

September 1, 2009

MINUTES OF THE CITY COUNCIL WORK SESSION HELD SEPTEMBER 1, 2009

A Work Session Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, September 1, 2009 at 6:00 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Brenda S. Pelham, Mayor
N. Gregory Cuffey, Vice Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
Gerald S. Stokes, Councilor
K. Wayne Walton, Councilor

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

Vice Mayor Cuffey opened the work session at 6:08 PM. Roll call was taken as follows:

Mayor Pelham	-	ABSENT (arrived at 6:15 PM)
Vice Mayor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes

CLOSED SESSION

Motion was made by Councilor Emerson, and seconded by Councilor Bailey, to convene into Closed Session to discuss Legal Matters, and Personnel (Performance Evaluations: City Manager & City Clerk), in accordance with Virginia Code Sec. 2.2-3711 (A) (1) & (7). Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Vice Mayor Cuffey	-	yes

OPEN SESSION

At 7:00 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:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes

WORK SESSION

- **Graffiti (Defacement) Ordinance Revisions - City Attorney Lacheney** - An ordinance to make unlawful the willful and malicious damage to or defacement of any public buildings, facilities, and personal property, or of any private buildings, facilities, and personal property, and to establish procedures for the remediation of any damage or defacement, including graffiti, from walls and structures on both public and privately owned property in the City of Hopewell, Virginia.

Mr. Lacheney explained that the ordinance was originally crafted by Sands Anderson (Stefan Calos, Interim City Attorney). Mr. Lacheney advised Council that item (f) on page 5, "Reimbursement of costs from property owner for remediation of damage or defacement" should be deleted. State law deems it impermissible for the City to seek recovery of the total cost of graffiti remediation from the property owner. The City may, however, seek recovery from the owner of an unoccupied property. Council discussed the possibility of volunteers to assist in graffiti clean up. This ordinance will be on the agenda for September 8, 2009 for approval on first reading, with deletion of (f) on page 5.

- **Grass Ordinance Revisions - City Attorney Lacheney** - An Ordinance amending Hopewell City Code Chapter 18, Article 1, Garbage, Refuse and Weeds. One change was made to page 2 of the ordinance since Council reviewed it previously. Mr. Lacheney added to Section 18-2. Nuisances, item (e) "*Any storing of personal possessions or accumulations visible from the street or neighboring properties, including but not limited to: commercial or household fixtures, appliances, furniture, equipment or accessories; automotive equipment, parts or accessories; construction equipment, supplies or accessories; or any item causing an offensive, unwholesome, unsanitary or unhealthy accumulation in or on any place or premises.*" Unlawful accumulations or growth, item (c). Council also requested that a paragraph be added on litter and debris in parking lots.

- **Pursuit Policy - Sheriff Anderson and Police Chief Martin** - Sheriff Anderson and Chief Martin reported on a high speed pursuit incident on August 26, 2009 at approximately 11:39 AM which lasted about one hour. A Sheriff's Deputy pulled a speeding vehicle on I-295 (going 89 mph in a 65 mph zone). He observed a woman and an approximately two-week old infant in the back seat and became suspicious. The driver had no drivers' license and the car had been reported stolen from Connecticut. The Hopewell Police Department dispatched a back up unit. The suspect pulled away from I-295 in a reckless manner at a high rate of speed. Both departments suspected a possible abduction of the woman and infant. The driver was found to be a wanted felon from the State of Connecticut, with a 20-page record of offenses.

Sheriff Anderson read into the record the City of Hopewell's Sheriff's Office Pursuit Policy (filed in the City Clerk's Office):

"Policy (Restrictive Policy Pursuits) It shall be the policy of the Sheriff of the City of Hopewell that deputies shall only pursue persons based on probable cause that they have committed, have threatened to commit, or possibly have committed a crime involving violence or the display or use of a firearm. The fact that the driver of a vehicle is fleeing does not, of itself, justify a pursuit. Should an offender meet the above criteria and the deputy engages in a pursuit the local authorities/State Police should be notified immediately. The Hopewell Sheriff's Office has adopted the Department of Criminal Justice Services (DCJS) model Standard Operation Procedures involving vehicle operation."

Some of the individuals involved in the pursuit were Sheriff's Deputy Cheek, Deputy Kephart, Police Sgt. Hunter, and Lt. McQuage, along with the Police Dispatchers, the Sheriff and Police Chief. Although the pursuit went through most of the City, there were no injuries to employees or citizens.

City Council thanked the Sheriff's Department and the Police Department for the capture of the pursued individual, causing no injuries to staff or citizens. They were all commended for a unified, coordinated effort.

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- **I-295 Proposal - Sheriff Anderson and City Manager Daley** - Sheriff Anderson reported that the City's FY 2009-2010 budget for the Sheriff's Department was cut by \$40,000. He stressed the success of the I-295 program wherein Sheriff's Deputy's ticket speeders to generate revenue for the city. Because of the Sheriff's patrol on I-295 local drivers have slowed down. Only part-time individuals represent the Sheriff's Department on I-295. The department has three Dodge Charger vehicles, one of which is often out of service. Sheriff Anderson requested that Council authorize the immediate purchase of one additional vehicle at a total cost of \$29,000-30,000. Sheriff's vehicles contain no computers, no videos, no frills. They do require a radio, lights, siren and radar, which is included in the proposed total cost. The Sheriff's Department generates approximately \$322,000 annually. After some discussion, the consensus of Council was to authorize the Sheriff to purchase one additional vehicle to patrol I-295 at \$30,000. There will be further discussion at a future time about an additional \$10,000. This item will be on the agenda for the Regular Council Meeting on September 8, 2009.

- **Financial Status Update - Finance Director, Elesteen Hager** - Dr. Daley distributed to Council a report entitled, "*The Potential Impacts of a Shrinking State Budget*" by James J. Regimbal, Jr., Virginia First Cities Webinar, August 27, 2009 (filed in the City Clerk's Office). He asked that Council read it and ask him any questions they might have afterwards.

Mr. Hager reported a \$900,000 budget short fall this year, which is a combination of revenues, under budget, and expenses under budget. He distributed to Council the "City Council Financial Report FY 09-10 Compared to FY 08-09" (filed in the City Clerk's Office). Mr. Hager indicated that the FY 2010/2011 budget process will begin in October 2009.

- **Personal Property Tax Rate - Terri Batton, City Treasurer and Debbie Reason, Commissioner of the Revenue** - Mrs. Batton presented the "*City of Hopewell - Setting the 2009 Personal Property Tax Rate*" report (filed in the City Clerk's Office). In addition she provided a "Comparison of Vehicles at \$3.05 Tax Rate in 2008 with Vehicles at Proposed Rates for 2009" and "Comparison of 2009 Tax Rates from Surrounding Localities." The tax rate for Colonial Heights is \$3.50; for Chesterfield is \$3.60; for Prince George is \$4.00; for Petersburg is \$4.40; and for Dinwiddie is \$4.90.

- **Crime State Update - Chief Martin** - Due to time constraints, this item will be included on the agenda for the next Regular meeting on September 8, 2009.

- **Curfew Proposals - Chief Martin** - Due to time constraints, this item will be addressed at a future time.

ADJOURN

At 9:33 PM motion to adjourn was made by Vice Mayor Cuffey, and seconded by Councilor Walton. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Stokes	-	yes
Councilor Walton	-	yes
Mayor Pelham	-	yes
Vice Mayor Cuffey	-	yes

Brenda S. Pelham, Mayor

Ann M. Romano, City Clerk