

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

(804) 541-2408

www.hopewellva.gov
info@hopewellva.gov
cityclerk@hopewellva.gov

CITY COUNCIL

John B. Partin, Jr., Mayor, Ward #3
Jasmine E. Gore, Vice Mayor, Ward #4
Rita Joyner, Councilor, Ward #1
Michael B. Harris, Councilor, Ward #2
Janice B. Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6
Dominic R. Holloway, Sr., Councilor, Ward #7

Dr. Concetta Manker, City Manager
Danielle Smith, City Attorney
Brittani Williams, City Clerk
Bridetta Williams, Deputy Clerk

August 24, 2023

SPECIAL MEETING

Closed Meeting: 6:30 PM

Open Meeting: 7:30 PM

6:30 p.m. Call to order, roll call, and welcome to visitors

CLOSED MEETING

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code Section § 2.2-3711 (A)(l) to discuss and consider personnel matters, including board and commission appointments; and VA Code § 2.2-3711 (A) (3) to discuss or consider the acquisition of real property for a public purpose or 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 and to the extent such discussion will be aided thereby;

Roll Call

RECONVENE OPEN MEETING

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?

OPEN MEETING

R1 - New FOIA Fees Policy – City Attorney, Danielle Smith

R2 – Approve City of Refugee Opioid Resolution – City Manager, Dr. Manker

Reports of City Manager:

Reports of City Attorney:

RC-1 -Proposed Sewer Use Fee – Danielle Smith

Reports of City Clerk:

ADJOURNMENT

**CLOSED
MEETING**

REGULAR MEETING

R-1



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: FY24 Operating Budget

ISSUE: 2023 Amendment Virginia Code §2.2-3704.1 requires the posting of rights and responsibilities by state and local public bodies of a plain English explanation for the FOIA request procedure and local governing body must establish a written policy as to how the public body assesses charges for accessing and searching for requested records (§2.2-3704.(1)(A)(7)).

RECOMMENDATION:

TIMING: Regular Meeting on September 2023.

BACKGROUND: 2023 statutory changes to Virginia Code §2.2-3704.1 require that city council create a written policy that governs the assessment of FOIA fees for citizens.

ENCLOSED DOCUMENTS:

- Virginia Code Section 2.2-3704.1

STAFF: Danielle F. Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

- | | | | | | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--|
| Y | N | | Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 599

An Act to amend and reenact § 2.2-3704.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; posting of fee policy.

[H 2007]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and

6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in subsection F of § 2.2-3704 of the Code of Virginia."; and

7. *A written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records.*

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

Danielle F. Smith

From: Marta Leon
Sent: Thursday, August 10, 2023 3:00 PM
To: Danielle F. Smith
Subject: FW: FOIA Fees - Add to June CC meeting agenda
Attachments: Virginia Acts of Assembly - 2023 (Amendment to 2.2-3704.1.pdf)

Just wanted to circle back on this one.

From: Danielle F. Smith <dsmith@hopewellva.gov>
Sent: Thursday, June 1, 2023 3:01 PM
To: Concetta Manker <cmanker@hopewellva.gov>
Cc: Marta Leon <mleon@hopewellva.gov>
Subject: FOIA Fees - Add to June CC meeting agenda

Dr. Manker,

As of March 26, 2023, there has been a law change to Virginia Code section 2.2-3704.1 with regard to FOIA. The amendments to the Code requires Hopewell to do two things:

1. Update the language available to the public that explains the current process for FOIA requests (Our office has already sent the slight tweaks to the Floyd for inclusion on the website).
2. City Council (the public body) will need to decide how and how much to charge for FOIA requests.

The amended code section is attached to this email. To assist in the creation of a new FOIA policy, I have included the language from other jurisdictions that has developed a fee schedule and changed their FOIA policy, which has been published to their website. City Council may decide which one works best for Hopewell.

Blacksburg, Virginia

City policy on charges for accessing or searching for requested records as required by Virginia Code § 2.2-3704.1. The town does not have a fixed charge for accessing or searching for requested records. Charges for accessing or searching for requested records are based on the hourly rate of the person searching for the records in question. To keep costs down, the town attempts to use the lowest paid staff members capable of retrieving the requested records in responding to a request. However, in situations where a staff member is required to search through his or her own email and files, the staff member will search for the requested records and the search charge will be based on that employee's hourly rate.

Colonial Heights, Virginia

Colonial Heights uses a flat rate approach and charges \$40/hour (in 15 minute increments) to process a request. The \$40 per hour rate applies to the time to research a request; retrieve records; and review them, including making redactions. The City policy states that the first five pages copied are free, and additional copies are 10 cents a page. However, if a request can be responded to in a short amount of time (perhaps 15 minutes), The City Attorney advises the city staff person to waive charging a fee. Also, typically we waive charging the press for spread sheets which provide information on employee positions, salaries, tenure, etc.

I don't anticipate that this matter will be very involved or complex. Let me know if it can be added so I can work to bring Hopewell into compliance with the amended Virginia Code section.

Colonial Heights uses a flat rate approach and charges \$40/hour (in 15 minute increments) to process a request. (The rate was increased from \$20/hour just three months ago.) The \$40 per hour rate applies to the time to research a request; retrieve records; and review them, including making redactions. The City policy states that the first five pages copied are free, and additional copies are 10 cents a page.

However, if a request can be responded to in a short amount of time (perhaps 15 minutes), I advise the City staff person to waive charging a fee. Also, typically we waive charging the press for spread sheets we create to provide information on employee positions, salaries, tenure, etc. (As a practical matter, it is not worth picking a fight with the press.)

Danielle Ferguson Smith

City Attorney

City of Hopewell

300 N. Main Street

Hopewell, Virginia 23860

(804) 541-2247 ext. 135

(804) 415-4001 facsimile

R-2



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

- Civic Engagement
- Culture & Recreation
- Economic Development
- Education
- Housing
- Safe & Healthy Environment
- None (Does not apply)

Order of Business:

- Consent Agenda
- Public Hearing
- Presentation-Boards/Commissions
- Unfinished Business
- Citizen/Councilor Request
- Regular Business
- Reports of Council Committees

Action:

- Approve and File
- Take Appropriate Action
- Receive & File (no motion required)
- Approve Ordinance 1st Reading
- Approve Ordinance 2nd Reading
- Set a Public Hearing
- Approve on Emergency Measure

COUNCIL AGENDA ITEM TITLE: Approval of Resolution for Opioid Settlement Funds to City of Refuge

ISSUE: The City’s participation in the proposed settlement of opioid-related claims in the National Opioid Settlements and their related claims related corporate entities.

RECOMMENDATION: Staff recommends the approval of Resolution for Opioid Settlement Funds in the amount of \$70,000 to be donated to the City of Refuge in Hopewell, Virginia

TIMING: Action to be taken on August 24, 2023.

BACKGROUND: Participation Settlement of opioid-related claims against Janssen and distributors Cardinal, McKesson, and AmerisourceBergen and their related corporate entities was approved by city council in August 2021.

ENCLOSED DOCUMENTS: Resolution

STAFF: Dr. Concetta Manker, City Manager

FOR IN MEETING USE ONLY

MOTION: _____

SUMMARY:

- | Y | N | | Y | N | |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Rita Joyner, Ward #1 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Janice Denton, Ward #5 |
| <input type="checkbox"/> | <input type="checkbox"/> | Councilor Michael Harris, Ward #2 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Brenda Pelham, Ward #6 |
| <input type="checkbox"/> | <input type="checkbox"/> | Mayor John B. Partin, Ward #3 | <input type="checkbox"/> | <input type="checkbox"/> | Councilor Dominic Holloway, Sr., Ward #7 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vice Mayor Jasmine Gore, Ward #4 | | | |

RESOLUTION

A RESOLUTION OF THE CITY OF HOPEWELL CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST JANSSEN AND DISTRIBUTORS CARDINAL, MCKESSON, AND AMERISOURCEBERGEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, The opioid epidemic That has cost thousands of human lives across the country also impacts The City of Hopewell by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by city's various departments and agencies; and

WHEREAS, The City of Hopewell has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff time to address the damage the opioid epidemic has caused and continues to cause the citizens of Hopewell; and

WHEREAS, The Commonwealth of Virginia has filed suit against Janssen and distributors cardinal, McKesson, and AmerisourceBergen and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed citizens of the city of Hopewell; and

WHEREAS, The Commonwealth of Virginia suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, All settlement proposals have been negotiated that will cause Janssen and distributors cardinal, McKesson, and AmerisourceBergen to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, The City of Hopewell has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Janssen and distributors cardinal, McKesson, and AmerisourceBergen shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, The City Attorney for the City of Hopewell has recommended that the City of Hopewell participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, The City of Hopewell approves of opioid settlement fund in the amount of \$70,000.00 to be donated to the city of Refugee.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOPEWELL ON July 18, 2023, 2023.

Witness this signature and seal

John Partin, Mayor

VOTING AYE:
VOTING NAY:
ABSTAINING:
ABSENT:

ATTEST:

City Clerk

REPORTS

RC-1

Sec. 31-10.2. Sewer connection fees.

(a) *Application for sewer service.* A property owner desiring sewer service to a parcel of land, or required to connect to the sewer system, must submit an application to the director, or his designee, along with the applicable sewer connection fee.

(b) *Fees.*

(1) *Connection fee.* A property owner who connects to the sewer system shall be charged a connection fee established by city council. The sewer connection fee is to recapture the capital costs for the infrastructure necessary to serve the demands of the property. The fee is based on the size of the water meter that serves the property, or if the property does not receive water service, the size of the water meter that would serve the property if it received water service. The approved fee structure shall be applied effective July 1, 2009 to all new sanitary sewer connections not previously issued a building permit.

The owner of lot in a plated subdivision that has been approved by city council may receive a fifty (50) percent discount on the sewer connection fee established by city council by prepaying the connection fee for that lot, no later than December 31, 2009. To prepay the connection fee on the lot, the owner of the lot shall pay the current connection fee, less a fifty (50) percent discount to the code enforcement department. The prepayment of the connection fee shall be valid for a period of five (5) years, but not to be transferable to the subsequent owner of the lot.

(2) *Engineering and inspection fees.* The property owner is required to install the sanitary sewer lateral lines necessary to connect to the sewer main line. The line installed by the property owner shall comply with latest recognized version of the International Plumbing Code. The portion of the service lateral connection in the public right-of-way must meet the specifications as determined by the city engineer. Design plans for the sanitary sewer outfall line and service lateral connection lying in the right-of-way shall be approved and permitted by the city engineer prior to the commencement of installation. Once installation is complete, code enforcement officials will inspect the line and connection. The property

owner may be charged a fee for such inspection(s). City council shall adopt the inspection fees and charges.

(c) *Property owner responsible for certain costs.*

(1) *Cost for extending main line.* When the sewer main line is not available to the property, the property owner shall pay to the city, in advance, the full cost for extending the main line to the property.

- a. Such costs shall include any land or utility easement acquisition costs that the city may incur if the line cannot be run along a public right-of-way to the property.
- b. The cost of extending the sewer line to the property shall be set at a per linear foot as established by city council.
- c. Should the director determine that there is a need for an oversized line to be installed, or a line longer than may be necessary to serve the property, the additional costs for the augmented line size or length shall not be charged to the property owner.
- d. If the sewer main line extension work is to be done under a city issued permit and contract agreement, the property owner shall be responsible for the full cost to perform the scope of work as shown on an approved plan. The city may require the property owner to enter into a development agreement and a surety to cover the proposed work.
- e. **Where a property owner divides a commonly owned parcel into two or more new lots and a sewer main line is available on the initial lot and where the secondary lot does not have a sewer main line, the property owner shall incur, from the city, a fee of \$550 which represent the cost for extending the main line to the newly created lot only.**
- f. **Where a property owner purchases a lot or parcel of land which has or had a structure with an existing sewer line, and the owner or builder removes the structure, the owner or builder shall incur a new sewer connection fee of \$550 for connectivity to the main sewer line.**

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- g. Where a property owner divides a commonly owned parcel into two or more new lots and a sewer main line is not available on the initial lot and where the secondary lot also does not have a sewer main line, the property owner shall pay to the city, in advance, the full cost for extending the main line to the newly created lot.**
- (2) Developers of new subdivisions shall install all sewer lines and facilities internal to the development in accordance with the subdivision ordinance, the design specifications as determined by the city engineer, and development agreements approved by the city engineer.
- (d) *Credit allowed for oversized or extended internal line.*
- (1) If the city requires the property owner to install a sewer line larger than is necessary to serve the development or use proposed for the property, to run a line further, or to make any other improvements not necessitated by the development or use, the property owner shall receive a credit for such augmented costs which may be applied against the connection fee. The amount of the credit shall be the difference in costs of the sewer line proposed by the property owner and the augmented requirements imposed by the city. The director shall establish the amount of the credit based on cost estimates provided by the city engineer.
- (e) *Installment payments.* Upon written request, any property owner may enter into an agreement with the city, at the sole discretion of the city, to pay the connection fee for the property in up to twelve (12) equal monthly installments which shall include a service fee of one and one-half (1.5) percent per month.
- (f) *Exemption from connection fee.* No connection fee shall be charged for a connection where a three-quarter ($\frac{3}{4}$) of an inch or smaller water meter is installed that serves any business that is located in an authorized enterprise zone as designated by the Commonwealth of Virginia if the business is connecting to the city sewer system for the first time.
- (g) *Change in use.* Should the zoning use, use group, or occupancy change to a more intensive use, or the existing use be expanded or converted to a more intensive use and new construction or reconstruction of existing structures occurs, a new connection fee shall be required.

SEWER (WASTEWATER) CONNECTION FEES

Wastewater Connection Fees by Size		
Meter Size	Equivalency Ratio*	Connection Fee
½ and ¾ inch	1.50	\$ 2,026.00
1 inch	2.50	5,065.00
1½ inch	5.00	10,130.00
2 inch	8.00	16,208.00
3 inch	16.00	32,416.00
4 inch	25.00	50,650.00
6 inch	50.00	101,300.00
8 inch	80.00	162,080.00
10 inch	115.00	232,990.00

For those connections larger than six (6) inches and/or projected average daily flows in excess of one hundred thousand (100,000) gallons per day, applications must be made directly to the HRWTF director who will evaluate the proposed connection and based on equivalency size ratios determine the cost.

WASTEWATER CONNECTION FEES BY TYPE

Allocated on Basis of Equivalent Residential Unit*		
Residential single dwelling	1	\$2,026.00
Residential duplex (per unit)	1	2,026.00
Hotel or motel (per room)	.5	1,013.00
Restaurant	3	6,078.00
Hospital (per bed)	2	4,052.00
Nursing home (per bed)	.5	1,013.00
Laundromat (per washer)	.2	405.00
Church	1	2,026.00
Theater	2	4,052.00
Service station	1	2,026.00
Service station (car wash)	2	4,052.00
Office building (per 5,000 square feet)	1	2,026.00
Jails (per bed)	.5	1,013.00

*Equivalent residential unit is a measure where one (1) unit is equivalent to wastewater effluent from one (1) home, which is two hundred fifty (250) gallons per day per home. This amount is based on most wastewater pollution textbooks estimating an average of one hundred (100) gallons per day per person and the national home average of 2.5 persons.

(Ord. No. 2012-08 , 9-12-12)



CITY OF HOPEWELL CITY COUNCIL ACTION FORM

Strategic Operating Plan Vision Theme:

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- Culture & Recreation
- Economic Development
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- Housing
- Safe & Healthy Environment
- None (Does not apply)

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Action:

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- Approve Ordinance 2nd Reading
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COUNCIL AGENDA ITEM TITLE: FY24 Operating Budget

ISSUE: Public hearing amended Sewer Connection Ordinance (fee structure changes)

RECOMMENDATION: Conduct the public hearing and approve amended ordinance on 1st reading

TIMING: Public Hearing scheduled for August 24, 2023

BACKGROUND: Amendments made to the existing sewer connection fee ordinance to reflect new fees for sewer connections where there was a previously existing residential structure.

ENCLOSED DOCUMENTS:

- Proposed Sewer Use Fee

STAFF: Danielle F. Smith, City Attorney

FOR IN MEETING USE ONLY

MOTION: _____

Roll Call**SUMMARY:**

Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Rita Joyner, Ward #1	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Janice Denton, Ward #5
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Michael Harris, Ward #2	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Brenda Pelham, Ward #6
<input type="checkbox"/>	<input type="checkbox"/>	Mayor John B. Partin, Ward #3	<input type="checkbox"/>	<input type="checkbox"/>	Councilor Dominic Holloway, Sr., Ward #7
<input type="checkbox"/>	<input type="checkbox"/>	Vice Mayor Jasmine Gore, Ward #4			