

MINUTES OF THE SEPTEMBER 25, 2018 CITY COUNCIL MEETING

A meeting of the Hopewell City Council was held Tuesday, September 25, 2018, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Jackie Shornak, Mayor
Christina J. Luman-Bailey, Councilor
Arlene Holloway, Councilor
Anthony J. Zevgolis, Councilor
Janice B. Denton, Councilor
Brenda S. Pelham, Councilor

John M. Altman, Jr., City Manager
Charles Dane, Assistant City Manager
Stefan M. Calos of Sands Anderson PC, City Attorney
Ronnieye L. Arrington, City Clerk
Frazelle Hampton, Assistant City Clerk

ABSENT: Jasmine E. Gore, Vice Mayor

ROLL CALL

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

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

CLOSED MEETING

At 6:32 p.m., Councilor Pelham moved to go into closed meeting for (1) discussion and consideration of specific appointees of city council (City Attorney); (2) discussion and consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the city would be adversely affected (Francisco Landing); (3) discussion or consideration of the acquisition of real property for a public purpose, and of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body (CFB building, old City Jail); (4) consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of city council (police, cemetery); and (5) consultation with legal counsel employed or retained by city council related thereto and regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Virginia Code § 2.2-3711 (A) (1), (3), (6), (7), and (8), respectively. The motion was seconded by Councilor Zevgolis. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes

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Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 6-0

RECONVENE OPEN MEETING

Council convened into open meeting at 7:31 p.m., and responded to the question pursuant to Virginia Code § 2.2-3712 (D): were only public business matters (I) lawfully exempted from open-meeting requirements and (II) identified in the closed-meeting motion discussed in closed meeting? Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Council agreed 6-0

AMEND/ADOPT AGENDA

Councilor Pelham made a motion to amend the agenda to remove item R-4 (*Appointment of City Attorney*), and to approve the agenda as amended, which motion was seconded by Councilor Denton. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 6-0

Mayor Shornak requested a roll call, the result of which was:

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

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

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Mayor Shornak called the meeting to order, and thanked all for attending. The prayer was led by Rev. J. Jefferson Butler of the John Randolph Pastoral Care, followed by the Pledge of Allegiance to the Flag of the United States of America, led by Councilor Pelham.

Consent Agenda

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

- C-1 Minutes:**
- C-2 Pending List:** Attached
- C-3 Routine Approval of Work Sessions:**
- C-4 Personnel Change Report & Financial Report:** Personnel report attached
- C-5 Ordinances on Second & Final Reading:**
- C-6 Routine Grant Approval:**
- C-7 Public Hearing Announcement:**
- C-8 Information for Council Review:** Minutes: ARLS – 9-18-18; CPMT – 8-20-18; HRHA – 7-09-18; Investment Committee – 6-26-18; Planning Commission – 8-02-18
- C-9 Resolutions/Proclamations/Presentations:** Recognition to John Randolph Medical Center, Vulcan Materials Corporation, and Dominion Fireworks for assistance with fireworks at the Appomattox event
- C-10 Additional Announcements:** Riverwalk Groundbreaking Ceremony

Aaron Reidmiller, Director of Parks and Recreation recognized John Randolph, Vulcan Materials, and Dominion Fireworks for their assistance with Fireworks over the Appomattox. He also announced the Riverwalk Groundbreaking Ceremony. Councilor Zevgolis made a motion to approve the Consent Agenda, which was seconded by Councilor Denton. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 6-0

PUBLIC HEARINGS

PH-1 Rezoning Request – Appomattox Street, Lots 1 & 2, Copeland Subdivision and Lots 1, 2 and 3, Block 16, B Village Subdivision – Tevya Griffin, Director of Development provided Council with a condensed version of the Staff Report for the rezoning request. Mayor Shornak opened the public hearing. Deb Randolph spoke on behalf of the EDA, and stated that EDA members approved of the project. She also said that as a resident of Ward 1, she had parking concerns but was sure that her concerns would be addressed. Former Councilor Wayne Walton also spoke in favor of the project. Katherine Podlewski spoke in opposition to the project. Michael Ernst said he was not opposed to the project, but did have parking concerns. Council asked questions and had further discussion. Mayor Shornak closed the public hearing. Councilor Denton

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moved to approve the rezoning request for Appomattox Streets, Lots 1 & 2, Copeland Subdivision, and Lots 1, 2, and 3, Block 16, B Village subdivision. The motion was seconded by Councilor Zevgolis. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 6-0

PH-2 Sale of City Property - Appomattox Street, Lots 1 & 2, Copeland Subdivision and Lots 1, 2 and 3, Block 16, B Village Subdivision –Assistant City Manager Charles Dane gave Council information and background on the Francisco Landing Holdings LLC project. He advised Council that Staff was not seeking approval of the sale at this time. Chip and Ed Bowman, the proponents of the project, came forward and presented information and history to Council, including the fact that they are the great-great grandsons of Peter Francisco. Mayor Shornak opened the public hearing. Kathleen Podlewski spoke in opposition to the project. Eliot Eliades spoke in favor of the project. He acknowledged the parking concerns, but said he had no doubt the concerns would be addressed and solved. Mayor Shornak closed the public hearing. **No action requested of Council.**

Councilor Luman-Bailey submitted a Transactional Disclosures Statement stating that she is an adjacent property owner.

COMMUNICATION FROM CITIZENS

Mayor Shornak asked if any citizen wished to speak, but no one came forward.

REGULAR BUSINESS

Reports of City Manager:

R-1 Request to vacate portion of Western Street and Old Woodlawn Avenue – Director of Development Tevya Griffin came before Council requesting the vacation of a portion of Western Street and Old Woodlawn Avenue. Derek Johnson of Timmons Group spoke to Council on behalf of Amin Land Holdings LLC regarding the proposed project. After discussion, Councilor Zevgolis moved to vacate the undeveloped portion of Western Street and Old Woodlawn Avenue. His motion was seconded by Councilor Denton. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

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Councilor Denton submitted a Transactional Disclosure Statement stating that she was a Realtor with Ingram & Associates.

Mayor Shornak submitted a Transactional Disclosure Statement stating a familial relationship with Riley Ingram.

R-2 City of Refuge Funding Request – Charles Dane presented information to Council regarding the City of Refuge’s request. He explained that the program had been in operation for 11 months, and that there had already been 9 diversions from the court system to the program. Mr. Dane said that each diversion saves the City \$44/day. Rev. Collier, who heads the program, also spoke to Council about the extensive benefits of the program. Rick Newman, the Commonwealth Attorney, added his voice in support of the program. There was discussion regarding whether other entities would make donations as well. The City Manager spoke in support of the program and answered questions regarding from where the funds would be taken (Unallocated Funds). Councilor Zevgolis noted there may be an issue with Council making an allocation due to its being one member short. Councilor Luman-Bailey moved to allocate the requested \$50,000 for this year only from Fund Balance to the General Fund to the City of Refuge program, pending verification of the legality of the vote. The motion was seconded by Councilor Holloway. Mr. Calos located the relevant law (Va. Code §15.2-1428, *Procedures for certain acts*) and opined that there was no problem with Council making this allocation absent a member, as the affirmative votes of only 4 councilors were required. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	abstain*
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 5-0

** Mr. Calos explained that Councilor Pelham was excused from voting because she was a member of the City of Refuge board.*

Councilor Pelham submitted a Transactional Disclosure Statement stating that she is a member of the City of Refuge Board and a Trustee.

Mayor Shornak submitted a Transactional Disclosure Statement stating that she is a past member of the City of Refuge Board.

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R-3 Request to appropriate funding for the Hopewell Riverwalk project – Mr. Reidmiller advised Council of the funding from the Virginia General Assembly (\$100,000) and the donation from Friends of the Lower Appomattox River (FOLAR) (\$40,680), and asked that Council approve the appropriation of the \$140,680 to the Riverwalk project. Councilor Luman-Bailey moved to approve the appropriation of the \$140,680 already received for the Riverwalk project. The motion was seconded by Councilor Holloway. Upon the roll call, the vote resulted:

Councilor Denton	-	Yes
Councilor Pelham	-	Yes
Mayor Shornak	-	Yes
Councilor Luman-Bailey	-	Yes
Councilor Holloway	-	Yes
Councilor Zevgolis	-	Yes

Motion passed 6-0

Reports of City Attorney – Mr. Calos discussed the revisions to Council’s Rules. Council opted to decide on the approval of the Rules at the next meeting when all Council members could be present.

Reports of City Clerk – Nothing to report.

Reports of City Council.

Individual Councilors

- Luman-Bailey – Thanked all for attending the Ward 1 meeting. She also discussed the proposed development on the Copeland Site. Councilor Luman-Bailey said she was looking forward to going to the October VML meeting as Hopewell had done well in the Go Green Challenge.
- Pelham – Thanked Council for supporting the City of Refuge request for funding. She noted that through the Court diversions, the City saves more money than was being given to the City of Refuge. Councilor Pelham also encouraged citizens to attend the September 27, 2018 Ward Meeting being held at the Elks Lodge.
- Zevgolis – Noted that he had already had his Ward meeting at which they discussed the proposed balanced school year. He stated that his constituents had voiced some concerns, which he shared. He recommended a voter referendum to address this issue. He also said he had some Charter changes to suggest.

Citizen Councilor Requests

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ADJOURN

At 9:51 p.m. motion was made by Councilor Denton and seconded by Councilor Luman-Bailey to adjourn. All council responded “aye” to the question, with the exception of Councilor Pelham, who said “no”.

/s/ Jackie Shornak

Jackie Shornak, Mayor

/s/ Ronnieye L. Arrington

Ronnieye L. Arrington, City Clerk