

**October 26, 2021
Regular Meeting**

MINUTES OF THE CITY COUNCIL MEETING

A Meeting and Work Session of the City Council of the City of Hopewell, Virginia, was held Tuesday, October 26, 2021, at 6:30 p.m. in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Johnny Partin, Vice Mayor
 Deborah Randolph, Councilor
 Arlene Holloway, Councilor
 Jasmine Gore, Councilor
 Janice B. Denton, Councilor
 Brenda S. Pelham, Councilor (arrived at 6:05 pm)

ABSENT: Patience Bennett, Mayor (Ward 4)

 John M Altman, City Manager
 Peter Eliades, Acting City Attorney
 Mollie P. Bess, City Clerk

ROLL CALL

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

Vice Mayor Partin	-	present
Councilor Randolph	-	present
Councilor Holloway	-	present
Councilor Gore	-	present
Councilor Denton	-	present
Councilor Pelham	-	absent (arrived at pm)

Moved to go into Closed Session by Councilor Randolph and seconded by Councilor Denton pursuant to Va. Code Section 2.2-3711 (A)(1) for discussion, consideration, or interviews (HRHA and School Board) of perspective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes

Motion Passes: 6 – Ayes
 0 – No

CLOSED SESSION

Motion to come out of closed by Councilor Gore and seconded by Councilor Randolph

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Roll Call: Councilor Randolph - yes
 Councilor Holloway - yes
 Vice Mayor Partin - yes
 Councilor Gore - yes
 Councilor Denton - yes
 Councilor Pelham - yes

Motion Passes: 6 – Ayes
 0 – No

CERTIFICATION

Certification pursuant to Virginia Code 2.2-3712(D) were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call: Councilor Randolph - yes
 Councilor Holloway - yes
 Vice Mayor Partin - yes
 Councilor Gore - yes
 Councilor Denton - yes
 Councilor Pelham - yes

Motion Passes: 6 – Ayes
 0 – No

Motion made by Councilor Gore and seconded by Councilor Holloway to extend the contract with Mr. Peter Eliades until December 31, 2021.

Councilor Pelham announced that she will be signing the form for Conflict of Interest for this motion. Councilor Denton stated that she would vote against because the Mayor is not at the meeting and she feels all seven councilors should discuss and pass.

Roll Call: Councilor Randolph - yes
 Councilor Holloway - yes
 Vice Mayor Partin - yes
 Councilor Gore - yes
 Councilor Denton - no
 Councilor Pelham - yes

Motion Passes: 5 – Ayes
 1 – No

Vice Mayor stated that at this time he will turn the meeting over to City Manager Altman for the Worksession. Mr. Altman turned the meeting over to Ms. Tevya Griffin for WS-1 – Vacation of a portion of Jones Street to walk council through. The public hearing on this request will be 12/14/21.

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WS-1 – Vacation of a portion of Jones Street

Mr. Joseph A Walton has requested the vacation of an undeveloped portion of Jones Street between 1899 Liberty Avenue and Sub-Parcel #034-0110. The approximate square footage of the right of way is 2,500 square feet. The undeveloped portion of Jones Street is located in Ward 6. The right of way is approximately 2,500 square feet. While this would not be allowed under current City Council policy right-of-way vacation's, only half of the right-of-way was vacated in 1995; leaving the half in question as a wooded area. The site is relatively plan and at present is not usable. The other portion of Jones Street vacated in 1995 is used as open space for the owners at 1899 Liberty Avenue. Mr. Walton purchased the property on August 17 and he is requesting to add this portion of Jones Street to his property. The property is zoned R2 and at this time if he wanted to he could build a single family detached house, so he is not requesting the vacation so that he can build a house, he can already do that. He simply wants to add onto his property, he does not plan to build a home at this time. Information signs were place on the property with phone and reference number, 28 letter were also sent out. No citizen comments have been received by planning commission, commission voted in approval 7-0. This will come back to City Council at the 12/14/21 meeting. Stormwater gave approval.

WS-2 – Stormwater Resiliency Plan

Mr. Edwards will provide some information in regard to industrial credit. In fairness to Mr. Edwards, the first page in your packet was developed by Mr. Anderson and Mr. Butler who are at a VDOT conference this evening. Mr. Edwards stated that in the packet it reflects an industrial breakdown on the 90% credits the industrial companies use. In 2015 when City Council approved the Stormwater r credits were allowed to be generated as part of the program. Policy in place gave the utility a 90% utility credit fee to the industrial plants that do not go into our MS4 program. As long as they maintain their facilities on a yearly basis, they get this credit. A lower credit can be set for the new ones. Gore asked Mr. Edwards to double check our fees on the website. Asked for confirmation so that the website can be updated. Mr. Edwards stated that he would provide confirmation to Council. Council Gore stated that she asked twice for a works session, Vice Mayor Partin indicated that we had decided that the worksession would be on the 12/14/21 meeting agenda. City Clerk stated she would make sure that a worksession would happen at the Dec. 14 meeting and would make sure that Mr. Butler and Mr. Anderson are available to attend. Mr. Edwards stated that the ERU could be adjusted.

REGULAR MEETING

Vice Mayor Partin officially called the regular meeting to order.

Roll Call:	Councilor Randolph	-	Here
	Councilor Holloway	-	Here
	Vice Mayor Partin	-	Here
	Councilor Gore	-	Here
	Councilor Denton	-	Here
	Councilor Pelham	-	Here

Vice Mayor Partin welcomed everyone to the Regular Meeting. Reverend Danny Tucker provided the prayer and the Pledge of Allegiance was led by Vice Mayor Partin.

Motion made by Councilor Pelham and seconded by Councilor Denton to amend the agenda to include a section under Information/Presentations under the Consent Agenda for Chief Afzal.

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Roll Call: Councilor Randolph - yes
 Councilor Holloway - yes
 Vice Mayor Partin - yes
 Councilor Gore - yes
 Councilor Denton - yes
 Councilor Pelham - yes

Motion Passes: 6 Ayes
 0 No

AMEND/ADOPT AGENDA

Motion made by Councilor Gore and seconded by Councilor Pelham to adopt the consent agenda and remove C9 and put as R1.

Roll Call: Councilor Randolph - yes
 Councilor Holloway - yes
 Vice Mayor Partin - yes
 Councilor Gore - yes
 Councilor Denton - yes
 Councilor Pelham - yes

Motion Passes: 6 Ayes
 0 No

Chief Afzal was called to the podium to make his presentation to City Council of a letter signed by everyone in the police department as a thank you for the merit increase for police officers.

PUBLIC HEARING

PS-1 – Rezone 303 North 3rd Avenue – Sub-Parcel #011-0620

Vice Mayor Partin moved on to Public Hearing and called Director Tevya Griffin to the podium to present.

The City has received a request from Andrew G. and Larry Spivey to rezone 303 North 3rd Avenue, also identified as Sub-Parcel #011-0620, and to amend the Official Zoning map from the Business Limited Commercial District (B-2) to Residential High District-Offices (RO-4). Director Griffin confirmed that this is not spot zoning.

Vice Mayor Partin opened the Public Hearing. City Clerk verified that no one signed up to speak on the issue and there was no one at the public hearing that wanted to speak.

Vice Mayor Partin then closed the Public Hearing.

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Motion made by Councilor Randolph and seconded by Councilor Denton that Council deny the request made by Andrew G. Spivey and Larry Spivey to rezone 303 North 3rd Avenue also identified Sub-Parcel #011-0620 and to amend the official zoning map from the business limited commercial district to residential high district offices RO-4, noting that it is not spot zoning but instead not going along with current comprehensive plan.

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	no
	Councilor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes

Motion Passes: 5 Ayes
1 No

COMMUNICATIONS FROM CITIZENS

No citizens signed up to speak. No one in audience spoke.

REGULAR BUSINESS

R-1 – Discussion of Budget Resolution for Public Safety Salary Increases

Vice Mayor Partin called on Councilor Gore to speak. Gore asked for clarification on persons in position without proper credentials and she feels that those that are not do not have their proper credentials should not get the increase. This should be an incentive for them to get current and that we take this seriously, only a handful of people. City Manager Altman stated that this one not something that they considered when looking at the salary adjustments. They were looking at overall the need to increase the salary levels of the current employees to be competitive. This is a valid point and Council can be brought back information on this if they so desire. Councilor Gore has tasked the City Manager to look into and make a recommendation. Councilor Randolph stated that we need to make sure we are not violating any employment laws, we should check on legalities first. Councilor Pelham stated it would give those not certified incentive to become certified, we need to amend the Resolution. Councilor Gore stated that we should give them 6 months to get certified, give it to them stating increase will applicable to those without certification once Council adopts a plan. Mr. Altman will give a definitive number of how many along with a recommendation. Mr. Altman stated the Resolution we have just budgets the funding. We will withhold until that point and time with a recommendation, but this just budgets the money. Mr. Altman is asking that we approve the money or it will not go into effect for those that are certified. Once we give it to them or give them time, the money will be there in the budget. Councilor Gore stated could we do the Resolution with a 6 month window to meet the requirements and compliance, that way everyone starts off and it is up to them to be compliant and if not compliant will need to become compliant to keep the increase. City Manager Altman said we need to focus on minimum job requirements. If you want to talk about certifications, you can be a certified police officer, that doesn't mean you can't be a police officer, but a different level of police officer. In talking about the 6 months, can we caveat that with Attorney Eliades legal research and if we find out we can't, then we revisit. Based on the minimum job requirements, do they have what they need to have to be in that position? Prior Resolution amended to reflect the new language reflected in Resolution attached with minutes.

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Motion made by Councilor Gore and seconded by Councilor Randolph to approve the amended Resolution to amend the fiscal year 2021-2022 Operating Budget for Public Safety Salary Increases to approve subject to legal review and to bring back to Council.

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes

Motion Passes: 6 Ayes
0 No

Reports of City Clerk

City Clerk Bess gave an update on Boards and Commissions. Council was informed that the City website has been updated with a link for citizens to click on and apply via a TBR for any Board/Commission position that they may be interested. Also, the City Manager's weekly newsletter will reflect any Boards/Commissions that have opening on their respective committee and that is updated weekly by the City Clerk. Still working on getting current in the Munic system so that it will automatically show vacancies.

Vice Mayor Partin gave an update on the Hopewell Water Renewal Commission and Capital Improvement Plan. DEQ air permit inspection was completed and DEQ highly complimented us on the details that were provided in such a quick fashion. Since Jan. 1 of 2021 there have been six separate sanitary sewer overflows and this is caused from I&I infiltration, when stormwater gets into the sewer system and goes down to the treatment plan and then that water has to be treated as if it is regular sewage. They are currently exploring possible solutions to tackle this issue that is happening a little more often. Will be getting some cost estimates on rain guards for manholes and pump stations and also look at some additional I&I projects across neighborhoods. If we are able to implement a lot of these it ends of reducing the amount of stress that is on the plant now, which means we get more longevity out of our equipment. Continued discussion on phosphorus removal project, the limit that is being floated but not approved is to get our average phosphorous concentration down to .2 milligrams per liter. Currently our average is approximately 1.06 milligrams per liter. Talking about an 81% reduction in phosphorus that will have to be meet sometime in the next five years. Nitrogen project that previous Council did was about \$75 million project, this one is about \$75 million to \$125 million. Good news from wastewater lab, we passed the audit from the Virginia Environmental Lab Accreditation program with flying colors. City Council approved the water renewal staff to apply for the clean revolving loan to explore the feasibility in a pilot study about reusing some of the wastewater down at the plant and to recycle it and then sell it back to industry to reduce our nutrient load into the river. Mr. Altman asking Senator Morrissey to make this a forgivable loan. Our capital improvement program is progressing nicely. City Council adopted a \$7.5 million capital improvement program – highlights are we have our uniox mixer replacement, base plate and mixers, first phase of project are on-site, installation and will begin beginning of November. Contract for our incinerator feed pump has been finalized and equipment should be done by November 1, centrifuge is on order, installation should be in November as well. We have to rehab one of our secondary tanks, this is currently underway using contractors, can't use staff because we are short staffed. Two projects underway, one is to get the paperwork and billing process done a lot faster, that project is

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almost complete. We are upgrading plant switch gear that's currently being designed right now along with a design for a new industrial fine screen, will reduce phosphorus load. Continuing design phase of expanding the laboratory and the storage facility at the plant, also have furnace upgrade that is being designed right now, have almost finished the design process of the bucket elevator replacement and our incinerator feed pump piping is almost complete and our pipeline has been completed, just going through final punch-out list. Will be holding a special meeting at some point in November and December to discuss a few items- to discuss the oxygen plant upgrades and a possible oxygen contract as a back-up for the plant, discussion about outside revenue, policy and credits going toward industry, an update on the great water reuse project and I&I projects.

CR-1 Adjust Budget to hire an Internal Auditor to establish an Audit Department

Councilor Pelham stated that we have been requesting this for a while. If we had had an internal auditor some of the items we had issues with could have been facilitated with the audit if there was a person on board that knew what the department's faults were. She doesn't want the auditor to be under the City Manager, but to be under City Council. Maybe a contractor instead of an employee. Ask is that we amend our budget to incorporate hiring an internal auditor. Councilor Randolph ask are we only looking at hiring an internal auditor? Councilor Pelham responded – yes. This person would prepare the departments for the audit. A prelude to the audit. Need someone to come in and learn what our policies and procedures are to help prepare our departments. Councilor Randolph asked why wouldn't we outsource this? Councilor Pelham stated that looking at a contractor would be fine. Councilor Pelham asking Interim City Attorney Eliades to please look into how we can do this. Councilor Gore said we can has for Attorney to create an Ordinance to create a position or a proposal for a firm. Councilor Gore will send all information she has on this from the past city council meetings on to entire City Council for their review.

Motion made by Councilor Gore and seconded by Councilor Pelham for Interim City Attorney Eliades to bring back options to fill the role of Internal Auditor via Ordinance or Request for Proposal

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes
	Councilor Denton	-	no
	Councilor Pelham	-	yes

Motion Passes: 5 Ayes
1 No

CR-2 – Remote Participation Policy

Councilor Denton would like a review of the policy on Remote Participation. It is her understanding that the General Assembly has revised their procedure on that. When we set the policy about five years ago, two meeting a year were fine, because we met on January and we knew how to plan our vacations so as not to be gone during the regular meetings. However, now we have as many special meetings as we have meetings, so there is no way we can narrow it down. We are representatives of our wards and we represent the people and if we cannot be at the meeting we cannot represent them. And when special

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meetings are called the week we are on family vacations or have a planned surgery schedule we try to live within the parameters of what we set forth with our schedules, we are limited that we cannot participate. Based on our meetings we should be allowed at least six meetings per year, based on what was just passed with the General Assembly. City Clerk Bess stated that the General Assembly passed 25% and we have 22 regular meetings which would equate to about 6 meetings per year. However, there are stipulations to that and clerk read General Assembly language. This is code 2.2-3708.2. So we can either adopt that or not. Councilor Randolph does not agree to six regular meetings to miss, maybe divide up between special meeting and regular meetings. Maybe 2 for regular meetings and four for special meetings. Councilor Denton stated she looked back through archives and we did not have as many special meetings in the past as we have had in the last two years. Councilor Denton would like to get with Attorney to see how we can revise the policy. Councilor Gore is fine with adding one additional day.

Motion made by Councilor Pelham and seconded by Vice Mayor Partin to extend the meeting to finish the item we are currently on.

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes

Motion Passes: 6 Ayes
0 No

Councilor Denton stated that she does not agree. When special meetings are called and we are not here to attend, that effects our Ward as we are not here to represent them. Regular Meetings we can plan for Special Meetings we cannot plan for. In 2018 we had 5 special meetings, 4 related to budget, 2019 we had 20 special meetings that year. Ask of City Clerk to bring back to Council how many special meetings we had and how many regular meetings we had and the attendance at those meetings (2016 to 2021). Councilor Randolph would prefer to not add any extra days to the calendar. Two regular meetings max, special meetings, we do at least two and if it exceeds a certain number add another day. Specify Personal Matters - Section B for Council.

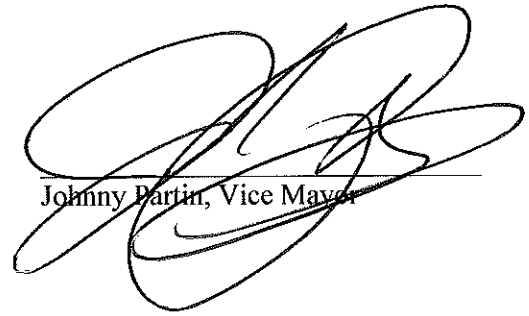
Motion to adjourn made by Councilor Randolph and seconded by Councilor Gore.

Roll Call:	Councilor Randolph	-	yes
	Councilor Holloway	-	yes
	Vice Mayor Partin	-	yes
	Councilor Gore	-	yes
	Councilor Denton	-	yes
	Councilor Pelham	-	yes

Motion Passes: 6 Ayes
No

Meeting Adjourned

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Johnny Partin, Vice Mayor

Mollie Bess
Mollie Bess, City Clerk