

January 10, 2012
Regular Council Meeting
MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 10, 2012

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, January 10, 2012, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

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

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

ABSENT: Curtis W. Harris, Councilor (illness)

ROLL CALL

Vice Mayor Walton opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	ABSENT (arrived at 6:36 PM)
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED SESSION

Motion was made by Councilor Pelham, seconded by Councilor Bujakowski, and unanimously passed to convene into Closed Session to discuss Personnel (Performance Evaluations-City Manager, City Attorney & City Clerk); and, Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1) (3) & (7).

OPEN SESSION

At 7:37 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

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

REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:37 PM. Roll call was taken as follows:

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

Prayer was offered by Chaplain Shirley Lovitt, JRMC, 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 Councilor Bujakowski, and passed unanimously to approve the Consent Agenda: Regular Meeting minutes December 13, 2011; Pending List; Information for Council Review: School Board meeting minutes Special Sessions 11/3/11, 11/8/11, 11/14/11, 11/15/11 & Regular Meeting minutes 11/15/11; Personnel Change Report & Financial Report; Routine Approval of Work Sessions: January 24, 2012; Ordinance on second and final reading: Ord. #2011-22-An Ordinance changing the name of the Industrial Development Authority to the Economic Development Authority; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: none.

ORDINANCE NO. 2011-22

An Ordinance to change the name of the City's Industrial Development Authority to the Economic Development Authority of the City of Hopewell, Virginia.

WHEREAS, the Council of the City of Hopewell, Virginia desires to change the name of its Industrial Development Authority to the "Economic Development Authority of the City of Hopewell, Virginia."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL pursuant to the authority vested in it by Va. Code § 15.2-4903 that the City's Industrial Development Authority be renamed the "Economic Development Authority of the City of Hopewell, Virginia."

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Mayor Luman-Bailey presented Resolutions to the City's Constitutional Officers:

RESOLUTION
COMMONWEALTH OF VIRGINIA
CITY OF HOPEWELL
CITY COUNCIL
Constitutional Officer Week in the City of Hopewell
January 16 – January 20, 2012

WHEREAS, Article VII, Section 1, of the Virginia Constitution provides for the direct election of local officials charged with the critically important duties of maintenance of public records, operation of the circuit courts, prosecution of criminals, protection of public safety, and the administration and collection of local revenues; and

WHEREAS, Hopewell's Clerk of the Circuit Court, Commissioner of the Revenue, Commonwealth's Attorney, Sheriff, and Treasurer, continue a tradition of local administration of government functions that predates the American Revolution; and

WHEREAS, these constitutional officers, deputies and employees who serve in their offices provide the people of Hopewell with a direct link to their government at the local level, unfiltered by bureaucracy and responsive to citizen's needs; and

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WHEREAS, the constitutional officers embody Thomas Jefferson's ideal form of representative democracy which provides for direct accountability to the people by virtue of the people's right to vote for their constitutional officers; and

WHEREAS, the constitutional officers in Hopewell are setting new standards of customer service, innovative service delivery, and responsiveness that fellow constitutional officers and other public servants in Virginia would do well to emulate.

NOW, THEREFORE, BE IT RESOLVED, by the *City Council of the City of Hopewell, Virginia*, that the week of January 16 through January 20, 2012 be designated as **Constitutional Officer Week** to coincide with the Commonwealth of Virginia's state designation of constitutional officer week in Virginia; and

BE IT FURTHER RESOLVED, that the *City Council of the City of Hopewell* urges Hopewell's citizens to familiarize themselves with the services provided by the constitutional officers; and

BE IT FURTHER RESOLVED, that the Clerk of the City Council transmit copies of this resolution to the *Honorable Gregory L. Anderson-Sheriff*, the *Honorable Teresa L. Batton-Treasurer*, the *Honorable Richard K. Newman-Commonwealth's Attorney*, the *Honorable Debra K. Reason-Commissioner of the Revenue*, and the *Honorable Tammy J. Ward-Clerk of the Circuit Court*, with the appreciation and respect of the City Council for their service to the citizens of the City of Hopewell.

Mayor Christina J. Luman-Bailey

Vice Mayor K. Wayne Walton
Councilor Michael C. Bujakowski
Councilor Brenda S. Pelham

Councilor Curtis W. Harris
Councilor Gerald S. Stokes
Councilor Jackie M. Shornak

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PROCLAMATION

WHEREAS, the Hopewell Food Pantry was organized in June 1983 to assist individuals and families in need of emergency food assistance; and

WHEREAS, the Hopewell Food Pantry provided food to 2,490 families and 8,725 individuals during fiscal year 2010-2011; and

WHEREAS, this represents a 47% increase over fiscal year 2009-2010; and

WHEREAS, the 8,725 individuals received more than 150,000 meals with an estimated value in excess of \$200,000; and

WHEREAS, there is a continuing need for food at the Hopewell Food Pantry, despite assistance from various organizations this past year; and

WHEREAS, a food drive is being organized by the Hopewell Kiwanis Club during the month of February for the Hopewell Food Pantry.

NOW, THEREFORE, BE IT HEREBY RESOLVED that I, Christina J. Luman-Bailey, Mayor of the City of Hopewell, Virginia, on behalf of the City Council, recognize February as **Hopewell Food Pantry Month** and encourage citizens to contribute to the February Food Drive for the Hopewell Food Pantry.

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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 10th day of January, 2012.

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

COMMUNICATIONS FROM CITIZENS

There being no speakers, Communications from Citizens were closed.

REGULAR BUSINESS – MARINA DREDGING CONTRACT – BUDGET RESOLUTION AMENDMENT

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to adopt the Budget Resolution amendment in the amount of \$174,200.00.

A **Substitute Motion** was made by Councilor Bujakowski, and seconded by Vice Mayor Walton, to take \$75,000 from the Harbor Fund to pay for the Dredging Project.

DISCUSSION: There was a question about whether or not there would be penalties if the project was not completed by the deadline of February 15, 2012. The contractor is paid “per volume;” they are only paid for the amount of work completed. The contract has a firm deadline. The only change order was for the volume. If not finished by February 15, it would be a breach of contract. There was discussion about using the Harbor Fund to pay for the project, and whether or not that fund was designated for other projects. Originally, the rest of the bond money was designated for the project; but, Council may designate the Harbor Fund if it chooses. Using the bond funds first could save some money for future small projects. Another question was if there was a project that would have been funded by the Harbor Fund, could bond funds be used for that.

Upon the roll call on the substitute motion, the vote resulted:

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

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

WHEREAS, at the meeting of the City Council of the City of Hopewell held on December 13, 2011, an amended marina dredging contract amount was presented requesting additional funding, in the amount of \$240,539 and,

WHEREAS, City Council had previously appropriated \$500,000 in funds for the Marina Capital Project expenditures, and,

WHEREAS, the design phase contract for the Marina Capital Project obligated \$174,200 of the \$500,000 appropriation, thereby additional appropriated funding is needed to complete the dredging project;

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

Sec. 1 The following designated funds and account shall be appropriated to pay for the marina capital project.

Capital Projects Fund-071:

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Resources:

Use of Surplus(unspent bond monies) \$75,202

Appropriations:

Marina Capital Project \$75,202

REGULAR BUSINESS – CITY TREASURER, TERRI BATTON – UPDATE ON DELINQUENT TAXES

Terri Batton, City Treasurer, provided an Update Report on Delinquent Taxes. The law firm of Sands Anderson has been contracted to collect delinquent real estate taxes. The Taxing Authority firm has been contracted to collect everything else. Councilor Stokes highly commended Mrs. Batton on her report.

DELINQUENT/UNPAID TAX BALANCES AS OF DECEMBER 31, 2011

REAL ESTATE
TAXES

Tax Year	Annual Levy	Tax Rate	Uncollected Tax	% Uncollected	% Collected
1991	7,226,749.44	1.28	651.52	0.01	99.99
1992	7,371,349.76	1.28	518.40	0.01	99.99
1993	7,884,200.96	1.28	555.52	0.01	99.99
1994	7,902,988.80	1.28	615.68	0.01	99.99
1995	8,029,800.88	1.22	676.79	0.01	99.99
1996	8,177,143.31	1.19	1,027.56	0.01	99.99
1997	8,412,688.14	1.14	1,159.59	0.01	99.99
1998	8,474,310.84	1.14	2,074.23	0.02	99.98
1999	8,856,015.90	1.14	1,257.99	0.01	99.99
2000	8,982,840.90	1.14	1,281.36	0.01	99.99
2001	9,270,904.16	1.12	2,106.33	0.02	99.98
2002	8,966,569.92	1.12	3,277.14	0.04	99.96
2003	10,146,799.20	1.20	6,410.70	0.06	99.94
2004	10,190,936.40	1.20	10,109.41	0.10	99.90
2005	11,119,225.20	1.20	25,521.62	0.23	99.77
2006	11,150,337.60	1.20	23,463.48	0.21	99.79
2007	12,231,023.18	1.09	47,062.25	0.38	99.62
2008	12,483,591.94	1.09	80,825.22	0.65	99.35
2009	12,821,387.52	0.96	151,043.30	1.18	98.82
2010	13,203,679.50	0.99	359,213.24	2.72	97.28
2011	13,184,937.18	0.99	848,635.51	6.44	93.56

\$ 206,087,480.73

\$ 1,567,486.84

0.76 99.24

PERSONAL PROPERTY (and other NON-REAL ESTATE) TAXES*

Tax Year	Annual Levy**	Tax Rate	Uncollected Tax	% Uncollected	% Collected
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2006	3,806,090.86		3.05	118,344.99		3.11	96.89
2007	3,893,789.48		3.05	130,245.54		3.34	96.66
2008	4,341,004.93		3.05	180,613.99		4.16	95.84
2009	4,560,321.66		3.50	170,587.44		3.74	96.26
2010	4,612,600.27		3.50	252,488.95		5.47	94.53
2011	4,513,283.25	***	3.50	68,156.58	***		
	\$ 25,727,090.45			\$ 920,437.49		3.97	96.03

* Includes unpaid tax balances from everything except real estate--personal property, furniture & fixtures, mobile homes, machinery & tools, public service, meals & lodging, business licenses.

** Levy includes personal property, business furniture & fixtures and mobile homes levies only. The bulk of the unpaid tax balances remain from these three levies.

*** 2011 personal property taxes are due 2/15/12 and are not delinquent.

The report was received and no action was required by Council.

REGULAR BUSINESS – COMMONWEALTH’S ATTORNEY, RICK NEWMAN – SUPPLEMENTAL BUDGET REQUEST

Mr. Newman requested a \$60,000.00 Supplemental Budget Request for the purpose of increasing the salaries of each staff member by \$10,000.00. For FY 2011-2012 that will be a \$30,000 supplemental request. This request has been made in the past. Since the original request in June 2011 to bring salaries up to regionally competitive and city comparable wages, the Commonwealth’s Attorney’s Office has lost two experienced staff Attorneys to make more money in surrounding jurisdictions.

Hopewell continues to be the only locality in the region not to supplement the salaries of the Commonwealth’s Attorney’s office beyond the state mandatory minimums. The loss last week of a staff attorney to make nearly \$18,000 more in a nearby jurisdiction highlights the fact that they cannot continue to ignore this problem any longer. They deserve a Commonwealth’s Attorney’s Office that is able to maintain qualified employees who have an experienced working relationship with the other law enforcement agencies in our city. Development in the city hinges upon the ability to fight crime.

The Commonwealth’s Attorney’s Office requested an immediate supplement in the amount of \$30,000 for the period of January 1, 2012 until June 30, 2012 (FY2011-2012), to provide \$5,000 to each staff position (\$10,000 annually). While the request still does not bring wages entirely up to the regional level or even to the city level, it would go a long way in correcting the wage gap that currently exists and will allow them to be more competitive in the job market. Mr. Newman emphasized that the budget request was not a raise. The average difference in like positions between the City and the Commonwealth’s Attorney’s office is approximately \$20,000 more for City employees.

Motion was made by Vice Mayor Walton, and seconded by Councilor Pelham, to refer the Supplemental Budget Request for FY 2011-2012 in the amount of \$30,000.00 to the City Manager to do a comparable study and come back to Council in February.

A **Substitute Motion** was made by Councilor Pelham, and seconded by Councilor Bujakowski, to refer to Council’s Finance Committee the Supplemental Budget Request for FY 2011-2012 in the amount of \$30,000.00 and come back to Council with a report.

DISCUSSION: The City Manager was asked to provide a comparison between city employee salaries and the Commonwealth’s Attorney’s Office. The City Manager indicated that the request for the Commonwealth’s

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Attorney would be a General Fund supplemental appropriation. Council could decide to take it from a fund agreed upon by the City Manager and City Council. Some Councilors requested more information before a decision is made. The city funded \$18,000 for one of the Assistant Commonwealth's Attorney positions in 2007. That has continued. Council funds about \$158,000; the Commonwealth funds about \$380,000. Mr. Newman indicated that the state pays their salary and the City is reimbursed by the state. There was another question about \$7,500 for an administrative assistant. Mr. Newman indicated that one of the positions was filled and by the time that position was filled, they lost the funding. All constitutional offices are on a separate scale. There had been consideration regarding the employees of the Commonwealth's Attorney's office being City employees, but it has never been completed.

Upon the roll call on the Substitute Motion, the vote resulted:

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

REPORT OF THE CITY CLERK – APPOINTMENTS TO BOARDS & COMMISSIONS

Motion was made by Councilor Pelham, seconded by Vice Mayor Walton, and unanimously approved to: confirm the Judge's Order to reappoint Beverly Terretta to the BZA for a term extending through October 31, 2016; and, appoint David Fratarcangelo to the Central Virginia Waste Management Authority for a term extending through to October 31, 2013.

The remaining vacancies are: Architectural Review Board, 1 vacancy, term to 10/31/16; Economic Development Authority, 1 vacancy, term to 10/31/16; Keep Hopewell Beautiful, 7 vacancies, terms to: 10/31/12-1, 10/31/13-1, 10/31/14-3, and 10/31/15-2; and the NWAC – Ward #1 term to 10/31/13.

The City Manager and the City Clerk were asked to write up a full job description for the Economic Development Authority; and to provide that information to the existing members of the Economic Development Authority (*formerly the Industrial Development Authority*).

The Mayor asked that a notice be published for the meeting on January 24, 2012 to be a Work Session/Special Meeting, for the purpose of making some appointments.

REPORTS OF CITY COUNCIL COMMITTEES:

2012 Legislative Committee – Report by Vice Mayor Walton, Councilor Shornak & Herbert Bragg, Legislative Liaison. Mr. Bragg provided a synopsis (copy filed in the City Clerk's Office) of the legislative meeting held in Hopewell on December 29, 2011. The Legislative Session extends from January 11, 2012 thru March 10, 2012. Vice Mayor Walton reported that there is no money available. They discussed the Wastewater Treatment plant project; unfunded mandates; and K-12 important funding for families from birth to K-12.

Councilor Shornak reported that this year, the General Assembly will have to find ways to meet the budget shortfalls which will impact the state and local budgets. The ways and methods that were used to balance the state budget in past years are not going to be available. Localities will be hit even harder and expected to pay more and receive less from the State. The Committee was told to tighten our belts in anticipation of what is inevitable. The General Assembly will be facing how to handle the funding of the Virginia Retirement System (VRS). Mandates will be forthcoming and everyone will be sharing in the budget shortfalls. Hopewell is ranked 19th on the list of Fiscally Stressed Localities but that will not help when funds are being passed out to localities. Real Estate assessments have plummeted and are not coming back as fast as was anticipated so the revenue stream will be less than last year. If there was one thing she heard loud and clear from the legislators it's that "the well is going dry." The legislators have pledged their support on our behalf despite the economic outlook and budget

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shortfall. She thanked Senator Marsh, Delegates Dance and Ingram, Vice Mayor Walton and Herbert Bragg for their help.

Councilor Pelham asked the City Manager to explain Aid to the Commonwealth. He reported that three years ago the legislature set a goal. All localities must send a check each year to the Commonwealth. Hopewell's share is \$220,000 for teachers, police officers and firefighters. This year the amount will go up to \$230,000. That will shift more cost to Hopewell. Mayor Luman-Bailey reported that at the recent Mayors and Chairs meeting, BPOL and M & T were discussed. There were different versions of the bills. Moratoriums were considered as well as local fines. The Governor supports Bio-Mass; City Council is fully supportive of coal to bio-mass here in Hopewell.

Finance Committee – Mayor Luman-Bailey thanked the Finance Committee of 2011 for serving. Committee members are Councilor Bujakowski, Councilor Shornak and Councilor Stokes. She would like to have discussion with Council.

Councilor Shornak raised a point of order because this was not a report of a Council committee; the Mayor does not serve on the Finance Committee. She asked Mayor Luman-Bailey if her intention was to dissolve the committee, and emphasized that the Mayor could not do that. Mayor Luman-Bailey stated that it would be part of the Special Meeting/Work Session on January 24, 2012.

The City Clerk was asked to research the method and date of establishing the Finance Committee and share it with the City Attorney, who will report to Council.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Pelham has been attending weekly Oscar Night meetings with the Central Virginia Film Office Board. It will be held on February 26, 2012 at the Indian Cultural Center in Chesterfield. Interested parties should contact Councilor Pelham. In conclusion, she wished everyone a Happy New Year.

ADJOURN

At 8:53 PM **motion** to adjourn the meeting was made by Vice Mayor Walton, seconded by Councilor Stokes and unanimously passed.

Christina J. Luman-Bailey
Mayor

Ann M. Romano, City Clerk