.

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Effective July 1, 2008, any employee hired after July 1, 2008 shall receive a fixed dollar contribution of two hundred dollars (\$200.00) towards retiree health insurance contribution from the city.

Authorize and approve establishing the city share of full-time employee health insurance benefits costs sharing amounts, per month, for each tier in health insurance coverage as identified:

City Amount

Emp Single per month	\$ 498.67
Emp + Dep(s) per month	737.23
Emp + Spouse per month	963.40
Emp + Family per month	1,176.00

Authorize the city contribution to health insurance premiums for city retiree, retired prior to 1/01/2004. The contribution amount for the HMO 44 plan shall be the amount as identified:

City Amount

Retiree Single per month	\$ 502.77
Retiree + Dep(s) per month	573.90
Retiree + Spouse per month	888.16
Retiree + Family per month	1,042.50

Similar city contribution amounts are determined for the other offered plans.

Authorize city contribution to health insurance premiums for city retiree, retired after 12/31/2003, but hired prior to 7/01/2003 with a minimum of fifteen (15) years of service or a work related disability retirement with less than fifteen (15) years of service. The city contribution shall be the amount equal to the 2010-2011 city share for each tier plus five percent (5%) for each of the various plans offered.

Authorize city contribution to health insurance premiums for city retiree hired after 7/01/2003 based on the minimum years of service:

11 - 15 years	40%	of current city contribution for single employee;
16 - 20 years	60%	of current city contribution for single employee;
21+ years	80%	of current city contribution for single employee.

Authorize city contribution to retiree health insurance premiums for city employee hired after July 1, 2008 based on minimum years of services at the fixed dollar amount as follows:

5 years	\$ 50 per month;
6 – 10 years	\$100 per month;
11 – 20 years	\$150 per month;
20 years +	\$200 per month.

Authorize the city to contract with Ovations Health Group (AARP), or other provider, to provide supplemental health insurance coverage for retiree age 65 or more.

Authorize only a "Carve-Out" city health insurance contribution if retiree is age 65 or more for city contribution for supplemental medical insurance which amount shall not exceed the city contribution amount for an "Active" single city employee premium contribution. Should the retiree choose not to participate in the Medicare Part A and/or B, then the city shall only be obligated to pay a health insurance benefit equal to the "Carve-Out" supplemental health insurance plan.

Retiree age 65 or more retired prior to 12/31/2003 shall be eligible for a health insurance contribution of the "Carve-Out" contribution amount and the city contribution amount to cover dependent(s) up to the city retiree limit for retiree before 1-1-2003, but not to exceed this combined benefit amount.

Further, city retiree reaching 65th birthday shall be entitled only the medical supplemental insurance premium and Medicare Part D drug premium determined by the city's insurance provider of record, for any health insurance coverage paid by the city, effective July 1, 2011. City shall not be obligated to provide health insurance under its regular health insurance group for any retiree who fails or refuses to enroll in Medicare health insurance, as part of their Social Security benefits.

Under no circumstances shall the city health premium share paid for medical supplemental insurance and Medicare Part D drug premium exceed: the city health premium share for a single active employee for any retiree hired prior to July 1, 2004 and retired after January 1, 2004; the city health premium percentage share for a single active employee for any retiree hired after July 1, 2004, but prior to July 1, 2008; and the city health premium share shall be a fixed two hundred dollars (\$200.00) per month for any retiree hired after July 1, 2008.

Any city retiree eligible for VRS health insurance credit shall have the city health insurance contribution reduced by a dollar amount equal to the VRS eligible health insurance credit amount. The Virginia Retirement System health insurance credit shall be calculated by an amount equal to \$1.50, or current rate approved by VRS, times the years of service with a maximum reduction amount of \$45.00 dollars, or the maximum amount authorized by VRS.

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Finance Director is authorized and directed to terminate the health insurance coverage for any retiree who fails to pay the city their respective share of the health insurance premium and who is sixty (60) days delinquent on premium payments. Any retiree who has their insurance coverage terminated for failure to pay their respective share of premium shall not be eligible for re-enrollment until: the delinquent premiums are paid to the city and only at the next open enrollment period.

Sec. 26 City Council authorizes and directs a policy change with respect to employer health insurance contributions such that all employees hired on or after July 1, 2011, the city shall only pay such amount equal to the city contribution share of the "single employee" premium cost as authorized in Sec.25, above, and any additional insurance coverage costs selected by employee shall be paid by employee by payroll deduction in the month prior to premium due date.

Sec. 27 City Council authorizes and directs the employee contribution share (5%) of VRS pension contribution rate to be paid by employee hired after July 1, 2011.

Sec. 28 Effective upon adoption of this resolution, the City Manager is authorized to approve transfers between budget lines within operating funds less than \$5,000 and spending cannot exceed appropriation, all budget line transfer activity greater than \$5,000 must first be reported to City Council, for approval, before transfer is processed.

Sec. 29 City Manager is hereby authorized/designated to approval fund balance classifications, as necessary, to implement the GASB 54 accounting standard effective June 30, 2011 with advice from the Director of Finance.

City Council may act to affirm, add, remove or assign classifications and amounts, in addition, to actions of city manager.

Sec. 30 Amendments made by City Council to original budget set forth in Section 1 are as identified in the following items:

General Fund-011:

Appropriations:

City Council.....	\$137,000	\$122,000
Reduce professional services budget line by \$15,000		
Outside Agency Funding	\$1,205,484	<u>\$1,220,484</u>
Increase Richard Bland by \$1,000		
Increase Virginia State Univ. by \$1,000		
Increase Historic Hopewell Foundation by \$8,000		
Increase John Randolph Foundation by \$2,000		
Reduce South Centre Corridors by \$1,000		
Reduce Capital Planning Emer. Serv. By \$1,000		
Total General Fund-011		\$41,673,575

Capital Projects Fund-071:

Appropriations:

Commonwealth Attorney.....	\$10,000	\$24,000
Increase equipment budget line by \$14,000		
Excess Revenues.....	\$557,489	<u>543,489</u>
Total Capital Projects Fund-011		\$5,117,000

REGULAR BUSINESS – BUDGET AMENDMENT RESOLUTION FOR FY 2010-2011 – CITY INHERITED MONEY UNDER A WILL AS BENEFICIARY AND INHERITANCE STIPULATING THAT THE MONEY MUST BE USED FOR THE ANIMAL SHELTER

Motion was made by Councilor Stokes and **seconded** by Councilor Bujakowski to adopt the Budget Resolution Amendment. Upon the Roll Call, the vote resulted:

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

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Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

Vice Mayor Walton asked about the effect of the amendment as related to the Budget Amendment previously passed. The City Manager indicated that the amendment is for the current fiscal year.

BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2010-2011

WHEREAS, at the meeting of the City Council of the City of Hopewell held on June 14, 2011, an amended budget request was introduced in its complete form from City Manager; of which \$69,217.42 is requested to be appropriated and,

WHEREAS, city inherited this money under a will as a beneficiary and inheritance stipulates that the money must be used for the city animal shelter;

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

Sec. 1 The monies shall be appropriated into the Capital Projects Fund account for city animal shelter improvements:

Capital Projects Fund-071:

Gift Monies	\$69,217.42
Appropriations:	
Animal Shelter Improvements.....	69,217.42

REGULAR BUSINESS – ORDINANCE 2011-09 AMENDING AND REENACTING SECTION 22-105, GENERAL REGULATIONS GOVERNING PRIVATE PROPERTY, OF ARTICLE VI, STOPPING, STANDING AND PARKING, OF CHAPTER 22, MOTOR VEHICLE AND TRAFFIC, OF THE CODE OF THE CITY OF HOPEWELL (ADDRESSING CARS PARKED IN THE YARD)

Motion was made by Councilor Stokes, and seconded by Councilor Bujakowski, to adopt Ordinance No. 2011-09 on one and only reading. Upon the Roll Call, the vote resulted:

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

ORDINANCE NO. 2011-09

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

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

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

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

- (a) A person shall not stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.
- (b) A non-handicapped operator of a motor vehicle parked in parking space reserved for the handicapped at privately owned shopping centers and business offices may be issued a summons without the necessity of a warrant being obtained by the owner of such property.
- (c) No automobile, motorcycle, camper, other motor vehicle, boat or trailer shall be parked or remain on any unpaved/unimproved portion of the front or side yard visible from the street in portions of the city zoned residential or business. Parking shall be limited to a paved/improved or all-weather surface area, except for the following:
 1. Parking at times of an emergency;
 2. Parking at times when a resident is moving in or out of the premises;
 3. Vehicles present for the purposes of making repairs to the property;
 4. Parking on an existing unpaved/unimproved parking area where on-street parking is not permitted, provided that the parking area is located in the side of the front yard immediately adjacent to the driveway entrance and parking pad; and does not encroach into the public right-of-way and is not within five (5) feet of the adjoining property line; or
 5. When deemed appropriate due a hardship by the City Manager or his designee.

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

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

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

REGULAR BUSINESS – ORDINANCE 2011-10 GRANTING REAL ESTATE TAX EXEMPTION FOR SERVICE-CONNECTED DISABLED VETERANS

Motion was made by Councilor Pelham, and seconded by Councilor Stokes, to adopt Ordinance No. 2011-10 on emergency measure to take effect immediately, after passage on one and only reading. Upon the Roll Call, the vote resulted:

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

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Vice Mayor Walton - yes

ORDINANCE NO. 2011-10

An Ordinance exempting from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence be exempted from taxation as follows:

Exemptions shall be granted from local real estate taxation of real property owned by and certified that the real property is occupied as the veteran's principal place of residence who has provided documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability. A surviving spouse of a veteran eligible for the exemption may also qualify for the exemption. Such exemptions shall be subject to the following restrictions and conditions:

The veteran or surviving spouse claiming the exemption shall file with the Commissioner of the Revenue on forms provided by the city, an affidavit or written statement that:

- a. Sets forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property.
- b. Indicates whether the real property is jointly owned by a husband and wife.
- c. Certifies that the real property is occupied as the veteran's principal place of residence.
- d. Provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability.
- e. The surviving spouse of a veteran eligible for the exemption shall also qualify for the exemption, so long as:
 1. The death of the veteran occurs on or after January 1, 2011.
 2. The surviving spouse does not remarry.
 3. The surviving spouse continues to occupy the real property as their principal place of residence.
 4. The surviving spouse provides documentation that the veteran's death occurred on or after January 1, 2011.

The veteran or surviving spouse shall be required to re-file the information only if the principal place of residence changes.

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The city shall provide for the exemption from real property taxes the qualifying dwelling and shall provide for the exemption from real property taxes on the land, not exceeding one acre, upon which it is situated.

Tax relief shall be granted effective January 1, 2011. This ordinance shall be deemed an emergency measure to take effect immediately, after passage on one and only reading.

REGULAR BUSINESS – VRS PLAN – SET POLICY THAT EFFECTIVE JULY 1, 2011, ALL EMPLOYEES HIRED AFTER THAT DATE SHALL PAY THE VRS EMPLOYEE 5% CONTRIBUTION TO VRS ON A PRE-TAX BASIS

Motion was made by Councilor Stokes and seconded by Councilor Pelham to adopt the City Policy Resolution.

Vice Mayor Walton asked if salaries would change because of the proposal. The City Manager indicated that City of Hopewell salaries will remain the same. Localities have not been giving raises with the exception of Colonial Heights. Hopewell is not raising salaries.

Upon the Roll Call, the vote resulted:

Councilor Pelham	-	yes
Councilor Shornak	-	yes (*filed Transitional Disclosure-daughter employed by City)
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes (*filed Transitional Disclosure-employed by City)
Vice Mayor Walton	-	yes

RESOLUTION

**Authorization to Pick-up the Employee's Contribution to VRS
Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the City of Hopewell, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

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WHEREAS, the City of Hopewell_ desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to (5%) of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July 2011 [**stated month must be after the date this Resolution is adopted**], the City of Hopewell_ shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to (5%) of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the City of Hopewell_in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Hopewell directly instead of having them paid to VRS.

Adopted in the City of Hopewell, Virginia this 7th day of June, 2011.

Debra W. Pershing, Acting City Clerk
Authorized Signature Title

REGULAR BUSINESS – JUNE 21, 2011 JOINT WORK SESSION WITH PRINCE GEORGE COUNTY

The City Manager announced that a Joint Work Session will be held with Prince George County on June 28, 2011 at Dockside to discuss issues of joint concern. There will be a City Council Work Session on June 21.

REGULAR BUSINESS – ANNOUNCEMENT OF HUMAN SERVICES BUILDING OPEN HOUSE ON JUNE 16, 2011

The City Manager announced that the Hopewell Department of Social Services has scheduled an Open House for the Public on June 16, 2011 from 4:30 – 5:30 p.m. The new facility is located at 316 East Cawson Street. Councilor Pelham indicated that an invitation should be sent to the Governor as well.

REGULAR BUSINESS – CITY CLERK – APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Pelham, **seconded** by Councilor Bujakowski, and unanimously passed to appoint Jasmine Gore to the Clean City Commission to fill an unexpired term to 10/31/11 and to the Industrial Development Authority for a 4-year term to 10/31/15; and Jerry Williams and Bill Crockett to the Neighborhood Watch Advisory Council to fill two vacancies in Ward #5 for a term extending through 10/31/11.

Motion was made by Councilor Bujakowski and seconded by Councilor Pelham and unanimously passed to appoint Deborah Marks to the School Board for a term extending through 6/30/14.

Mayor Luman-Bailey announced the current vacancies on City Boards and Commissions: Architectural Review Board – one 4-year term to 10/31/14; Clean City Commission – one unexpired term to 10/31/12; JTCC-Local Board – one 4-year term to 6/30/15; NWAC – one vacancy Ward #3 to 10/31/11, and one vacancy Ward #7 to 10/31/12; Technology Fund Committee – one vacancy; and Transportation Safety Board – two vacancies 4-year term to 10/31/14.

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REPORTS OF CITY COUNCIL COMMITTEES

On behalf of the Crater Planning District Commission, Mayor Luman-Bailey attended a workshop/seminar on total maximum daily loads held in Hanover and sponsored by VACo and VML. Mr. Woodhouse addressed it during his presentation on the importance of river quality for the quality of the drinking water. Cleaning up rivers is related to our water quality. The Vice Mayor reported clean up along the James & Appomattox Rivers will be Saturday, June 11.

The Mayor reported an ongoing partnership with Petersburg regarding a transit system. They have had a test run; however, it has not been finalized. More information will be available closer to finalization. Mr. Bragg will place information regarding the transit system on the City's website.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Pelham reported that school is almost out. HHS graduation ceremony is on Friday at 8:00 p.m. at Merner Field. Anyone attending graduation should call the high school for the appropriate dress code. It is also available on the school's website. She thanked everyone for their support. God bless you.

Vice Mayor Walton reported a River Clean up scheduled on Saturday at 9:00 a.m. at the Marina. Mayor Luman-Bailey will report at the next meeting on the trip to Washington, DC.

ADJOURN

Motion was made by Councilor Pelham, **seconded** by Councilor Shornak, and unanimously **passed** to adjourn the meeting at 10:18 p.m.

Christina J. Luman-Bailey, Mayor

Debra W. Pershing, Acting City Clerk