

**March 4, 2021
Special Meeting**

MINUTES OF THE SPECIAL MEETING OF CITY COUNCIL HELD MARCH 4, 2021

An Electronic (Zoom) Meeting of the City Council of the City of Hopewell, Virginia, was held Thursday, March 4, 2021 at 6:30 p.m. to discuss the continuation of the Francisco Landing Contract.

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

PRESENT:	Patience A. Bennett, Mayor, Ward 4
	John B. Partin, Jr., Vice Mayor, Ward 7
	Deborah B. Randolph, Councilor, Ward 1
	Arlene Holloway, Councilor, Ward 2
	Jasmine E. Gore, Councilor Ward 3
	Janice B. Denton, Councilor, Ward 5
	Brenda S. Pelham, Councilor, Ward 6

John M. Altman, Jr., City Manager
Sandra R. Robinson, City Attorney

Vice Mayor Partin then turned the meeting over to Mayor Bennett who arrived a little late to the meeting.

CLOSED SESSION

Motion was made by Vice Mayor Partin and seconded by Councilor Denton to move into closed meeting pursuant to Va. Code Sections 2.2-3711(A)(1) to discuss and consider personnel matters, including the assignments of a specific public employee and the City Attorney; and (A)(6) and (7) to consult with the City Attorney regarding specific legal matters and actual litigation requiring the provision of legal advice and where such consultation in open meeting would adversely affect the City's interest; and (A)(4) for the protection of the privacy of individuals in personal matters not related to public business.

Discussion – Councilor Pelham believes we should not go into closed session no more than 15 minutes as we advertised to the public that the meeting would start at 6:30 and we can go into closed session at the end.

ROLL CALL -Upon Roll call vote resulted

Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	no
Vice Mayor Partin	yes
Mayor Bennett	yes

Motion Passes: 6 ayes – 1 nay

Motion to come out of closed session by Council Randolph and seconded by Councilor Pelham.

ROLL CALL:

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Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	yes
Vice Mayor Partin	yes
Mayor Bennett	yes

Motion Passes 7 ayes – 0 nays

CERTIFICATION

ROLL CALL:

Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	yes
Vice Mayor Partin	yes
Mayor Bennett	yes

Mayor Bennet asked for a motion to adopt the Special Meeting Agenda.

Motion to adopt agenda made by Councilor Pelham and seconded by Councilor Denton.

ROLL CALL:

Councilor Randolph	no
Councilor Holloway	no
Councilor Gore	no
Councilor Denton	no
Councilor Pelham	no
Vice Mayor Partin	no
Mayor Bennett	no

Motion Failed – 7 nays—0 ayes

Amended Motion made by Vice Mayor Partin and seconded by Councilor Randolph to adopt the Special Meeting agenda and add the special resolution as item #2.

ROLL CALL:

Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	yes
Vice Mayor Partin	yes
Mayor Bennett	yes

Mayor Bennett welcomes guest from American Water Company and turns the meeting over to City Manager Altman.

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Virginia American Water Company - Water System Outage

Mr. Altman stated that this meeting was in request of City Council to answer questions Council had of Virginia American Water Company pertaining to the Water Outage that occurred between 2/13 and 2/19 (Ice Storm related). Council requested representatives from Virginia American Water to appear and answer questions which were provided to them prior to this meeting by Mr. Altman. Mr. Altman then introduced Mr. Barry Suits to address the outage and answer questions of Council.

Mr. Suits provided power point presentation on the timeline of what steps the Virginia American Water Company took during the water outage in Hopewell in February 2021.

Question was asked if the Virginia American Water Company was going to give credit for the 4 days of interrupted water service. Mr. Suits stated that no credit would be given as by the time the water issues was resolved they had distributed 380,000 bottles of water to the citizens of Hopewell, which is about 40 to 50 16 oz. bottles of water for each home in Hopewell. Will overtime cost incurred by the city be reimbursed by Virginia American Water Company? Randolph stated a lot more communication between now and the upgrades is going to be extremely important and ongoing because we have a lot of water piping in the city that is antiquated and creating problems. Gore asked if any plans for Virginia American Water to do a virtual meeting with our residents. They are looking at better ways to communicate with customers, open to considering a virtual meeting with customers. Gore inviting American Water leadership to join a board town hall or meeting to engage with residents. Pelham asked if new system will have a backup generator of some type to help prevent this from happening again. Mr. Suits stated we do have back generators now but not back-up generators to the backup generator at the low intake facility at the river. What we are building back is not what we previously had.

Mr. Suits stated that no utility is able to guarantee un-interrupted service. Vice Mayor Partin stated this has had a major impact on our local businesses. Vice Mayor Partin asked "is it true that in the last couple of years the Hopewell plant turned money back into the corporate entity for capital improvements." Answer was they spent all of the capital budget plus even more over the past couple of years. Can notification be given sooner when the water is at the point of running out of the tanks? American Water will look into providing more advance notice if possible.

There is a franchise agreement with the City of Hopewell, and they operate under the regulations of the SCC, those are two of the governing bodies that they have. Gore asked City Attorney and City Manager if the agreements still being reviewed. Can COVID money be used for reimbursement to citizens of Hopewell? Councilor Holloway would like to see reimbursement to constituents.

Mr. Altman thanked Mr. Suits for being here and answering questions of city council.

R-2

Motion made by Vice Mayor Partin and seconded by Councilor Demon to adopt the resolution.

RESOLUTION –

**A RESOLUTION AUTHORIZING CITY ATTORNEY TO
PROVIDE LEGAL REPRESENTATION**

WHEREAS, Chap. VII, §1 of the Hopewell City Charter, the Hopewell City Attorney ("City Attorney") is authorized to serve, represent, and advise the City Council, City Manager, and the City's

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various departments, boards, commissions, and agencies in matters affecting the interests of the City, and

WHEREAS, on occasion and to protect the City's interests, the City Attorney may be called upon to advise and represent a City employee who has been named as defendant in a lawsuit relative to matters arising out of the employee's performance of the duties of his or her employment with the City of Hopewell; and

WHEREAS, while the need for such employee representation has historically risen in the context of civil claims and disputes, the City Council has determined that the interests of the City may also be affected when its employees are accused of criminal wrongdoing by residents in retaliation or in response to lawful action(s) taken by the employee to enforce applicable ordinances, statutes, and regulations; and

WHEREAS, pursuant to Chap VII § 1of the City Charter, the City Council may authorize and assign the City Attorney to perform such other duties and functions as seem advisable to the City Council in its discretion; now therefore

BE IT RESOLVED by the Hopewell City Council this day of March, 2021 the following:

1. That the Hopewell City Attorney is authorized to advise and provide legal representation to Randall Correll (hereinafter, "the Defendant") as deemed necessary to diligently represent Defendant for the successful resolution of this matter, and to perform such necessary actions in conformance with all laws of the Commonwealth of Virginia, and the Virginia Rules of Professional Conduct in the sole matter of Commonwealth of Virginia v. Randy Correll, Case No.GC2J-125-00,

2. The City Attorney's representation of the Defendant as authorized hereunder shall be contingent upon obtaining the prior written consent of the Defendant. That as a component of the consent, the Defendant shall acknowledge that he has been informed in writing of any conflict of interests that exists or that may foreseeably arise during the course of the City Attorney's representation of the Defendant, and that such conflict(s) are waived by his consent.

3. That in the event the Defendant neither consents to the City Attorney's representation nor the waiver of any existing or foreseeable conflict of interests, the City Attorney may retain a private attorney to represent the Defendant in said criminal matter at such cost that is reasonable based on the complexity of the case and the availability of funds in the approved budget.

4. At all times relevant hereto, the City Attorney shall be (a) vested with the discretion to determine if, or when, she can no longer directly provide representation to the Defendant, (b) authorized to retain a private attorney to substitute his or her appearance on behalf of the Defendant and to directly compensate said private attorney for services rendered as necessary by the complexity of the case, and the availability of funds in the approved budget.

5. That any legal representation provided to the Defendant by the City of Hopewell hereunder, whether by the City Attorney or through a private attorney, is pursuant to full and complete reservation of rights, to-wit: to demand full reimbursement of fees and costs paid from the Defendant

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should he fail to fully cooperate in the preparation of his defense and/or he is determined by a court of competent jurisdiction to have committed the crime as charged.

6. This resolution, or any portion thereof, may be amended, rescinded or repealed by the City Council at any time.

Witness this signature and seal

Mayor Patience Bennett, Ward 7

VOTING AYE:

VOTING NAY:

ABSTAINING:

ABSENT:

ATTEST:

John M. Altman, Jr., Clerk Pro Tern

Councilor Pelham wants it noted that she is going to vote YES for the support of it but making it without seeing the tape itself. She would like to be able to see the tape.

ADJOURN

Motion to adjourn by Vice Mayor Partin and seconded by Councilor Randolph.

ROLL CALL:

Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	yes
Vice Mayor Partin	yes
Mayor Bennett	yes

Motion carries: 7 ayes – 0 nays

Motion made by Vice Mayor Partin and seconded by Councilor Denton to adjourn the meeting.

ROLL CALL:

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Councilor Randolph	yes
Councilor Holloway	yes
Councilor Gore	yes
Councilor Denton	yes
Councilor Pelham	yes
Vice Mayor Partin	yes
Mayor Bennett	yes

Motion carries: 7 ayes – 0 nays

Meeting Adjourned



Patience Bennett, Mayor


Mollie Bess, Interim City Clerk