

January 13, 2015
Regular Meeting

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 13, 2015

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, January 13, 2015, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

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

Mark A. Haley, City Manager
Thomas Lacheney, City Attorney
Charles Dane, Assistant City Manager

ABSENT: Cynthia Y Ames, City Clerk

**In the absence of the City Clerk, Assistant City Manager, Charles Dane was Clerk pro tem.*

ROLL CALL

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

Mayor Pelham	-	present
Vice Mayor Luman-Bailey	-	present
Councilor Holloway	-	present
Councilor Zevgolis	-	present
Councilor Gore	-	ABSENT (arrived at 6:43 p.m.)
Councilor Walton	-	present
Councilor Shornak	-	present

CLOSED MEETING

Motion was made by Councilor Zevgolis, and seconded by Vice Mayor Luman-Bailey, to resolve to convene into closed session for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body (City Council appointees) and discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held property, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (acquisition of real property), according to Virginia Code Section 2.2-3711(A)(1) and (3).

Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes

**January 13, 2015
Regular Meeting**

Councilor Shornak	-	yes
Vice Mayor Luman-Bailey	-	yes

OPEN SESSION

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

REGULAR MEETING

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

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

PRAYER AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA

Prayer was given by Chaplain Laura Claiborne, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to resolve to approve the Consent Agenda. Minutes: none; Pending and Action List; Information for Council Review: none; Personnel Change Report and Financial Report; Public Hearing Announcements: none; Routine Approval of Work Sessions: January 27, 2015; Ordinances on second and final reading: Ordinance No. 2014-16 amending the official zoning map of the City of Hopewell to rezone the property known as 717 Francis Street from TH-1 (Tourist/Historic District) to R-1 (Residential, Low Density District); Ordinance No. 2014-19 amending and reenacting Chapter 2 (Administration), Article I, (In General), by adding new Section 2 -14 (Coordinator of Emergency Management for the City of Hopewell) of the Code of the City of Hopewell; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: ACO Proclamation. Upon the roll call, the vote resulted:

Councilor Holloway	-	yes
Councilor Zevgolis	-	yes
Councilor Gore	-	yes

**January 13, 2015
Regular Meeting**

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

Ordinance No. 2014-16

An ordinance amending the official zoning map of the City of Hopewell to rezone the property known as 717 Francis Street from TH-1 (Tourist/Historic District) to R-1 (Residential, Low Density District)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the Official Zoning Map of the City of Hopewell is amended and reenacted as follows:

That, as shown on the attached map, incorporated into, and made a part of this ordinance, the following property, with tax parcel number as shown in the 2013 records of the City Assessor's Office, are excluded from the TH-I District, Tourist/Historic District, and shall no longer be subject to the provisions of Article XIV-B of the City of Hopewell Zoning Ordinance, as amended, and that the same are included in the R-1, Residential, Low Density District, and shall be subject to the provisions of Article III of the City of Hopewell Zoning Ordinance and all other applicable provisions of the City of Hopewell Zoning Ordinance, as amended:

Tax Parcel #005-0050

In accordance with Section 7, Effective date of ordinances and resolutions; emergency measures, of Chapter 4 of the City Charter, this ordinance, on second reading, shall become effective immediately upon its passage as an emergency measure on 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.

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ORDINANCE NO. 2014-19

An ordinance amending and reenacting Chapter 2 (Administration), Article 1 (In General), by adding new section 2-14 (Coordinator of Emergency Management for the City of Hopewell) of the Code of the City of Hopewell.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL that Chapter 2, Article 1, of the Code of the City of Hopewell be amended and reenacted as follows:

Chapter 2 ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Corporate Seal.

(a) The corporate seal of the city is a round plate about one and five-eighths inches in diameter with a raised edge. About one-fourth of an inch from this edge is a raised circle. Between the edge and the circle is inscribed, "City of Hopewell—Commonwealth of Virginia." In the center of the circle is a raised

**January 13, 2015
Regular Meeting**

emblem of the Good Ship Hopewell. Above the emblem is inscribed, "Incorporated July 1, 1916," and below the emblem is inscribed the Latin phrase "Semper Paratus."

(b) The city clerk shall be the official keeper of the corporate seal. (Code 1963, § 1-6; Ord. No. 99-13, 7-13-99)

Charter references: Authority of city to have corporate seal, Ch. 1, § 1.

Sec. 2-2. Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year and shall end on the thirtieth day of the following June. (Code 1963, § 2-1)

Sec. 2-3. Terms of members of appointed boards, commissions, etc.; limitation on service.

(a) The terms of all members of all boards, commissions and authorities, for which no other date of appointment is otherwise provided by state law, shall begin on November 1 and end on October 31 of the appropriate year.

(b) Unless otherwise limited by state and federal law, there shall be no limit to the number of terms or years of service of any citizen appointed by city council to any permanent commission, board or authority.

(Ord. No. 79-8, 4-10-79; Ord. No. 80-4, 3-11-80; Ord. No. 80-8, 5-27-80; Ord. No. 92-6, 4-14-92; Ord. No. 96-7, 4-23-96)

Sec. 2-4. Residency requirements for certain city officers and department heads.

(a) The following city officers appointed by the city council must become residents of the city no later than six (6) months after appointment:

- (1) City manager;
- (2) City attorney;
- (3) City clerk.

(b) The assistant city manager and department heads residing within 30 miles of the city limits of the City of Hopewell at the time of initial employment are exempted from the residency requirement. If the assistant city manager or a department head relocates his or her primary residence while employed by the City of Hopewell, such assistant city manager or department head shall be subject to the residency requirement.

(Ord. No. 10-24-78; Ord. No. 89-24, 10-24-89; Ord. No. 92-11, 5-12-92; Ord. No. 97-11, 7-8-97; Ord. No. 2001-24, 12-11-2001; Ord. No. 2013-06, 6-4-13)

Sec. 2-5. Exercise of authority by duly authorized representative of city manager or department head.

Whenever authority is vested under the provisions of this Code or other ordinance of the city in the city manager or any department head, such authority may be exercised by the representative of the city manager or of the department head in question duly authorized for such purpose. (Code 1963, § 1-8)

Sec. 2-6. Signing and execution of drafts, checks, etc.

January 13, 2015
Regular Meeting

The director of finance is authorized, empowered and directed to execute such drafts, checks, notes and other similar instruments, from time to time, as may be required to be signed on behalf of the city, along with the city treasurer or his duly authorized deputy. The city manager, and in his absence the acting city manager is authorized, empowered and directed to execute such drafts, checks, notes and other similar instruments, from time to time, as may be required to be signed on behalf of the city in the place and stead of the director of finance. (Code 1963, § 2-2.1; Ord. No. 9-12-78)

Sec. 2-7. Sale or donation of unclaimed personal property.

(a) The city manager, or his duly authorized representative, is hereby authorized, to sell all unclaimed personal property, other than motor vehicles and firearms and other weapons, at public auction to the highest bidder after such unclaimed property has been held for not less than sixty (60) days by the city, during which time the owners of such property may claim the same. The property to be sold, and the procedure to be utilized shall be in accordance with Code of Virginia, § 15.2-1719, and any subsequent amendments thereto. The proceeds from the sale of such property shall be held for an additional sixty (60) days. Should the owners of such personal property be able to establish their ownership of the property sold, the proceeds from such sale shall be paid to the owners of such personal property so sold. If at the end of such sixty (60) days no claim has been made upon the funds, then the same shall be paid over and delivered to the general fund of the city.

(b) In addition to the authority contained in subsection (a) of this section, the city manager, or his duly authorized representative, is hereby authorized to donate, to charitable organizations serving the city, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds that have been in possession of the city, unclaimed, for more than thirty (30) days. (Code 1963, § 2-2.2; ord. No. 2002-20, 1-14-2003)

Sec. 2-8. City attorney authorized to acquire real property.

The city attorney is authorized to acquire, by purchase, gift or condemnation, any property in fee simple, or any lesser interest or estate therein, for any project approved by the city council, within the funding allocated for such project.
(Ord. No. 79-12, 4-24-79)

Sec. 2-9. Extra copy of plat prerequisite to acceptance for recordation of deed, etc., with plat attached.

The clerk of the circuit court of the city shall not accept for recordation any deed, certificate of dedication or any other instrument to which a plat is attached for recordation, unless an extra copy of such plat is furnished to such clerk. Such clerk shall deliver such plat to the commissioner of the revenue of the city. (Code 1963, § 2-2)

Sec. 2-10. Law library established; court cost assessment; library committee.

(a) *Library established.* Under the provisions of Section 42.1-70 of the Code of Virginia, 1950, as amended, there is hereby established a law library in Room 261 of the Courts Facility Building, 100 East Broadway, which law library shall be open for the use of the public.

(b) *Assessment of court costs.* To provide for the acquisition of law books and law periodicals, and to provide for the maintenance of such library, beginning July 1, 2009, there is hereby assessed a sum of four dollars (\$4.00) as part of the costs incident to each civil action filed in the district court and the circuit court of the City of Hopewell. The assessment provided for herein shall be in addition to all other costs

**January 13, 2015
Regular Meeting**

prescribed by law, but shall not apply to any action in which the Commonwealth of Virginia or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of the city, to be held by such treasurer subject to disbursements by the law library committee, hereinafter created.

(c) *Law library committee.* A committee to be called the law library committee is hereby created to be composed of a member of council appointed by the mayor, the city attorney, the commonwealth attorney, the judge in residence of the general district court, and a member appointed by the Hopewell Bar Association, to oversee the operation of said library and to report to city council quarterly during the first year and annually by June 30 of each year thereafter.

(Ord. No. 83-20, 12-13-83; Ord. No. 92-22, 6-23-92; Ord. No. 95-33, 9-26-95; Ord. No. 95-38, 11-15-95, 2009-07)

Editor's note: Ord. No. 83-20, adopted Dec. 13, 1983, did not specify manner of codification; hence, inclusion herein as § 2-10 has been at the discretion of the editor.

Sec. 2-11. Court costs—Courthouse security fee.

Pursuant to Code of Virginia, § 53.1-120(D), there shall be assessed against convicted defendants in all criminal and traffic cases in the city's district and circuit courts a fee of ten dollars (\$10.00), which shall be added as costs, collected by the clerks of the respective courts, remitted to the treasurer, and held by the treasurer subject to appropriation by the city council to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

An attested copy of this section shall be sent to the clerks of the Hopewell District and Circuit Courts by the clerk of the city.

(Ord. No. 2002-08, 6-25-2002; Ord. No. 2004-27, 8-10-2004; ord. No. 2007-04, 6-12-2007)

Sec. 2-12. Riverside Regional Jail—Processing fee.

That there [will] be imposed a processing fee of twenty-five dollars (\$25.00) on each individual admitted to the Riverside Regional jail from the city following conviction of that individual. Said fee shall be ordered as part of the court costs collected by the clerk of each court in the city, deposited into the account of the city treasurer, and shall be appropriated to and used by the sheriff's office to defray the costs of processing arrested persons into the Riverside Regional Jail.

The fee authorized by this section shall be imposed in all courts of this city for convictions occurring on and after July 1, 2002 wherein defendants are sentenced to incarceration and are processed into the Riverside Regional Jail by the Hopewell Sheriff's Office. The clerk of city council is directed to send an attested copy of this section to the clerk of each court in the city and to the sheriff of the city.

(Ord. No. 2002-09, 6-25-2002)

Sec. 2-13. Assessment for Courthouse Construction, Renovation, or Maintenance as Part of Fees Incident to Criminal or Traffic Cases.

Pursuant to the provisions of Section 17.1-281 of the Code of Virginia, and subject to the conditions and limitations thereof, there is hereby imposed an assessment, as part of the fees taxed as costs against each defendant in each criminal and traffic case in the General District and Circuit Courts of the City of

January 13, 2015
Regular Meeting

Hopewell, the sum of two dollars (\$2.00). The assessment provided for herein shall be in addition to any other fees prescribed by law.

This assessment shall be collected by the Clerk of the Court in which the action is filed, and remitted to the City Treasurer and held by the Treasurer subject to disbursements by City Council for construction, renovation, or maintenance of any city courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance of such facilities.
(Ord. No. 2010-14, Adopted 05/11/2010)

Sec. 2-14 Coordinator of Emergency Management for the City of Hopewell

In compliance with the Commonwealth of Virginia Emergency Services and Disaster law, the Director of emergency Management for the City of Hopewell shall be the City Manager. The Director shall in turn be authorized to appoint, at his discretion, a Coordinator of emergency Management for the City. The Director and Coordinator of Emergency Management for the City of Hopewell shall have such power as specified in §44-146.19 (Powers and Duties of Political Subdivisions) of the Code of Virginia.

Secs. 2-15—2-24. Reserved.

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Mayor Pelham presented a Proclamation to Amanda Hoak, Animal Control Officer with the Hopewell Police Department.

PROCLAMATION

WHEREAS, The City of Hopewell employs Animal Control Officers within the Hopewell City Police Department; and

WHEREAS, Animal Control Officers are dedicated service providers for the City of Hopewell and to the citizens; and

WHEREAS, Animal Control Officers answer calls for service, provide care for injured and sick animals, ensure the welfare of animals, provide shelter services, and coordinate with animal rescue organizations; and

WHEREAS, the citizens of Hopewell expect the highest level of service from their service providers; and

WHEREAS, on October 9, 2014, the Virginia Animal Control Association named Amanda Hoak their Animal Control Officer of the Year for 2014. Officer Hoak has been an Animal Control officer since 2005, and she currently supervises the unit. The Dr. Kent Roberts Award – Animal Control Officer of the Year is presented to an officer who has demonstrated overall excellence in the performance of his or her job.

NOW, THEREFORE, the Mayor, Brenda S. Pelham, of the City of Hopewell, Virginia, congratulates Animal Control Officer, Amanda Hoak on her accomplishments and excellent service to the City of Hopewell.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Hopewell to be affixed on this 13th day of January 2015.

Proclamation presented this 13th day of January 2015.

January 13, 2015
Regular Meeting

/s/ Brenda S. Pelham
Brenda S. Pelham, Mayor

PH-1 PUBLIC HEARING – ORDINANCE AMENDING (1) AN ORDINANCE ADOPTED AUGUST 13, 2013, ENTITLED “An Ordinance Authorizing The Issuance of General Obligation Bonds Of The City of Hopewell, Virginia, In the Maximum Principal Amount Of \$7,700,000,” and (2) a resolution adopted September 17, 2013, entitled “Resolution Providing For The Issuance And Sale Of A General Obligation Public Improvement Bond Of The City of Hopewell, Virginia, In A Principal Amount Not To Exceed \$7,000,000, And Providing For The Form, Details and Payment Thereof”

The public hearing was opened. Janice Denton, Ward #5, Hopewell, addressed Council. She urged Council to consider private funding for the Police Department’s communication system, and not to take the proposed \$2.5 million from the \$7.7 million bond issuance.

There being no other speakers, the public hearing was closed.

PUBLIC HEARING PH-2 – PROPOSED AMENDMENTS AND APPROPRIATIONS TO THE FY 2015 ADOPTED BUDGET FOR THE PURCHASE OF A PUBLIC SAFETY COMMUNICATION SYSTEM FOR THE CITY OF HOPEWELL IN THE ESTIMATED AMOUNT OF \$2,500,000

The public hearing was opened. There being no speakers, the public hearing was closed.

Motion was made by Councilor Walton, to take the \$2.5M from the reserve fund for the Communication System.

Finance Director, Mr. Jerry Whitaker, and Financial Advisor, Jimmie Sanderson from Davenport addressed Council. Staff recommended borrowing short term. He thought that the reserve balance was a lot high than it is. Based on the use of reserves for balancing the budget for 2014/2015 we are using \$780,000 to balance the budget. Additionally, Council has appropriated an additional \$800,000 for additional use for fund balance for the 2015 year. If we use the \$2.5M it will drop the fund balance to 11.35% (of the \$46M budget). The ideal fund balance is between 15-17%. Staff recommends a short term borrowing. Mr. Sanderson would have some concern about getting the fund balance that low. Getting the percentage down to 11% would give him pause, and would give pause to the bond rating agency as well. He would suggest maintaining the fund balance at 16%.

Councilor Walton withdrew his motion, and Councilor Shornak withdrew her second to the motion, to take the \$2.5M from the reserve fund for the Communication System.

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Holloway, to accept Option A, use funds from \$7.7 million, to adopt an ordinance amending (1) an ordinance adopted August 13, 2013, entitled “An Ordinance Authorizing the Issuance of General Obligation Bonds of the City of Hopewell, Virginia, in the maximum principal amount of \$7,700,000,” and (2) a resolution adopted September 17, 2013, entitled “Resolution providing for the issuance and sale of a General Obligation Public Improvement Bond of the City of Hopewell, Virginia, in a principal amount not to exceed \$7,700,000, and providing for the form, details and payment thereof.”

A **substitute motion** was made by Councilor Walton, and seconded by Councilor Shornak, to accept Option C, to adopt an ordinance amending (1) an ordinance adopted August 13, 2013, entitled “An Ordinance Authorizing the Issuance of General Obligation Bonds of the City of Hopewell, Virginia, in the

**January 13, 2015
Regular Meeting**

maximum principal amount of \$7,700,000,” and (2) a resolution adopted September 17, 2013, entitled “Resolution providing for the issuance and sale of a General Obligation Public Improvement Bond of the City of Hopewell, Virginia, in a principal amount not to exceed \$7,700,000, and providing for the form, details and payment thereof.”

Upon the roll call, the vote resulted:

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

Motion passed, 4 yes/3 no.

Motion was made by Councilor Shornak, and seconded by Councilor Walton, to approve amendments and appropriations to the FY 2015 adopted budget for the purchase of a public safety communication system for the City of Hopewell in the estimated amount of \$2,500,000

Upon the roll call, the vote resulted:

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

The motion passed 5 yes/2 no.

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The undersigned City Clerk of the City of Hopewell, Virginia (the “City”), certifies as follows:

1. A regular meeting of the City Council of the City (the “Council”) was held on January 13, 2015, at the time and place established by the Council for its regular meetings, at which the following members were present and absent during the voting on the ordinance referred to below:

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

ABSENT: none

AN ORDINANCE AUTHORIZING THE BORROWING OF

**January 13, 2015
Regular Meeting**

**FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED
\$2,500,000 TO BE USED TO FINANCE THE ACQUISITION
AND INSTALLATION OF A PUBLIC SAFETY
COMMUNICATIONS SYSTEM.**

2. Ordinance No. 2015-1 entitled "AN ORDINANCE AUTHORIZING THE BORROWING OF FUNDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 TO BE USED TO FINANCE THE ACQUISITION AND INSTALLATION OF A PUBLIC SAFETY COMMUNICATIONS SYSTEM" having been introduced at a regular meeting held on January 13, 2015, and having been the subject of a public hearing held on _____, 2015, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended, was duly adopted at a regular meeting held on January 13, 2015, by an affirmative roll-call vote of a majority of all members of the Council, the ayes and nays being recorded in the minutes of the meeting as shown below:

MEMBER

VOTE

[_____]

3. Attached hereto is a true, correct and complete copy of such ordinance as adopted at such meeting.

4. The foregoing ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City of Hopewell, Virginia, this ___ day of _____, 2015.

City Clerk, City of Hopewell, Virginia

(SEAL)

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**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the City of Hopewell, Virginia (the "Borrower"), intends to finance certain public safety improvements, including the acquisition and installation of a public safety communications system (the "Project"); and

WHEREAS, plans for the Project have advanced, and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOEPWELL, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt in an amount not currently expected to exceed \$2,500,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for

January 13, 2015
Regular Meeting

Expenditures made on or after the date that is no more than 60 days prior to the date hereof. The Borrower reasonable expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasurer Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

Adopted January 13, 2015.

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BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2014-2015

WHEREAS, at the meeting of the City Council of the City of Hopewell held on January 13, 2015, an amended budget was introduced to appropriate funds for the FY 2014-2015 budget to provide for the Public Safety Communication System project.

WHEREAS, an amended budget to appropriate funds in the amount up to \$2,500,000 for the public Safety Communication System from new borrowing for the FY 2014-2015 budget, was introduced and,

WHEREAS, sufficient funds exist.

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

Sec.1 The following designated funds and accounts shall be appropriated for the Public Safety Communication System project from the Unassigned Fund Balance.

Capital Project Fund-071:

Resources:

Financing..... \$2,500,000

Appropriations:

Public Safety Communication System Project..... \$2,500,000

**January 13, 2015
Regular Meeting**

AMEND AGENDA TO MOVE CCR-8 – HOPEWELL HEALTH COALITION, TO PRECEDE REGULAR BUSINESS

Motion was made by Vice Mayor Luman-Bailey, and seconded by Councilor Gore, to amend the agenda to move CCR-8, Hopewell Health Coalition, to precede Regular Business. Upon the roll call, the vote resulted:

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

UB-1 – UNFINISHED BUSINESS – CITY OF HOPEWELL’S STORMWATER PROGRAM STORMWATER UTILITY: FEE COVERAGE

Motion was made by Councilor Walton, and seconded by Councilor Shornak, to appropriate \$4 million from house, and \$1 million from the sewer fund. Upon the roll call, the vote resulted:

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

UB-2 UNFINISHED BUSINESS – AN ORDINANCE AUTHORIZING THE VACATION OF PARK DRIVE, LOCATED ADJACENT TO PARCEL 009-0157, IDENTIFIED AS THE LANGSTON PARK HOUSING COMMUNITY, LANGSTON PARK SUBDIVISION, IN THE CITY OF HOPEWELL, VIRGINIA

Motion was made by Councilor Zevgolis, and seconded by Councilor Shornak, to adopt Ordinance No. 2015-02 Authorizing the vacation of Langston Park Drive, located adjacent to parcel 009-0157, identified as the Langston Park Housing Community, Langston Park Subdivision, in the City of Hopewell, Virginia, on first reading, dispensing with the second reading and shall take effect immediately upon adoption. Upon the roll call, the vote resulted:

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

ORDINANCE 2015-01

January 13, 2015
Regular Meeting

An ordinance authorizing the vacation of Langston Park Drive, located adjacent to parcel 009-0157, identified as the Langston Park Housing Community, Langston park Subdivision, in the City of Hopewell, Virginia.

WHEREAS, a request has been filed with the City of Hopewell to vacate the City's interest in Langston Park Drive, located adjacent to parcel 009-0157, identified as the Langston Park Housing Community, Langston Park Subdivision, in the City of Hopewell, Virginia; and

WHEREAS, the Planning Commission of the City of Hopewell has recommended granting the requested vacation.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the vacation of the following described rights-of-way located in the City of Hopewell, Virginia:

ALL that certain piece or parcel of land located in the City of Hopewell, Virginia, identified as Langston Park Drive, located adjacent to parcel 009-0157, Langston Park Housing Community, Langston Park Subdivision, in the City of Hopewell, Virginia,

Be authorized and doth hereby authorize the Mayor to execute, on behalf of the City of Hopewell, one or more deeds of vacation vacating such parcels, as well as a development agreement, after review of said deed or deeds and such resubdivision plat by the City Attorney.

This Ordinance shall become null and void and of no effect if it is not recorded together with all deeds of vacation, and resubdivision plats in the Clerk's office of the Circuit Court of the City of Hopewell within 30 days from passage of this Ordinance, or if the involved property owners do not pay all costs. The party or parties requesting this vacation are responsible for preparing the appropriate deeds to effect vacation, submission of said deeds to the City Attorney for approval prior to execution and recordation, and the recordation of said deeds, all in a timely manner. The vacated parcels shall be assimilated into, and become a part of, each abutting property, in accordance with the resubdivision plat. The party or parties requesting this vacation are responsible for effecting any resubdivision process necessary to accomplish such assimilation. A copy of this Ordinance shall be sent to said parties by the Clerk of the City of Hopewell.

HOPEWELL HEALTH DEPARTMENT, CRATER HEALTH DISTRICT

Oliver Jenkins, Hopewell Health Department, Crater District, addressed Council about an opportunity to the Crater Health District. They have been granted a \$1.7M grant over four years to improve health outcomes. It is one of the largest grants in Virginia. It may not be enough to meet the needs of the entire district, which includes three cities and five counties. They may have to ask for financial participation from the localities.

R-1 – REGULAR BUSINESS – HOPEWELL POLICE END OF YEAR CRIME REPORT

Police Chief John Keohane presented the Hopewell Police Department's End of Year Crime Report. Robberies have been cut in half since 2010. He urged any individuals interested in starting a Neighborhood Watch to contact the Police Department. He will continue command walks.

R-2 – REGULAR BUSINESS – WARMING SHELTER AT MALLONEE – UPDATE

**January 13, 2015
Regular Meeting**

The City Manager stated that the Warming Shelter at Mallonee is primarily focused on those who do not have a home. However, it is also for citizens in the event of a power outage and there is no heat, or if their heater breaks down. They are welcome to participate also. Mr. Ray Spicer, Director of the Department of Social Services reported a collaboration between the local faith-based community, Catholic Charities, and the City of Hopewell. The faith-based community provides volunteers to staff the shelter. Catholic Charities provides shelter management services so they can be sure the shelter is run safely and efficiently. The City is providing the space for the shelter, and provides some assistance to pay for services through Catholic Charities. The shelter is open when the weather is 35° or below. It was first opened on December 29, 2014, and has been open every night, except for the first weekend of January. It serves an average of 5-6 individuals. There is a mix of both men and women, and most have roots in the city. Assistant City Manager, Charlie Dane also reported a partnership with Police and Sheriff's offices to provide security and support. One third of the homeless in the city are working. They will be allowed in after curfew. If the police come across someone who needs shelter they will let them in also.

R-3 – REGULAR BUSINESS – BUDGET RESOLUTION AMENDMENT FISCAL YEAR 2014-2015 TO APPROPRIATE SURPLUS PROPERTY FUNDS TO THE FY 2014-2015 BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2014, AND ENDING JUNE 30, 2015, IN THE AMOUNT OF \$18,071.00 FOR OPERATIONAL EXPENDITURES FOR PARKS AND RECREATION

The City periodically holds public auctions to sell surplus property that has either exceeded its useful lifespan or is no longer needed for City operations. The auction is administered by the Recreation and Parks Department and the revenue from the items sold at the auction is appropriated to the department to assist with operational expenses. Since the additional revenue is not part of the department's original approved budget, City Council must appropriate the funds to be used by the Recreation and Parks Department. The most recent auction was held on October 4, 2014 and generated \$18,070.70.

Motion was made by Councilor Walton, and seconded by Councilor Gore to approve a Budget Resolution Amendment Fiscal year 2014-2015 to appropriate surplus property funds to the FY 2014-2015 Budget for the Fiscal Year beginning July 1, 2014, and ending June 30, 2015, in the amount of \$18,071.00 for operational expenditures for Parks and Recreation. Upon the roll call, the vote resulted:

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

**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2014-2015**

WHEREAS, the Council of the City of Hopewell, at its meeting of Tuesday, January 13, 2014 to appropriate surplus property funds to the FY 2014-2015 Budget, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, in the amount of \$18,071 for operational expenditures; and,

WHEREAS, the City Fund received the amount of \$18,071 in FY 2014 from surplus property sales.

WHEREAS, sufficient funds exist;

**January 13, 2015
Regular Meeting**

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

Sec. 1. The following designated funds shall be appropriated:

General Fund-011:

Resources:

Misc. Revenue – Surplus Receipts..... \$18,071

Appropriation:

Transfer to Fund 035..... \$18,071

Recreation Fund-035

Resources:

Transfer from General Fund..... \$18,071

Appropriation:

Operating Expenditures..... \$18,071

R-4 – REGULAR BUSINESS – DEMOLITION UPDATE

FOLLOWING WAS TAKEN VERBATIM FROM THE MEETING TAPE FOR EXPLANATION. ANY OR ALL OF IT MAY BE DELETED.

The City Manager reported that there are several properties in the city that do not belong to the city. They are in stages of disrepair and have been declared derelict or need to be torn down. There is a process to undertake these projects. The one property that Council is very interested in is Prince George Terrace. City Attorney David Fratarcangelo spoke with the attorney for the Erie Insurance Company and they have elected to proceed with what is called the reservation of rights. One of the buildings is scheduled for demolition, was the subject of arson. A reservation of rights is where an insurance company gives notice to the insured that they are investigating whether or not the circumstances warrant that the insurance company keep the loss. According to his conversation with the attorney, they are supposed to be getting all of their investigation files back the end of this month and hopefully sometime by the middle of next month they should have an idea as to whether or not they are going to proceed with providing compensation for the loss, demo cost or whatever it will be, whether it will end up in litigation between the insured and the insurance company, whether or not the property will be covered. It is not prudent for the city to wait at this moment because it is possible that it may be paid by the insurance company. As was discussed with Mrs. Griffin and the City Manager, there are some options. They have spoken to the owners of the property, The Strategic Holdings Group, that if this does not work out favorably to them, then there are options whereby they ask the city to declare the properties derelict, tear them down at their expense, and then have their taxes abated for a period of time for them to recoup the cost of the demolition. At this point right now, we have to wait to see where things shake out between the insured and the insurance company and then we will have a better idea as to who will tear the building down and who will pay for it. Hopefully he said by the end of the month they should get their reports back from their investigators. Then hopefully by the middle of next month we will have a better idea of what exactly is going on with who is going to be responsible for taking them down.

Buren Street is the property the city recently acquired. Regarding 600 and 700 North 21st Street, the court entered the Order several months ago allowing the city to take them down. There was a meeting

January 13, 2015
Regular Meeting

about a month ago with Public Works, Code Enforcement, the City Manager and the City Attorney, and put together working towards that end.

Mrs. Griffin gave a brief overview. Regarding 600 East Broadway, right now we know that the asbestos testing cost is \$690, by Vero Technology. The asbestos abatement itself will cost \$21,500. That will be done by Abateco. They will start that January 20 and will take approximately 15 days to finish. Demolition will be done by Cooper & Claiborne. Purchase Orders have already been cut for these. These buildings were owned by Hopewell Partners and they were derelict buildings. Mr. Fratarcangelo has been working with the courts in order for us to be able to demolish these buildings. We do not own 600 East Broadway, 700 North 21st Avenue, Prince George Terrace, or 200 Buren Street. The city will recoup its monies when a lien is placed on the property for the cost of demolition and we will recoup monies when the property is sold. Demolition of 600 East Broadway is estimated mid to late February 2015. 700 North 21st Avenue, Vero Technology completed their asbestos testing. We have not received the actual abatement. The property was declared derelict. Residents have moved. The owners have never rehabilitated the property.

Mr. Fratarcangelo reported that 600 East Broadway and 700 North 21st Avenue property owners were Hopewell Partners. The note was owned by Wells Fargo. Wells Fargo Mortgage Company petitioned Hopewell Circuit Court to appoint a receiver, a third property to mortgage the property in order to stop the property from being wasted so that Wells Fargo's asset does not get lost. The court appointed a receiver. In the order appointing the receiver, it specifically stated that anyone taking action against the receiver must get a court order authorizing that action. That took some time. But then subsequent to that, the note that was owned by Wells Fargo was then bought by another company. That company was initially contesting the city tearing the buildings down. They sent an engineer down here to look at the properties. They bought four properties, one of which is Prince George Terrace, and the other Town Square Apartments. They sent engineers down here and looked at 600 and 700 North 21st Avenue. They determined that it was cost effective to rehabilitate them. He did agree to an order saying that the city can take the properties down. After two years the city can put them up for a tax sale and the city will recoup its money. Wells Fargo bought the notes but never foreclosed on the property. So they own the deed but they don't own the property. They are not the title owner of the property.

Mrs. Griffin reported that 200 Buren Street is the one that the City has recently become the owner of. Franz (????) Environmental has completed the asbestos testing at a cost of \$1,060. We are waiting to get a contractor to look and provide us with the abatement cost. We do have an estimated demolition cost of \$35,935. The contract we actually got last year and so we have to get new updated bids. This is an average of the two contracts together. This is actually an average of Cooper & Claiborne and also J. H. Smith.

R-5 – REGULAR BUSINESS – DESIGNATE WINTER CLEAN UP WEEKEND

City Council requested City Wide Clean-Ups be conducted once each quarter instead of twice a year. This is the first quarterly clean-up. The purpose of the clean-ups is to provide citizens an opportunity to dispose of trash (these are not the items normally placed in a toter on a weekly basis) at the Hopewell Convenience Center free of charge.

City Administration recommended that City Council resolve to approve Saturday, January 30, 2015 and Sunday, January 31, 2015 as Winter Clean-Up Weekend.

Mayor Pelham requested that the City manager bring back costs for overtime, etc., vs the number of people who participated.

**January 13, 2015
Regular Meeting**

R-6 – REGULAR BUSINESS – REVIEW AND RECOMMEND, THREE INDIVIDUALS TO SERVE ON THE BOARD OF EQUALIZATION AND ONE ALTERNATE FOR A TERM THROUGH 12/31/2015

Motion was made by Councilor Zevgolis, and seconded by Councilor Holloway, to recommend Billy Glass, Kyle Davis and Keith Wagner, and alternate P. Allen Powell, to the Circuit Court Judge to serve on the Board of Equalization for a term extending through December 31, 2015. Upon the roll call, the vote resulted:

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

REPORT OF THE CITY ATTORNEY

The City Attorney will provide a litigation update to Council this week.

REPORT OF THE CITY CLERK – BOARDS AND COMMISSIONS

The City Clerk reported the following vacancies: Board of Architectural Review-2vacancies, no Talent Bank Resumes on file; Dock Commission-1 vacancy-no TBRs on file; Keep Hopewell Beautiful-1 vacancy-no TBRs on file; Recreation Commission-3 vacancies (2 students and 1 adult); Senior Citizen Advisory Commission-3 vacancies, no TBRs on file; and Social Services Advisory Board-4 vacancies-2 TBRs on file.

REPORTS OF CITY COUNCIL MEMBERS

Vice Mayor Luman-Bailey suggested to the City Manager that in the future, to keep Council informed of staff recommendations, to avoid a lot of discussion on an issue. Councilor Shornak raised a point of order that there is no need to be berating anyone.

CITIZEN/COUNCILOR REQUESTS

CCR-1.Citizen/Councilor Request – Councilor Gore – Request City Council to allocate funding for Public Works; Stormwater to do community outreach for upcoming Stormwater utility and community concerns. City Council requested community outreach. As of the 12/09/2014 meeting, no funds have been appropriated to the Stormwater budget to conduct community outreach. Follow-up from12/09/2014 request.

CCR-2. Citizen/Councilor Request – Councilor Gore – Request City Website Discussion be added to the February 2015 Work Session agenda. This is a follow-up from the May 13, 2014 (CCR-2) to review current website features and upgrades. Ms. Gore thanked Mr. Bragg and Mrs. Pershing for their input and assistance. She also asked for Department Heads to audit the website.

CCR-3. Citizen/Councilor Request – Councilor Gore – Request City Manager to provide City Council with a progress update for the City Council Strategic Plan adopted June 10, 2014. City Manager to provide updates to all objectives submitted in the September 2014 revised plan. Updates to be listed in same format plan to state: if objective is complete or incomplete. If incomplete, state tasks remaining until goals are met

January 13, 2015
Regular Meeting

and a new proposed deadline. She asked that Councilor Zevgolis and Councilor Holloway be brought up to speed in this regard. Councilor Gore asked Council to schedule another Advance. Mayor Pelham asked the City Manager to come up with some possible dates for an Advance. Council should let the City Manager know what items to include.

CCR-4. Citizen/Councilor Request – Councilor Gore – Request an addition to a City Council Beacon Update-Report as to the status of the preliminary business plan submitted by the Beacon Theatre. (Request originally made January 8, 2013 CCR-2). Request marketing plan information, and method for notifications about events. Mr. Haley reported that one marketing suggestion is a marquis, but that is expensive and difficult due to the historical nature of the building. But it is under consideration.

CCR-5. Citizen/Councilor Request – Councilor Gore – Request update on purchasing a City-Wide events sign to display. This is a follow-up to the April 9, 2013 (CCR-4), September 10, 2013 and September 9, 2014 (CCR-6) requests. The City Manager indicated that the city hopes to get a partnership with the LLC. The cost of a mobile sign is \$15,000.

CCR-6. Citizen/Councilor Request – Councilor Gore – Request an update on purchasing a “Welcome to Hopewell” replacement sign for Rt. 36 and status of relocating the Civic Club Sign to I-295 median, to complete the gateway project conducted by Councilor Gore, Public Works, Keep Hopewell Beautiful, and Neighborhood Planning and Assistance. Follow-up from May 13, 2014 (CCR-6 request). The City Manager reported that they should be putting the sign up next week. Many Civic clubs have already sent in their medallions.

CCR-7. Citizen/Councilor Request – Councilor Gore – Request City Council to adhere to City of Hopewell Code – Chapter 38; Youth Services and create a Youth Services Commission. Request appointments are made by Council at the next regularly scheduled City Council meeting. In addition, designate one City Staff member (member of the Youth Services Commission) to serve as a city liaison in coordinating official City of Hopewell partnership efforts with the John Randolph Foundation Youth Plan. Re-establishment of the commission will help streamline youth outreach efforts within the City of Hopewell Departments, provide clear communication to city youth partners, and provide a foundation to address priorities established in the 2014 Strategic Plan. Follow-up from September 9, 2014 (CCR-4) for City of Hopewell Youth Report. Mayor Pelham asked the City Manager and City Attorney to research to find out if there was a particular Council that actually got rid of the Youth Commission.

CCR-8. Citizen/Councilor Request – Mayor Pelham – Hopewell Health Coalition.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Holloway invited anyone concerned about neighborhoods to establish a Neighborhood Watch. Please call her at 926-0695, or the City Clerk at 541-2249.

Councilor Zevgolis complimented Councilor Gore because she handled the CCR’s the way they are supposed to be handled.

Councilor Shornak congratulated Nahseem Hopson who is the recent winner of an essay contest, “If I Were Mayor.” He was the statewide winner among 999 contestants. He lives in her ward #7, in Piper Square. He will be at the VML meeting on January 28, and will be given an award by the Governor. Councilor Shornak intends to give him a special treat or take him to a movie or museum. She also wants him to come to a City Council meeting and receive a proclamation for his great achievement.

January 13, 2015
Regular Meeting

Councilor Gore thanked Councilor Zevgolis for his comments, and thanked Councilor Shornak for her announcement of Mr. Hopson's award.

Councilor Zevgolis reported on a recent change to the FOIA regarding electronic voting. Council should consider electronic voting for members who may be incapacitated from attending meetings. In the 12 years he was on Council, they never took a vote that affected all the citizens unless all seven Councilors were aware of it. If someone were absent, he or she would let the others Councilors know whether or not they were in favor of it. Electronic voting is a good thing. At a future meeting he would like to see a motion on the floor for electronic voting. Mayor Pelham suggested that he coordinate with the City Manager to place that item on the agenda. Hopefully they will have a work session about Council rules overall.

Mayor Pelham thanked everyone who stayed for the meeting until this late hour. The City Manager gave her a note that, due to the weather, schools would be on a two-hour delay tomorrow. She solicited churches to consider joining an organization of churches and concerned citizens.

ADJOURN

At 11:00 p.m., motion was made by Councilor Zevgolis, and seconded by Councilor Gore. Upon the roll call, the vote resulted:

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

/s/ Brenda S. Pelham
Brenda S. Pelham, Mayor

Charles Dane, City Clerk Pro Tem
(Assistant City Manager)