

February 19, 2013
Regular Council Meeting

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 19, 2013

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, February 19, 2013, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Michael C. Bujakowski, Mayor
Jasmine E. Gore, Vice Mayor
Christina J. Luman-Bailey, Councilor
Roosevelt Edwards, Jr., Councilor
K. Wayne Walton, Councilor
Brenda S. Pelham, Councilor
Jackie M. Shornak, Councilor

Edwin C. Daley, City Manager
David C. Fratarcangelo, City Attorney
Cynthia Y. Ames, City Clerk

ROLL CALL

Mayor Bujakowski opened the meeting 6:30 p. m. Roll call was taken as follows:

Mayor Bujakowski,	- present
Vice Mayor Gore	- present
Councilor Luman-Bailey	- present
Councilor Edwards, Jr.	- present
Councilor Walton	- present
Councilor Pelham	- present
Councilor Shornak	- present

CLOSED SESSION

Motion was made by Councilor Luman-Bailey, seconded by Councilor Pelham, and unanimously passed to convene into Closed Session to discuss Personnel (performance reviews) and Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1).

OPEN SESSION

At 7:38 p.m. 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:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

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REGULAR MEETING

Mayor Bujakowski opened the regular meeting at 7:38 p.m. Roll call was taken as follows:

Mayor Bujakowski,	- present
Vice Mayor Gore	- present
Councilor Luman-Bailey	- present
Councilor Edwards, Jr.	- present
Councilor Walton	- present
Councilor Pelham	- present
Councilor Shornak	- present

Prayer was offered, by Chaplain Michel Wyche, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Walton.

CONSENT AGENDA

Motion was made by Councilor Pelham, seconded by Councilor Luman-Bailey, and unanimously passed to approve the Consent Agenda, however, the minutes of 1.8.2013 require amendments and were not approved. Those amendments and minutes will be placed on an up-coming agenda for Council's approval: Minutes: Special Meeting 12.4.2012, Regular Meeting 1.8.2013, Work Session 1.15.2013, Work Session 1.22.2013, Work Session 1.29.2013 and Work Session 2.5.2013;; Pending List; Information for Council Review; HRHA BOC 7.7.2012 minutes; School Board 12.13.2012 minutes, sent by electronic mail on 2.4.2013; TSB 12.4.2012 minutes & agenda 2.5.2013; BAR 1.28.2012 minutes; DISTRICT 19 12.6.2012 minutes. Letter to the Honorable Lacey Putney; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: 2.26.2013, 3.5.2013, and 3.26.2013; Ordinances on second and final reading: none; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: Fort Lee Garrison Command Resolution.

RESOLUTION

**A RESOLUTION TO THANK GARRISON COMMAND AT FORT LEE
Better Opportunities for Single Soldiers (B.O.S.S.) Program**

WHEREAS, The City of Hopewell, a city within the Commonwealth of Virginia, which borders the Appomattox River; and

WHEREAS, The City of Hopewell would like to thank Garrison Command at Fort Lee for its B.O.S.S. Program; and

WHEREAS, The City of Hopewell recognizes the volunteer soldiers in the B.O.S.S. Program stationed at Fort Lee; and

WHEREAS, The City of Hopewell recognizes efforts by these B.O.S.S. volunteers for work done along the Appomattox River in Hopewell at Weston Manor, Hopewell Marina, City Park, and City Point; and

NOW, THEREFORE, BE IT RESOLVED, by unanimous vote at the February 19, 2013, meeting held in Hopewell, Virginia, Hopewell City Council does hereby recognize the importance of Fort

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Lee as a valuable partner, and the B.O.S.S. Program and its leaders, for their dedication to the betterment of the communities which surround Fort Lee.

Resolution presented this 19th day of February, 2013

PUBLIC HEARING PH-1– SEWER SERVICES AND SCHOOL FUNDS – AMENDMENTS AND APPROPRIATIONS TO THE FISCAL 2013 ADOPTED BUDGET

This was the night advertised as a Public Hearing to hear citizen comments regarding a request to authorize amendments and appropriations to the Fiscal Year Adopted Budget for transfer of Sewer Services Fund - 031, of \$382,500.00 to the General Fund – 011 and to make amendments and appropriations to school fund budget for 5 (five) new school buses and Hopewell High School Tennis Courts.

The public hearing was opened at 7:40 p. m. There being no speakers, the public hearing was closed at 7:40 p.m.

Mr. Ray Watson, Clerk for the School Board, gave brief remarks regarding the amendments and appropriations to the school fund budget.

Motion was made by Vice Mayor Gore, and seconded by Councilor Shornak, to authorize amendments and appropriations to the Fiscal Year Adopted Budget for transfer of Sewer Services Fund - 031, of 382,500.00 to the General Fund – 011 and to make amendments and appropriations to school fund budget for 5 (five) new school buses and Hopewell High School Tennis Courts.

Upon the roll call, the vote resulted:

Councilor Edwards, Jr.	-	yes
Mayor Bujakowski	-	yes (Transactional Disclosure Statement filed/wife employed by Hopewell School Board)
Vice Mayor Gore	-	yes
Councilor Walton	-	yes
Councilor Pelham	-	yes (Transactional Disclosure Statement filed/PH-1 employed by Hopewell School System)
Councilor Shornak	-	yes (Transactional Disclosure Statement daughter works for the City of Hopewell/PH-1)
Councilor Luman-Bailey	-	yes

COMMUNICATIONS FROM CITIZENS

Communications from Citizens were opened at 7:44 p. m.

Johnny Rogers, of Prince George, Virginia 23860, had concerns regarding the sale of “Spice” in Hopewell. “Spice” is synthetic cannabis and is highly addictive, according to recent research. The purpose of his speech was to propose a ban on the sale of the loose leaf granular incense.

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Mrs. Rosa Hamilton, of Price George, Virginia 23860, had concerns regarding the sale of "Spice" in Hopewell. She gave a talk on the personal experience of watching a loved one, become addicted to the synthetic cannabis.

There being no other citizens wishing to speak, Communications from Citizens was closed at 8:00 p. m.

The City Attorney, David C. Fratarcangelo, was asked, by Council to check into the laws and regional efforts in regards to the sale of "Spice."

UB-1 UNFINISHED BUSINESS - RESOLUTION AUTHORIZING PAYMENT TO FORMER CITY EMPLOYEES, WHO LEFT CITY EMPLOYMENT IN GOOD STANDING, AND WHO MUST APPEAR IN COURT ON CITY-RELATED BUSINESS

DISCUSSION: It was made clear this resolution would only begin now and not be grandfathered. This came about from an isolated incident, yet some form of guidelines would be needed in the future. Fair reimbursement for City related business, should be compensated. This falls under the umbrella of Administration, and is not active till after approval by Council.

Motion was made by Councilor Luman-Bailey, seconded by Councilor Pelham to adopt the resolution for policy procedures, the question was not called and there was no vote.

Substitute motion was made by Councilor Pelham, and seconded by Vice Mayor Gore to ask the Director of Human Resources, Gail Vance to recommend policy and procedure guidelines for Council to review, at a Work Session, before council takes any action.

Upon the roll call, the vote resulted as follows:

Councilor Edwards, Jr.	- NO
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- NO
Councilor Pelham	- yes (Transactional Disclosure Statement filed UB-1 employed by Hopewell School System)
Councilor Shornak	- NO
Councilor Luman-Bailey	- yes

4 yes and 3 NO, the motion passed.

UB-2 UNFINISHED BUSINESS - REIMBURSEMENT OF COUNCILOR PELHAMS'S LEGAL FEES AND EXPENSES

Before any discussion of the topic was entered into, Councilor Pelham was excused from Council Chamber.

Motion was made by Councilor Walton, seconded by Councilor Edwards to pay for Councilor Pelham's legal fees.

Upon the roll call, the results were as follows:

Councilor Edwards, Jr.	- NO
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Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- NO
Councilor Pelham	- EXCUSED (Transactional Disclosure Statement UB-2 personally involved)
Councilor Shornak	- NO
Councilor Luman-Bailey	- yes (Transactional Disclosure Statement filed/Eliades & Eliades has been and maybe lawyers in future)

3 yes and 3 NO, the motion failed.

UB-3 UNFINISHED BUSINESS-GATEWAY IMPROVEMENT COMMITTEE

Motion was made by Councilor Luman-Bailey, and seconded by Councilor Pelham to move forward and report to Council before any action, with the Gateway Improvement Committee as it now stands, with Mr. Stokes, John Randolph Hospital, Industry and Councilor Luman-Bailey as members. There was no call for the question, therefore no vote.

DISCUSSION: Staff will be made available as needed. There will be major issues, with underground utilities, when placing of plants. Possible costs to the City, at some point in the future, with maintenance of plants, yet no requests at this time for money or man power. Members of Council need to know what is going on, so they may answer questions from citizens.

Motion was made by Vice Mayor Gore, seconded by Councilor Pelham to strike from the agenda and proceed as an Ad-Hoc Committee.

Upon the roll call the results were as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

CCR-1 CITIZEN/COUNCILOR REQUESTS - COUNCILOR SHORNAK- AGENDA PROCESS

It was suggested a meeting be held with the City Manager, City Attorney and the City Clerk, and Councilor Shornak, to discuss items for the agenda and draft procedures, to bring back to Council for approval. Time to receive the agenda packets to prepare for the up-coming meeting is of the essence, for the Councilors. It was also suggested: "Approval of the Agenda," at which time any amendments may be made, and to be placed at the top of the agenda. Supporting documentation needs to be included in the package. If no materials (supporting documentation) 7-10 days prior, item will be taken off of the agenda. Citizens need to be informed of the new times and of the new deadlines.

CCR-2 CITIZEN/COUNCILOR REQUESTS - COUNCILOR PELHAM-BLACK HISTORY MONTH CALENDAR

Councilor Pelham wanted to bestow tribute to the first historical accomplishments of African/Americans in Hopewell. The calendar is almost completely full of Hopewell notables.

CCR-3 CITIZEN/COUNCILOR REQUESTS - COUNCILOR SHORNAK – REVIEW OF PROCEDURES AND GUIDELINES FOR SELECTING CITIZENS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilor Shornak requested to meet with the City Manager, Dr. Edwin Daley, the City Attorney, David C. Fratarcangelo and the Director of Human Resources, Gail Vance, to discuss possible adjustments to, or a new Talent Bank Resume in order to have pertinent information from citizens, prior to selecting them for Boards and Commissions. Handouts of Talent Bank Resumes, from surrounding jurisdictions were provided to Council for review.

CCR-4 CITIZEN/COUNCILOR REQUESTS - COUNCILOR LUMAN-BAILEY – CONTRACT WITH ALCALDE AND FAYE, HAVE THE CITY MANAGER, WITH LEGAL COUNSEL'S ADVICE, ENTER INTO THE PROPOSED REDUCED-RATE CONTRACT, SO THE LOBBYISTS CAN RECOMMENCE WORKING WITH THE INDUSTRIES LOBBYISTS, AS WELL AS EXPLORING OTHER GRANT OPPORTUNITIES (SUCH AS TRANSPORTATION) FOR THE CITY

Councilor Luman-Bailey requested postponing until potential funding sources become available.

CCR-5 CITIZEN/COUNCILOR REQUESTS - VICE MAYOR GORE – CALL FOR LOCAL VOLUNTEERS FOR BLUFF DEVELOPMENT

Vice Mayor Gore stated after speaking to the Planning Commission, she would like to hold off. The concern is about the 12 pieces of land, surrounding the Bluffs. We need to reach out to Virginia Gateway Commission, and the Crater Planning District Commission, to join in the discussions about the Bluffs, for information about market analysis. More of a structured plan is needed.

CCR-6 and CCR-7 CITIZEN/COUNCILOR REQUESTS - VICE MAYOR GORE – AD-HOC HISTORIC PROPERTY MARKETING COMMITTEE AND AD-HOC CITY MARKETING

Vice Mayor Gore stated CCR-6 and CCR-7 are close to the same thing. She would like to see ideas put together in regards to marketing towards tourism, within the City itself. With the Lincoln Movies, coming out we are at a great point in marketing Hopewell. A request for more communication between departments is a must.

DISCUSSION: Goals need to be clarified, and working together is one goal to focus on. We need to be proactive instead of reactive, with transparency as another focus. Hopewell Downtown Partnership is working on branding the City Downtown area.

Motion was made by Councilor Pelham, and seconded by Councilor Luman-Bailey to amend the agenda to include an item submitted by the City Treasurer, Terri Batten, authorizing a refundable payment to Evonik.

Upon the roll call, the vote results were as follows:

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Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

REGULAR BUSINESS – AMEND THE AGENDA TO INCLUDE AN ITEM SUBMITTED BY THE CITY TREASURER FOR REFUND OF OVERPAYMENT OF TAXES TO EVONIK

Motion was made by Councilor Walton, and seconded by Councilor Shornak to authorize the City Treasurer to refund Evonik overpayment of taxes.

Upon the roll call, the vote results were as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

REGULAR BUSINESS – AUTHORIZE TO REFUND OVERPAYMENT OF TAXES TO EVONIK

Motion was made by Councilor Walton, and seconded by Councilor Shornak to authorize the City Treasurer to refund overpayment of taxes to Evonik.

Upon the roll call, the vote results were as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

R-1 REGULAR BUSINESS - RENTAL INSPECTION REPORT – MARCH ALTMAN,

A presentation was given by Mr. March Altman, about the Rental Inspection Program. The housing inspection program was originally directed by Council. A brief history of the program was given, along with information on exemptions, which include: vacant land; boarded up houses with no utilities, commercial property, vacant property, houses for sale, or houses which are no longer rental properties. Adherence to the program equals return and benefit to the property. The legality of the Rental Inspection Program will hold up in court. When the property passes inspection it is a plus for the owners.

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DISCUSSION: Mr. Altman stated the inspections are still on-going at this time. The revenue is a neutral program, just for the Rental Inspection Program. The people renting are not protected tenants. The explanation was given for properties which are derelict. The inspectors and department are using some flexibility to work with the rental property managers.

R-2 REGULAR BUSINESS - FIRE AND EMERGENCY SERVICES ANNUAL REPORT – CHIEF TUNSTALL

Chief Tunstall stated the Fire and Emergency Services act quickly and care about the person in need. Calls for emergency service in 2012 totaled 3182. The department's standards are high, which is attributed to an attitude of excellence. They are more efficient due to better dispatch, turnout and arrival time. Customer service concept is excellent. The National Response Time is the standard benchmark for continuance of service. The EMS has new standards and they will meet new equipment and training to reach those standards. 65% of the calls are for EMS.

R-3 REGULAR BUSINESS - DINWIDDIE AVENUE – CONTRACT MODIFICATION – PUBLIC WORKS - ENGINEERING DEPARTMENT

Johnnie Butler, City Engineer, presented a slide show of the construction on Dinwiddie Avenue, explaining the contract modification. The original estimate did not take into account the unknown fact of the pipe drain underground was dysfunctional.

Motion was made by Councilor Shornak, and seconded by Councilor Pelham to authorize an amendment to the budget request and to authorize additional payment of \$114,944 be taken out of the Capital Funds.

Upon the roll call the vote resulted as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

R-4 REGULAR BUSINESS - 400th CITY POINT FOUNDING ANNIVERSARY COMMITTEE OF THE FOUNDING OF CITY POINT

Motion was made by Councilor Luman-Bailey, and seconded by Vice Mayor Gore to strike from the agenda.

Upon the roll call the vote resulted as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

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R-5 REGULAR BUSINESS - HOPEWELL TWINNING ASSOCIATION, INC. – REQUEST FOR PLACING DIRECTIONAL SIGN POST AT ASHFORD PLAZA

Motion was made by Councilor Pelham, and seconded by Councilor Walton to authorize placement of directional sign for Hopewell Twinning Association, Inc. at Ashford Plaza.

Upon the roll call the vote resulted as follows:

Councilor Edwards, Jr.	- yes
Mayor Bujakowski	- yes
Vice Mayor Gore	- yes
Councilor Walton	- yes
Councilor Pelham	- yes
Councilor Shornak	- yes
Councilor Luman-Bailey	- yes

RCA-1 REPORTS OF THE CITY ATTORNEY – SEXUALLY ORIENTED BUSINESS REGULATIONS ORDINANCE REPORT

David C. Fratarcangelo, City Attorney, reported he is working on a draft ordinance, and researching to ensure the draft is consistent with the code. He is also contacting other local jurisdictions to ascertain whether there have been any challenges to the code. If an ordinance is passed the Planning Commission will need to be involved. A draft ordinance should be ready for Council in the near future.

RCC-1 REPORTS OF THE CITY CLERK-APPOINTMENTS TO BOARDS AND COMMISSIONS

Motion was made by Councilor Walton, seconded by Councilor Shornak and unanimously passed by Council to appoint Christopher Coley and Tyesha Evans to the Social Services Advisory Board for terms extending through 10.31.2013.

The Board of Architectural Review has one vacancy; Dock Commission has one vacancy; and the Neighborhood Advisory Council has 6 vacancies.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Pelham stated in March the Key Club from Hopewell High School, is sponsoring the Leprechaun 5K. The proceeds from the registration fees will go to a school in our area designated by each participant.

Vice Mayor Gore stated the Ward 4 meetings went well, and had a good turnout. On March 8, 2013 there will be another Ward 4 Meeting at the Community Center, more information can be found on her website gore4ward4@gmail.com. At the St. Dennis Chapel in City Point there is an exhibit on the Contraband in Hopewell during the Civil War, which is very good. A reminder to sign up for the CAP UP program for home improvement assistance for the elderly, handicapped, and low income families, all Councilors have forms.

Councilor Luman-Bailey reminded all of the importance of the City Point area, in regards to the latest Lincoln movies and the up-coming 400th Founding Anniversary. There will be two town hall

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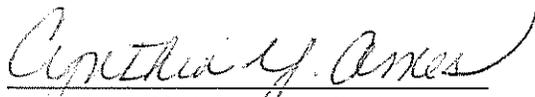
meetings, one at Carter G. Woodson on March 4, 2013 at 7:00 p.m. and the other on March 21, 2013 at Hopewell High School at 7:00 p. m. The facilitator will be Mark Flynn.

Councilor Walton advised everyone of the river clean up, which goes from Hopewell to Petersburg scheduled for March 4, 2013.

Councilor Shornak announced she will be doing a ride along on February 22, 2013 with the Hopewell Police Department.

ADJOURN

At 10:10 p. m. a **motion** was made by Councilor Walton, seconded by Councilor Luman-Bailey and unanimously passed by Council to adjourn the meeting.



Cynthia Y. Ames, City Clerk



Michael C. Bujakowski, Mayor