

MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 13, 2011

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, December 13, 2011, at 6:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Christina J. Luman-Bailey, Mayor
 K. Wayne Walton, Vice Mayor
 Michael C. Bujakowski, Councilor
 Gerald S. Stokes, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

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

ABSENT: Curtis W. Harris, Councilor (illness)

ROLL CALL

Mayor Luman-Bailey opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

CLOSED SESSION

Motion was made by Councilor Shornak, seconded by Councilor Pelham, and unanimously passed to convene into Closed Session to discuss Potential Acquisition of Real Property (Public Safety Building); Personnel (Performance Evaluations-City Manager, City Attorney & City Clerk); and, Appointments to Boards and Commissions, in accordance with Virginia Code Sec. 2.2-3711(A) (1) (3) & (7).

OPEN SESSION

At 7:30 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:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Harris	-	ABSENT (medical)
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

Prayer was offered by Rev. Sylvia Tucker, Chaplain, JRMC, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Vice Mayor Walton, seconded by Councilor Pelham, and passed unanimously to approve the Consent Agenda: Regular Meeting minutes Regular Meeting November 15, 2011 & Work Session/Special Meeting November 29, 2011; Pending List; Information for Council Review: HRHA – meeting announcement & agenda 11/14/11, minutes 8/23/11 & 9/7/11; Social Services Advisory Board agenda & minutes 9/12/11 & Annual Report 2010; Transportation Safety Board minutes 10/4/11 & agenda 12/6/11; Personnel Change Report & Financial Report; Public Hearings Announcements: none; Routine Approval of Work Sessions: none; Ordinances on second and final reading: Ord. #2011-19-An Ordinance amending Article I. Chapter 31 of the Code of the City of Hopewell by adding Section 31-10.3, Temporary Reduction in Sewer Connection Fee; and Ord. #2011-21 – An ordinance amending Section 34-23 (Real estate tax for elderly and disabled persons) of Chapter 34, Article II of the Code of the City of Hopewell; Routine Grant Approval: none; Proclamations/Resolutions/Presentations: none.

CONGRATULATIONS

Mayor Luman-Bailey recognized Councilor Pelham who recently received the Gold Status for Leadership for completing the program courses through the National League of Cities.

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ORDINANCE NO. 2011-19

An Ordinance amending Article I. Chapter 31 of the Code of the City of Hopewell by adding Section 31-10.3, Temporary Reduction in Sewer Connection Fee

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 31-10.3, Temporary Reduction in Sewer Connection Fee is added to Article I, Chapter 31 of the Code of the City of Hopewell as follows:

Chapter **31 SEWERS AND SEWAGE DISPOSAL**

ARTICLE I. IN GENERAL

Sec. 31-1. Purpose and intent of chapter.

(a) *Purpose.* This chapter sets forth policies for the administration and operation of the Hopewell Regional Wastewater Treatment Facility to assure that the facilities are used in the common interest of the public. Uniform requirements are established herein for direct and indirect dischargers of pollutants from nondomestic sources into the publicly owned treatment works for the City of Hopewell to enable the city to comply with all applicable state and federal laws and regulations, including the Clean Water Act (33 U.S.C. Section 1251 et seq.), the federal General Pretreatment Regulations (40 CFR Part 403), the State Water Control Law (Virginia Code Section

62.1-44.2 et seq.), and the Virginia Pretreatment Program regulations (9VAC25-31-730-900). The federal General Pretreatment Regulations (40 CFR Part 403) and the Virginia Pretreatment Program regulations (9VAC25-31-730-900) are incorporated herein by reference.

(b) *The objectives of this chapter are:*

(1) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;

(2) To prevent the introduction of pollutants into the publicly owned treatment works that will pass-through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level that allows it to be disposed of in accordance with the management plan adopted by the facility;

(4) To protect both municipal personnel who may come in contact with wastewaters, sludge, and the treated effluents in the course of their employment, and the general public;

(5) To preserve the hydraulic capacity of the publicly owned treatment works;

(6) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(7) To provide for equitable distribution of the costs of operation, maintenance, and improvement of the publicly owned treatment works; and

(8) To ensure that the City of Hopewell complies with its Virginia Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal, state or local laws and regulations to which the publicly owned treatment works is subject.

(c) *Applicability.* This chapter shall apply to all direct and indirect users of the publicly owned treatment works, including users located outside of the city limits of the City of Hopewell who use the publicly owned treatment works by contract with the city. By discharging wastewater into the publicly owned treatment works, users located outside the city limits are required to comply with the terms and conditions established in this chapter, as well as any permits or orders issued hereunder.

Sec. 31-2. Definitions.

(a) *Language.* This chapter is gender neutral, and the masculine gender shall include the feminine and vice versa. "Shall" is mandatory; "may" is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(b) *Abbreviations.* The following abbreviations shall have the designated meanings throughout this chapter:

BOD	--Biochemical oxygen demand
BMP	--Best management practice

BMR	--Baseline monitoring report
CFR	--Code of Federal Regulations
CIU	--Categorical industrial user
COD	--Chemical oxygen demand
DEQ	--Virginia Department of Environmental Quality
EPA	--U.S. Environmental Protection Agency
gpd	--Gallons per day
HRWTF	--Hopewell Regional Wastewater Treatment Facility
IU	--Industrial user
LC	--Lethal concentration for fifty (50) percent of the test organisms
mg/l	--Milligrams per liter
NAICS	--North American Industry Classification System
NPDES	--National Pollutant Discharge Elimination System
NSCIU	--Nonsignificant categorical industrial user
O&M	--Operation and maintenance
POTW	--Publicly owned treatment works
RCRA	--Resource Conservation and Recovery Act
SIU	--Significant industrial user
SNC	--Significant noncompliance
SIC	--Standard industrial classification
SWDA	--Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
TSS	--Total suspended solids
usc	--United States Code
VPDES	--Virginia Pollutant Discharge Elimination System
VAG	--Virginia Administrative Code

(c) *Definitions.* Unless the context specifically indicates otherwise, the following words, terms or phrases used in this chapter shall have the meanings ascribed to them in this section:

Act shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

Approval authority shall mean the Virginia Department of Environmental Quality.

Authorized representative of the user:

(1) If the user is a corporation, authorized representative of the user shall mean:

a. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

b. The manager of one (1) or more manufacturing, production, or operation facilities who is authorized in accordance with corporate procedures to sign documents and make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and

initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations and ensuring that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements.

(2) If the user is a partnership, association, or sole proprietorship, an authorized representative of the user shall mean a general partner or the proprietor, respectively.

(3) If the user is a federal, state or local government, or an agent thereof, an authorized representative of the user shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the authorization is submitted to the city.

Best management practices (BMPs) shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 31-56 of this chapter and to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biochemical oxygen demand (BOD) shall mean the laboratory determination of the quantity of oxygen by weight, expressed as a concentration in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five (5) days at a temperature of twenty (20) degrees centigrade.

Building drain shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys such drainage to the building sewer.

Building drainage system shall mean that part of the plumbing system which receives, conveys, and removes liquid and water-carried wastes to a building drain.

Building sewer shall mean a sewer conveying wastewater from the premises of a user to the POTW.

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1317), which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405 to 471, incorporated herein by reference. This definition also shall include any additional or more stringent pretreatment standard promulgated by the Virginia Department of Environmental Quality in accordance with the State Water Control Law (Code of Virginia, § 62.1-44.2 et seq.), which appear in the State Pretreatment Program regulations (9VAC25-31-730-900).

Categorical industrial use shall mean an industrial user subject to a categorical pretreatment standard or categorical standard.

City shall mean the City of Hopewell, Virginia or the City Council of Hopewell, Virginia.

City manager shall mean the city manager or his designee.

Cleanouts shall mean access portals allowing entry to the sanitary sewer service lateral. Cleanouts are generally placed at the building face, property line, and changes in direction.

Color shall mean the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred (100) percent transmittance is equivalent to zero (0.0) optical density.

Combined sewer shall mean a sewer receiving combined waste.

Combined waste shall mean wastewater containing surface or stormwater and sewage.

Combined wastes/ream formula shall mean the formula as found in 40 CFR Section 403.6(e)(1)(i), as incorporated by 9VAC25-31-780, and applied in accordance with guidance provided by the EPA and DEQ.

Compatible pollutant shall mean wastewater constituents which the treatment plant is designed to treat, and wastewater substances which will not inhibit the wastewater treatment processes employed nor be detrimental to the receiving stream.

Composite sample shall mean a combination of individual samples of water or wastewater taken in proportion to flow or time which ensures that a representative sample is obtained during a given time interval.

Constituent shall mean any analytically defined parameter.

Contributory area shall mean an area from which the sewage flow is transported to the treatment plant by a common intercepting sewer.

Control point shall mean a point of access to a course of discharge before the discharge mixes in the POTW.

Cooling water shall mean once through, noncontact water used for cooling and discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources or to which the only pollutant added is heat.

Control authority shall mean the Hopewell Regional Wastewater Treatment Facility.

Daily maximum shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Department shall mean the Virginia Department of Environmental Quality.

Director shall mean the director of the Hopewell Regional Wastewater Treatment Facility or his designee.

Discharge or *indirect discharge* shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the act and Article 4 of the State Water Control Law (Code of Virginia, § 62.1-44.2 et seq.).

Domestic users shall mean persons causing or allowing the contribution of only sewage to the POTW.

Effluent shall mean wastewater flowing out of any facility.

Environmental Protection Agency (EPA) shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the director of EPA's Regional Water Management Division, Regional Administrator, or other duly authorized official of EPA.

Existing source shall mean any source that is not a new source.

Garbage shall mean animal and vegetable wastes from the preparation, cooking and disposing of food, and from the handling, processing, storage and sale of food products and produce.

Grab sample shall mean a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and collected at a randomly selected time over a period not exceeding fifteen (15) minutes.

Holding tank waste shall mean any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Incompatible pollutant shall mean any wastewater constituent or substance which is not a compatible pollutant as defined in this section.

Industrial user shall mean any person who causes or allows a discharge of industrial wastewater into the POTW.

Industrial wastewater shall mean water-carried wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Industry shall mean any establishment which uses water in a product or generates wastewater during any period of production.

Influent shall mean wastewater, raw or partially treated, flowing into any wastewater treatment device or facility.

Instantaneous maximum allowable discharge limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Intercepting sewer shall mean a sewer which receives dry weather flow from sanitary sewers or additional predetermined quantities of combined waste, and conducts such flow to a plant for treatment or disposal.

Intelligence shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the city's

VPDES permit, or prevents the use or disposal of sludge by HRWTF in accordance with any federal or state laws, regulations, or permits, or any sludge management plans.

Law shall mean the State Water Control Law, Code of Virginia, § 62.1-44.2 et seq.

Local limit shall mean specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 31-56 of this chapter.

Mass emission rate shall mean the weight of material discharged to the POTW during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum permissible composite concentration shall mean the highest allowable constituent concentration as determined by laboratory testing from representative samples collected during a maximum six-hour period of normal operation.

Medical waste shall mean isolation wastes, infectious agents, human blood and blood by products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Monthly average shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly average limit shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Natural outlet shall mean any outlet into a watercourse, ditch, lake, or other body of surface or groundwater.

New source shall have the following meaning:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards which will be applicable to such source if such standards are thereafter promulgated, provided that:

- a. No other source is located at that site;
- b. The source totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the source are substantially independent of an existing source at that site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing source, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (1)b. and (1)c. of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction or operation of a new source as defined under this definition has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time, but not including options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies.

Noncontact cooling water shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Nuisance shall mean anything which is determined to be injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property, or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Occupancy shall mean the purpose for which a building or portion thereof is utilized or occupied.

Outfall Line shall mean a branch of the public sewer main line that networks public streets, alleys, and utility easements. Outfall lines connect to the sewer main system.

Overload shall mean the imposition of any constituent or hydraulic loading on a treatment facility in excess of its treatment capacity.

Pass-through shall mean a discharge which exits the POTW into waters of the United States or waters of the state in quantities or concentrations which, alone or in conjunction with an indirect discharge or discharges from other sources, is a cause of a violation of any requirement of the city's VPDES permit, including an increase in the magnitude or duration of a violation.

Permitted wastewater hauler vehicle shall mean a vehicle used for hauling wastewater, which has been granted a permit under the requirements of this chapter.

Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater, including pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises shall mean any parcel of real estate, including any improvements, upon which there is a single user for purposes of receiving, using and paying for sewer services.

Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the

POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable pretreatment standard or requirement.

Pretreatment requirements shall mean substantive or procedural requirements related to pretreatment imposed on an industrial user, other than a pretreatment standard.

Pretreatment standards or *standards* shall mean standards established by EPA, the department, or the director that control the discharge of pollutants, including prohibited discharge standards, categorical pretreatment standards, best management practices, and local limits.

Prohibited discharge standards or *prohibited discharges* shall mean absolute prohibitions against the discharge of certain substances that appear in section 31-56 of this chapter.

Public Sewer shall mean a common sewer directly controlled by the Public Authority or local governing body.

Publicly owned treatment works (POTW) shall mean any device and system owned by the city used in the collection, conveyance, storage, treatment, recycling, and reclamation of sewage, industrial wastewater, or other waste. POTW shall include any sewers, intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances and any extensions, improvements, remodeling, additions, or alterations thereof; any elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; any works, including land used as an integral part of the treatment process or for the ultimate disposal of residue resulting from such treatment; and any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of sewage, industrial wastewater, or other waste, including wastewater in combined sewer water and sanitary sewer systems. For the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

Receiving stream or *waters of the state* shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of Virginia or any portion thereof.

Regional administrator shall mean the administrator of Region III of the EPA.

Sanitary sewer shall mean a sewer, the specific purpose of which is to carry domestic or industrial wastewater, or a combination of both, and into which stormwater, surface water, groundwater and any unpolluted waters are not intentionally passed.

Septic tank waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage or *domestic wastewater* shall mean water-carried human wastes and gray water (household showers, dishwashing operations, etc.).

Sewer shall mean a pipe or conduit, generally closed, for carrying wastewater.

Sewer Lateral shall mean a sanitary sewer service line connecting the building plumbing system to the public sewer.

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Sewer Main shall mean a primary section of the sanitary sewer system.

Shredded garbage shall mean garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers. with no particle having a dimension greater than one-half inch in any direction.

Significant industrial user (SIU) except as provided in subsections (c)(3) and (c)(4) of this section, shall mean:

(1) Industrial users subject to categorical pretreatment standards; or

(2) Any other industrial user that:

a. Discharges an average of twenty-five thousand (25,000) gpd or more of industrial wastewater into the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

c. Is designated as significant by the director on the basis that the industrial user has a reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the POTW (in accordance with 40 CFR Section 403.8(f)(6) and 9VAC25-31-780).

The city may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater. unless specifically included in the pretreatment standard) and the following conditions are met:

a. The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

b. The industrial user annually submits the certification statement required in section 31-100 of this chapter, together with any additional information necessary to support the certification statement; and

c. The industrial user never discharges any untreated concentrated wastewater.

Upon a finding that an industrial user meeting the criteria in subsection (2) of this part has no reasonable potential for violating any pretreatment standard or requirement or otherwise adversely affecting the operation of the POTW. the director may determine that such industrial user is not a significant industrial user (in accordance with 40 CFR Section 403.8(f)(6) and 9VAC25-31-780).

Sludge shall mean any solid, residue. and precipitate separated from or created by the unit processes of the treatment plant.

Slug load or *slug discharge* shall mean any pollutant, including BOD, released in a discharge at a flow rate or concentration which could cause a violation of the general or specific discharge prohibitions in section 31-56 of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.

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Standard industrial classification (SIC) code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President. Office of Management and Budget.

Storm sewer shall mean a public sewer which carries storm and surface waters and drainage and which is not intended to receive domestic or industrial wastewater.

Stormwater shall mean any flow occurring during and following any form of natural precipitation and resulting therefrom. including snowmelt.

Suspended solids (nonfilterable residue) shall mean the dry weight of solids, expressed as milligrams per liter, that either float on the surface of, are in suspension in, or are settleable in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

Toxicity shall mean the inherent potential or capacity of a substance to cause adverse effects in a living organism. including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

Toxic pollutant shall mean any agent or material including, but not limited to, those listed under Section 307 of the Act, which after discharge will, on the basis of available information. cause toxicity.

Treatment facility shall mean an industrial user's facility for the treatment or removal of pollutants in wastewater prior to the wastewater's introduction into the POTW.

Treatment plant shall mean that portion of the POTW designed to provide treatment of sewage and industrial wastewater.

Treatment plant effluent shall mean any discharge of pollutants from the POTW into waters of the state.

Twenty-four-/Jour, flow proportionate composite sample shall mean a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the EPA or the department for disposal to storm or natural drainages or directly to surface waters.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with applicable categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Use Group shall mean the classification of a building or structure based on the purpose for which it is used as listed and defined in accordance with the Building Regulations Guide.

User shall mean any person who causes or permits the discharge of wastewater into the POTW, including persons who contribute such wastewater from mobile sources.

User charge shall mean a charge levied on the users of the POTW for the cost of operation and maintenance of the POTW.

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Waste shall mean rejected, unutilized or superfluous substances, in liquid, gaseous or solid state, resulting from domestic and nondomestic activities.

Wastewater shall mean sewage and all liquid and water-carried wastes from residential dwellings, business buildings, institutions, industrial establishments, and other sources, whether treated or untreated, discharged into or permitted to enter the POTW.

Wastewater constituents and characteristics shall mean the chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

Wastewater discharge permit shall mean the document or documents issued to an industrial user by the city in accordance with the terms of this chapter.

Wastewater hauler shall mean any person, partnership, unit of government, or corporation engaged in transporting wastewater as a commercial venture or as a public service.

Watercourse shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

Sec. 31-3. Administration and enforcement of chapter.

This chapter authorizes the issuance of permits to certain industrial users, provides for monitoring compliance and enforcement activities, establishes administrative and judicial review procedures, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein within the City of Hopewell under the management of the city manager. Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter in fulfillment of his fiduciary responsibility to the city manager. Any powers granted to or duties imposed upon the director may be delegated by the director to other personnel employed by the City of Hopewell with the approval of the city manager.

Sec. 31-4. Violations of chapter generally.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.

Sec. 31-5. Appeals from decisions, actions, etc., under chapter.

(a) Any user or permit applicant affected by any decision, action or determination made by the director, interpreting or implementing the provisions of this chapter or any permit or order issued under this chapter, may file with the city manager a written request for reconsideration within ten (10) days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. Failure to submit a timely request for reconsideration shall be deemed to be a waiver of the administrative appeal. If the city manager fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

(b) Any person aggrieved by a decision of the city manager made pursuant to this chapter shall have the right to judicial review by appeal to the circuit court of the city, such appeal to be made within thirty (30) days of the date of such decision. The decision of the director or city manager shall remain in effect during such period of reconsideration or appeal.

Sec. 31-6. Unlawful disposal of sewage and other wastes generally.

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(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.

(b) It shall be unlawful for any person to discharge to any natural outlet or storm sewer within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided, or such discharge has been permitted by the director, the department, or by a federal permit.

Sec. 31-7. Discharge of stormwater and other unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, upon approval of the director, connected to the POTW.

Sec. 31-8. Mandatory sewer connections.

Except as otherwise provided in this chapter, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that such public sewer is within two hundred (200) feet of the property line.

Sec. 31-9. Permit to uncover, connect to, etc., sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the director.

Sec. 31-10. Reserved.

Sec. 31-10.1. Sewer extensions for subdivisions.

The extension of sanitary sewer facilities to serve new subdivisions shall be the full responsibility of the subdivider. All such facilities shall meet state and local standards and specifications and be approved by the director prior to acceptance for maintenance by the city. The city may require sewer mains larger in size than necessary to serve the proposed subdivision in order that adjacent properties may be served. In such cases, the city will, by agreement, bear the expense of providing capacity in excess of the needs of the proposed subdivision. When so required, final plat approval shall be subject to incorporation of such larger mains.

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.*

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(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 percent (50%) 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 percent (50%) 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.

(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.*

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(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 percent (1.5 %) per month.

(f) *Exemption from Connection Fee.* No connection fee shall be charged for a connection where a three-quarter of an inch (3/4") 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 FEES

WASTEWATER CONNECTION FEES BY SIZE		
METER SIZE	EQUIVALENCY RATIO*	CONNECTION FEE
5/8 & 3/4 inch	1.50	\$2026.00
1 inch	2.50	\$5,065.00
1 1/2 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 6 inches and/or projected average daily flows in excess of 100,000 gallons per day, applications must be made directly to the HR WTF 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
/Hotel or motel (per room)	.5	\$1,013

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/Restaurant	1	\$6,078
/Hospital (per bed)	2	\$4,052
jNursing home (per bed)	.5	\$1,013
/Laundromat (per washer)	.2	\$405
Church	1	\$2,026
Theater	2	\$4,052
/Service station	1	\$2,026
/Service station (car wash)	2	\$4,052
/Office building(per 5,000 sf)	1	\$2,026
/Jails (per bed)	.5	\$1,013

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

Sec. 31-10.3- Temporary Reduction in Sewer Connection Fee

The sewer connection fee for residential new construction using 3/4 inch water lines listed in the immediately preceding section is hereby temporarily reduced as follows:

- a) from July 1, 2009 to December 31, 2013 the fee will be \$500.00 instead of \$2026.00.
- b) from January 1, 2014 to December 31, 2015 the fee will be \$750.00 instead of \$2026.00.
- c) from January 1, 2016 to December 31, 2017 the fee will be \$1000.00 instead of \$2026.00.
- d) Any builder who paid a sewer connection fee of \$2026.00 for a single family residential property between July 1, 2009 and December 31, 2011, may file a written request with the building code official for a refund of the amount paid in excess of the temporary \$500.00 fee described in paragraph (a) above. Any request for refund must be submitted to the building code official no later than March 31, 2012.
- e) This section shall only apply to new construction of single family residential property.
- f) On January 1, 2018 this Section 31-10.3 shall expire.

Sec. 31-11. Sewer user charge and charge for industrial cost recovery.

(a) Every person whose property is connected to and who is using the sanitary sewer facilities of the city shall pay a sewer user charge, which charge shall be either a fixed amount or shall be based on the consumption of water by such person as shown in the water bill as submitted, whether monthly or quarterly, by the water purveyor of the city; and such charge shall be paid by the person in whose name the water bill is registered and rendered by the water purveyor, at such rates as are from time to time by resolution or ordinance set by city council.

(b) The director shall review the wastewater sewer charges periodically to determine if they are adequate to cover the costs incurred by the city for wastewater collection and treatment. Such comparison

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shall be based on previous operation and maintenance costs. Should costs exceed wastewater sewer charges, the rate will be revised accordingly.

(c) In addition to the charges as set forth hereinabove, a charge will be levied upon all industrial users for industrial cost recovery in compliance with the city's industrial cost recovery system. If any user can show that a significant portion of his metered water flow does not enter the sewerage system, he may, at his expense, install a waste flow meter, of a type approved by the director, at a point of discharge to the public sewer. The director shall check the accuracy of such meter periodically, but not less than once per year. Should the meter be found in error, a correction shall be made in all flow quantities metered since the last time the meter was checked, equal to the percentage in inaccuracy. The user shall pay or be refunded the applicable charge based on the corrected readings.

(d) Wastewater flows entering a public sewer but not originating from the water purveyor, or which are not metered, will be estimated by the director and charged as if the flow were metered. Lump sum fees for discharge of holding tank wastes shall be established by the director and approved by city council, taking into account the strength and character of the waste.

(e) City council may authorize a discount, the amount to be determined each year, for advance payment of refuse charges for the ensuing fiscal year, provided such payment is made within thirty (30) days of the first quarter billing date and provided that the annual charges are on a fixed-rate basis.

(f) Any person failing to pay a sewer charge for a period of two (2) quarters shall have the water to his home or place of business, as the case may be, cut off by the water purveyor, agent of the city, until such time as the sewer charge in arrears is paid in full.

Sec. 31-12. Damaging, etc., sewers or appurtenances.

(a) No person, while engaged in the construction of a building or otherwise, shall damage, injure, trim, break or remove any portion of any main or lateral sewer, or "Y", or manhole, lamphole or flushtank, or do any injury to any house sewer previously laid, and no penalty fixed for a violation of this section shall prevent the city or any property owner from recovering any damages sustained by reason of such injury, by appropriate civil action or otherwise.

(b) When a discharge of waste causes an obstruction, damage or any other impairment to the POTW, the city may assess a charge against the user for the work required to clean or repair the POTW and add such charge to the user's charge provided for in section 31-11.

Sec. 31-13. Removal of obstructions from main sewer.

In case of stoppage in the main sewer, the city shall remove the obstruction. If the obstruction causing the stoppage is determined by the director to have been caused by a specific person, that person may be assessed the cost of the removal.

Sees. 31-14--31-30. Reserved.

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ORDINANCE NO. 2011-21

An Ordinance amending section 34-23 (Real estate tax relief for elderly and disabled persons) of Chapter 34, Article II of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Hopewell City Code § 34-23, Real estate tax relief for elderly and disabled persons, of the Hopewell City Code is amended as follows:

ARTICLE II. TAX ON REAL ESTATE, MACHINERY AND TOOLS

Sec. 34-16. Accrual; when due and payable.

All taxes and levies on real estate and on machinery and tools subject to taxation by the city shall accrue on January first of each year and shall become due and payable on the first day of June of each year.

Sec. 34-17. Installment payment.

One-half of all taxes and levies accruing each year to the city on real estate and on machinery and tools shall be paid to the city treasurer on or before June fifteenth of each tax year and the remaining one-half, unless sooner paid, shall be paid on or before December fifth next following. Any taxpayer shall have the option of paying the second half of his then-current year's taxes at any time between June first and December fifth of the then-current tax year.

Sec. 34-18. Penalty for late payment.

For the nonpayment of the first one-half of the current year's taxes on real estate and machinery and tools, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on June sixteenth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due; and for the nonpayment of the second half of such taxes, there shall be added a penalty of ten (10) percent of the tax past due, or the sum of ten dollars (\$10.00), whichever shall be greater, on December sixth of the current tax year; provided, however, that the penalty shall in no case exceed the amount of tax due.

PUBLIC HEARINGS - PROPOSED SCHOOL BOARD BUDGET RESOLUTION AMENDMENT, SCHOOL BUDGET INCREASE, \$1,912,451.00 TO BE MADE FOR THE FY 2011-2012 BUDGET

This was the night advertised for a public hearing, to receive citizen comments, regarding a proposed School Board Budget Resolution Amendment, School Budget Increase, in the amount of \$1,912,451.00 to be made for the FY 2011-2012 budget.

Dr. Daley introduced the public hearing explaining that it addressed funding for energy projects discussed two weeks ago. The program spans 14 years, beginning in 2013.

Mayor Luman-Bailey opened the public hearing at 7:42 PM.

There being no speakers, the public hearing was closed at 7:42 PM.

Motion was made by Councilor Bujakowski, and seconded by Councilor Shornak, to adopt School Board Budget Resolution Amendment in the amount of \$1,912,451.00. Upon the roll call, the vote resulted:

Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes (filed a Transactional Disclosure Statement – Wife-School Employee)
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes

**SCHOOL BUDGET RESOLUTION
 FISCAL YEAR 2011-2012**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on December 13, 2011, a budget request was introduced in its complete form from School Board; of which \$1,912,428 is a budget amendment for the FY 2011-2012 budget, and

WHEREAS, Hopewell School Board, by resolution passed on November 15, 2011, has requested additional school resources and has agreed to repay to the city a loan from the estimated energy performance contract savings, as set forth in the section below;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 That the city will make a fifteen (15) year loan to the School Board, effective December 15, 2011 and the first payment shall be due on June 30, 2013, as specified in debt schedule under section 3, below.

Sec. 2 The estimated loan proceeds shall be appropriated for the fund listed:

School Operating-014:

Estimated Resources:

From City Sources \$1,912,428

Appropriations:

Operations/Maintenance \$1,912,428

Sec. 3 The debt service schedule for this loan is presented below:

Payment Date	Interest Payment	Principle Payment	Total Payment	Balance
Repayment Amount				\$ 2,078,973.00
6/30/2013	\$ 19,906.17	\$ 100,760.83	\$ 120,667.00	\$ 1,958,306.00
6/30/2014	\$ 18,750.78	\$ 100,545.22	\$ 119,296.00	\$ 1,839,010.00
6/30/2015	\$ 17,608.52	\$ 105,418.48	\$ 123,027.00	\$ 1,715,983.00
6/30/2016	\$ 16,430.54	\$ 110,432.46	\$ 126,863.00	\$ 1,589,120.00
6/30/2017	\$ 15,215.82	\$ 115,591.18	\$ 130,807.00	\$ 1,458,313.00
6/30/2018	\$ 13,963.35	\$ 120,896.65	\$ 134,860.00	\$ 1,323,453.00
6/30/2019	\$ 12,672.06	\$ 126,355.94	\$ 139,028.00	\$ 1,184,425.00
6/30/2020	\$ 11,340.87	\$ 131,970.13	\$ 143,311.00	\$ 1,041,114.00
6/30/2021	\$ 9,968.67	\$ 137,746.33	\$ 147,715.00	\$ 893,399.00
6/30/2022	\$ 8,554.30	\$ 129,389.70	\$ 137,944.00	\$ 755,455.00
6/30/2023	\$ 7,233.48	\$ 134,934.52	\$ 142,168.00	\$ 613,287.00
6/30/2024	\$ 5,872.22	\$ 140,635.78	\$ 146,508.00	\$ 466,779.00
6/30/2025	\$ 4,469.41	\$ 146,498.59	\$ 150,968.00	\$ 315,811.00
6/30/2026	\$ 3,023.89	\$ 152,527.11	\$ 155,551.00	\$ 160,260.00
6/30/2027	\$ 1,534.49	\$ 158,725.51	\$ 160,260.00	\$ -
Total	\$ 166,544.57	\$ 1,912,428.43	\$ 2,078,973.00	\$ -

PUBLIC HEARING – PROPOSED CITY CAPITAL PROJECTS BUDGET RESOLUTION AMENDMENT, CITY BUDGET INCREASE, IN THE AMOUNT OF \$1,502,402.00 TO BE MADE FOR THE FY 2011-2012 BUDGET

This was the night advertised for a public hearing, to receive citizen comments, regarding a proposed City Capital Projects Budget Resolution Amendment, City Budget Increase, in the amount of \$1,502,402.00, to be made for the FY 2011-2012 budget.

Mayor Luman-Bailey opened the public hearing at 7:45 PM.

There being no speakers, the public hearing was closed at 7:45 PM.

Motion was made by Vice Mayor Walton, and seconded by Councilor Stokes, to adopt a City Budget Resolution Amendment in the amount of \$1,502,401.00. Upon the roll call, the vote resulted:

Councilor Shornak	-	yes (filed a Transactional Disclosure Statement-daughter is City Employee)
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes (filed a Transactional Disclosure Statement - City Employee)
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

**BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2011-2012**

WHEREAS, at the meeting of the City Council of the City of Hopewell held on December 13, 2011, an amended budget request was presented requesting \$916,402 funding for energy improvements to city owned public assets, \$571,000 matching monies for curb, gutter and street improvements, \$15,000 for Sheriff's Department safety vests; for total funding of \$1,502,402 and,

WHEREAS, sufficient funds exist in the Capital Projects Fund balance reserve account for these expenditures, and,

WHEREAS, the city will enter into an energy savings contract with Honeywell Building Solutions, to complete the energy improvements, with Honeywell Building Solutions guaranteeing energy saving costs equal to the amount of \$1,655,873, or Honeywell Building Solutions will pay the city any unrealized energy savings per the terms of the contract;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be appropriated to pay for the energy and capital improvements.

Capital Projects Fund-071:

Resources:

Use of Surplus..... \$1,502,402

Appropriations:

Energy Improvements Capital Projects \$916,402

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Curb, Gutter, Streets Projects	571,000
Sheriff Department Capital	<u>15,000</u>
Total Appropriations	\$1,502,402

Sec. 2 The city manager is authorized to sign the energy savings contract between the City of Hopewell and Honeywell Building Solutions, after the city attorney reviews and approves the contract form and terms.

COMMUNICATIONS FROM CITIZENS

Eleanor Thompkins, city resident, Ward #1, addressed Council regarding vultures, cats on the waterfront, and trash ordinance.

There being no other speakers, Communications from Citizens were closed at 7:47 PM.

UNFINISHED BUSINESS – PUBLIC SAFETY BUILDING

Motion was made by Councilor Bujakowski, and seconded by Vice Mayor Walton, to reject the entire PPEA proposal. Upon the roll call, the voting resulted:

Councilor Shornak	-	yes
Mayor Luman-Bailey	-	NO (filed a Transactional Disclosure Statement – board member)
Councilor Bujakowski	-	yes
Councilor Stokes	-	NO
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

The motion passed 4 yes vs. 2 no.

UNFINISHED BUSINESS – DOWNTOWN PARTNERSHIP AGREEMENT WITH THE CITY OF HOPEWELL

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to authorize the City Manager to execute the Downtown Partnership Agreement (filed in the City Clerk’s Office) with the City of Hopewell. Upon the roll call, the vote resulted:

Councilor Shornak	-	NO
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

CITIZEN/COUNCILOR REQUEST – YOLANDA STOKES, WARD #2 ISSUES

Yolanda Stokes, City resident, Ward #2, referred to Councilor Harris’ tenure on City Council and his actions to improve quality of life for all citizens. She asked Council to continue to meet with boards and commissions during work sessions. She asked for Council monitoring of equality opportunities. Some boards and commissions are receiving federally funded grants. There was discussion about termination of an employee by a City board. An Equal Employment Opportunity complaint may be coming before Council. City Council should look at actions of board and commission members. Review actions of the School Board.

Regarding the HRHA, it should prevent homelessness. Council may need to consider a liaison commission or committee.

CITIZEN/COUNCILOR REQUEST – SIM WIMBUSH, TRI-CITIES REGION COMMUNITY COORDINATOR/CASE MANAGER, VOLUNTEER FAMILIES

Ms. Sim Wimbush, Tri-Cities Region Community Coordinator/Case Manager, for Volunteer Families addressed Council. She distributed handouts (filed in the City Clerk's office). They provide resident and non-resident services, primarily housing for at risk children, runaway teens and homeless youth. It is strictly on a volunteer basis; there is no pay. Volunteer Families is a licensed Child Placing Agency. They are available at all times. The purpose of the presentation was to make Council members aware of their services. They are in need of volunteers to provide host homes. She encouraged everyone to consider volunteering.

CITIZEN/COUNCILOR REQUEST – COUNCILOR STOKES – PROPOSAL TO CHANGE THE INDUSTRIAL DEVELOPMENT AUTHORITY TO THE ECONOMIC DEVELOPMENT AUTHORITY

Councilor Stokes introduced the proposal to change the name of the Industrial Development Authority to the Economic Development Authority. The name change is allowed by State Code. As an Economic Development body, it could reach out to more, not just big industry. The EDA would work with the Economic Development Director, who is to be hired soon.

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to approve Ordinance No. 2011-22, to change the name of the Industrial Development Authority to the Economic Development Authority, as provided by State Code, on first reading.

DISCUSSION Economic Development does not limit to industry. It also allows them to issue bonds. This is strictly a name change and there will be no change to the by-laws. The Code calls for seven members, but there are presently only five. The IDA has not been very active. It may be prudent to have communication with the current membership on that authority. Should let them know what Council is thinking. The Code provides for some pay to the authority. It is a good idea to talk to the current members.

Upon the roll call, the vote resulted:

Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes

ORDINANCE NO. 2011-22

An Ordinance to change the name of the City's Industrial Development Authority to the Economic Development Authority of the City of Hopewell, Virginia.

WHEREAS, the Council of the City of Hopewell, Virginia desires to change the name of its Industrial Development Authority to the "Economic Development Authority of the City of Hopewell, Virginia."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL pursuant to the authority vested in it by Va. Code § 15.2-4903 that the City's Industrial Development Authority be renamed the "Economic Development Authority of the City of Hopewell, Virginia."

REGULAR BUSINESS – CRATER HEALTH DISTRICT FY 2012/2013 LOCAL GOVERNMENT AGREEMENT

The Crater Health District of the Petersburg Health Department has requested the City Manager, Dr. Edwin C. Daley, to execute three copies of the Fiscal Year 2012 Local Government Agreement (LGA) between

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the City of Hopewell and the Commonwealth of Virginia's Department of Health. They also provided a list of public health services assured through Hopewell's local health department. The LGA specifically identifies the amount that Hopewell has agreed to provide in support of public health, as well as the commitment of the Commonwealth.

Motion was made by Councilor Pelham, and seconded by Vice Mayor Walton, to authorize the City Manager, Dr. Daley, to execute the agreement. Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

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**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Council Members of City of Hopewell

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$299,386.00, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the Hopewell City Council Members will provide by appropriation and in equal quarterly payments a sum of \$182,283.00 local matching funds and \$0.00 one-hundred percent local funds for a total of \$182,283.00 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the Hopewell City Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2011. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

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- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the Council of Hopewell hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
- 2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 - 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Karen Remley, MD, MBA, FAAP
State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Dr. Edwin C. Daley
Authorizing officer printed name

City Manager
Authorizing officer title

Date

Date

Approved as to form by the Office of the Attorney General on August 29, 2011.

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

REGULAR BUSINESS – AMENDMENT TO MARINA CONTRACT – JO TUREK, DIRECTOR OF RECRETION AND PARKS

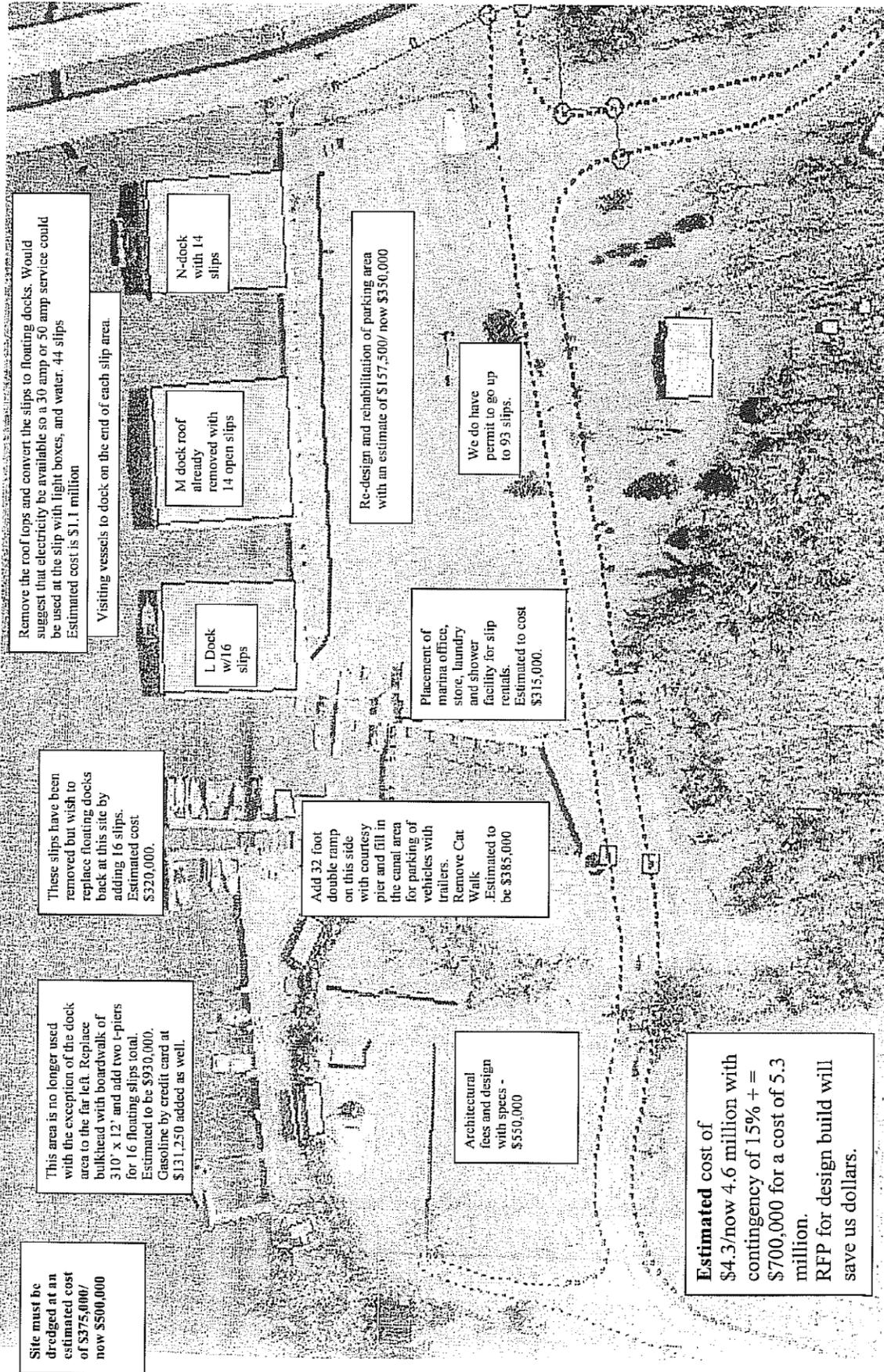
The current Marina Contract allows for the removal of 2700 cubic yards of sediment from the marina at a cost of \$147,013, which was based on the original permit studies conducted by Draper Aden for the site. A modification to the permit was made, due to regulatory requirements, with an added cost of \$13,650 for a total of \$160,663 from the original dredging contract. Another lay down area was necessary for the geo-bags, which is in the marina parking lot. In that modification, the number of yardage was increased to 7000 as the original permit studies were found not to include a small portion of the western side. The entire canal will be included. Many named storms have occurred since original permitting, and it was anticipated that more cubic yardage needed removal.

As a requirement by the Joint VRMC/Corps of Engineers dredging permit, a pre-dredge survey had to be completed showing current river depths which found that the current cubic yardage would total 8286 for the three zone areas. Currently, the contract with Harbor Dock & Dredge does not cover the higher amount. In the City's best interest, based upon the higher volume, an amendment to the contract is necessary to continue the dredging process. That will also provide greater flexibility for Timmons Group to complete the mast plan design.

The list for quantities shows the following as provided by Harbor Dock & Dredge through Waterways. The drawing below shows zone areas:

Zone	Cubic Yards	Type of Dredging	Estimated Cost
A	3662	Hydraulic	\$165,486
B	3208	Mechanical	\$121,904
C	1416	Mechanical	\$53,808
Mobilization for Zones B & C			\$7,500
Contingency (15%)			\$52,304
Total Requested Appropriation			\$401,002

Marina concept 10/2007
Updated 2/21/08 per
discussion with Draper
and Aden.



Site must be dredged at an estimated cost of \$375,000/ now \$500,000

This area is no longer used with the exception of the dock area to the far left. Replace bulkhead with boardwalk of 310' x 12' and add two t-piers for 16 floating slips total. Estimated to be \$930,000. Gasoline by credit card at \$131,250 added as well.

These slips have been removed but wish to replace floating docks back at this site by adding 16 slips. Estimated cost \$320,000.

Remove the roof tops and convert the slips to floating docks. Would suggest that electricity be available so a 30 amp or 50 amp service could be used at the slip with light boxes, and water. 44 slips Estimated cost is \$1.1 million

Visiting vessels to dock on the end of each slip area.

L Dock w/16 slips

M dock roof already removed with 14 open slips

N-dock with 14 slips

Add 32 foot double ramp on this side with courtesy pier and fill in the canal area for parking of vehicles with trailers. Remove Cat Walk. Estimated to be \$385,000

Re-design and rehabilitation of parking area with an estimate of \$17,500/ now \$350,000

Placement of marina office, stove, laundry and shower facility for slip rentals. Estimated to cost \$315,000.

Architectural fees and design with specs - \$550,000

We do have permit to go up to 93 slips.

Estimated cost of \$4.3/nov 4.6 million with contingency of 15% + = \$700,000 for a cost of 5.3 million. RFP for design build will save us dollars.

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Motion was made by Councilor Bujakowski, and seconded by Councilor Stokes, to approve the Amendment to the Marina Contract.

DISCUSSION There was question about how the City made such a mistake in estimating cubic yards. The City followed procedures, yet the 27 cu. yds. was increased to 90 cu. yds. That is a huge difference. Council was led to believe that it was accurate; but it is going up from \$190,000.00 to \$240,000.00. If the project is not completed by February, there could be additional problems. The City Manager reported that \$500,000.00 was allocated. The City will take about \$90,000.00 from that. It can come from either the Bond Fund or the Harbor Fund (Harbor Fund: \$216,000.00). The project is scheduled for completion prior to February 15, 2012.

Upon the roll call, the vote resulted:

Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

REGULAR BUSINESS – BEN RUPPERT, OFFICE OF EMERGENCY MANAGEMENT – HONEYWELL ENERGY PERFORMANCE-BASED CONTRACT

On August 17, 2011 the City of Hopewell selected Honeywell through the Commonwealth's competitive procurement process for an Energy Savings Performance Contract. Any Virginia state agency or public body may utilize that process to enter into an energy performance-based contract to significantly reduce energy costs of a facility through one or more energy conservation or operational efficiency measures. The energy and operational savings associated with the project are guaranteed on an annual basis by Honeywell.

The City will be leveraging the Congressional directed grant and State energy grants as part of the funding for this project. Honeywell in conjunction with City staff have developed a comprehensive project that includes replacing the majority of heating and air conditioning equipment, temperature controls, lighting, and water conserving fixtures throughout the City. The buildings include: City Hall; Fire Station #2; Courthouse; Fire Station #1; Community Center; Public Works; and the Library.

The City had Honeywell evaluate the project as two options. The first option includes replacement of heating and air conditioning equipment, upgrades to energy efficient lighting and controls and the installation of water efficiency measures. The installation cost for option one is \$942,673.

The second option includes all of the measures in option one as well as the installation of new heating and air conditioning controls and a central energy management system. The energy management system will allow the City to more accurately control building temperatures, while ensuring that equipment only operates during normal occupied times. It was determined during the detailed engineering study that the current control systems were no longer supported by the manufacturer and in need of replacement. In most instances equipment operates 24 hours a day based on the need for heating and/or cooling. During the time of this study the boiler control in the Courts building failed and Honeywell assisted the Public Works Department in overriding the system until the direction of this project is determined. The project cost for option two is \$1,476,402.00

A project cash flow has been included for option two and indicates a first year guaranteed savings of \$101,343.00 with a total guaranteed savings of \$1,665,141.00 over a 14-year term.

Motion was made by Councilor Stokes, seconded by Councilor Pelham, and unanimously passed to authorize the City Manager to enter into the Honeywell Energy Performance-Based Contract (filed in the City Clerk's Office.)

REGULAR BUSINESS – PROPOSAL TO AMEND HEALTH INSURANCE FOR CITY EMPLOYEES HIRED AFTER JULY 1, 2011

In FY 2011-2012 the City changed health insurance premiums for employees hired after July 1, 2011. The City now pays “employee-only” coverage for new employees. That creates a problem for new employees who would be faced with monthly premiums that are unaffordable.

The City Manager recommended that Council amend the health insurance guidelines by adding the following:

“For Plan 49, the employee cost for dependent, spousal and family coverage shall be capped at thirty percent (30%) of the total category premium per month for the period July 1, 2011 – June 30, 2012.”

Health Insurance Summary - Plan 49

Plan	Employees hired pre July 1, 2011			Employees hired post July 1, 2011			
	Pr Month	Employee	City	New Emp	City	Proposed New Empl	City
Emp.Child(s)	\$ 883	\$146	\$ 737	\$ 384	\$499	\$265	\$ 618
Emp, Spouse	\$1,205	\$241	\$ 963	\$ 706	\$499	\$362	\$ 844
Emp Family	\$1,537	\$361	\$1,176	\$1,038	\$499	\$461	\$1,076

Motion was made by Councilor Stokes, and seconded by Councilor Pelham, to amend the health insurance guidelines by adding the following: “For Plan 49, the employee cost for dependent, spousal and family coverage shall be capped at thirty percent (30%) of the total category premium per month for the period July 1, 2011 – June 30, 2012.”

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously approved **to amend the motion** to make the rates for those employees hired after July 1, 2011 the same as those hired prior to July 1, 2011, for the remainder of the FY 2011-2012.

Motion was made by Vice Mayor Walton, seconded by Councilor Shornak, and unanimously approved **to change** the rates for those employees hired after July 1, 2011 the same as those hired prior to July 1, 2011, for the remainder of the FY 2011-2012.

REGULAR BUSINESS – SUMMARY LISTING OF THE 2012 GENERAL ASSEMBLY STATE LEGISLATIVE PRIORITIES

Herbert Bragg, Director of Intergovernmental & Public Affairs, presented the City’s 2012 General Assembly Legislative Agenda. Members of the Committee include Mayor Luman-Bailey, Vice Mayor Walton, Councilor Shornak and Dr. Edwin C. Daley, City Manager. At the Committee’s meeting on December 9, 2011, it thanked Delegate Rosalyn Dance and Delegate Riley Ingram for sponsoring and Co-sponsoring the City’s Grass and Weed legislation. In addition, the City supports the 2012 Virginia First Cities Legislative Agenda (filed in the Office of the City Clerk).

This year’s agenda is bold and innovative despite the economic downturn s. From the state’s side, the City’s Agenda consists of 19 items ranging from a request to Governor McDonnell in the amount of \$5M on behalf of the City’s Regional Wastewater Treatment Facility, the elimination of mandatory aid to the state, support for K-12 education, support for the Water Quality Improvement Fund, support for the business development of Route #36 Corridor as a vital revenue source, support regulations that reduce nutrient reductions goals for jurisdictions, support for HB 599 funding as it relates to public safety, we oppose unfunded mandates,

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support for regionalism, the downtown historic district and on-going community development, support a Bill that would include the City of Hopewell in the State Code as it pertains to grass, weeds and other foreign growth.

On the Federal side the committee supports three items: Dredging of the City Marina, the National Bluff Stabilization Project which connects the Boardwalk with the regional trail system to enhance and improve the quality of life, and opposition to any federal local collective bargaining.

REPORT OF CITY ATTORNEY – AMENDED CITY COUNCIL RULES & PROCEDURES TO BE ADOPTED

Motion was made by Councilor Stokes, seconded by Vice Mayor Walton, and unanimously passed to amend City Council’s Rules & Procedures, Item #405. Addressing Council, to delete, *“and address”* and to add, *“and indicate if they are a resident of Hopewell, and which voting ward they live in,”*

405. Addressing Council (See Minute Book 26, Page 211, dated March 27, 2001.) – Each person addressing the Council shall step to the microphone, give name ~~and address~~ and indicate if they are a resident of Hopewell, and which voting ward they live in, and limit comments to five (5) minutes or less. No person shall be permitted to address Council a second time unless granted permission by the presiding officer and no one shall speak more than twice on any subject in any one meeting. All remarks shall be addressed to Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without permission of the Mayor. No question shall be asked a Council member (including Administration) except through the presiding officer.

REPORT OF THE CITY CLERK – APPOINTMENTS TO BOARDS & COMMISSIONS

Motion was made by Councilor Stokes, seconded by Councilor Pelham, and unanimously approved to: appoint Mary Calos, to the Board of Architectural Review, to fill an unexpired term, extending through October 31, 2014; appoint Jack Kitchen to the Downtown Design Review Committee; accept the resignation of Humberto Caldelas, Plant Manager-Honeywell, from the HRWTF Commission, and appoint Kevin Keller, Plant Manager-Honeywell, to the HRWTF for a term extending through October 31, 2013; appoint Joseph Mavin, to the Social Services Advisory Board for a term extending through October 31, 2014; and to reappoint George Elder and Mayor Luman-Bailey to Virginia’s Gateway Region for terms extending through October 31, 2012.

Appointments/reappointments to be made on January 10, 2012: Board of Architectural Review, one vacancy, term to October 31, 2012; Central Virginia Waste Management Authority, one member vacancy, **OR** one alternate vacancy, term to October 31, 2013; Keep Hopewell Beautiful – 2 vacancies – Ward #3 term to 10/31/13 & Ward #5 term to 10/31/12; Economic Development Authority, 1 vacancy, term to 10/31/15; and NWAC – Ward #1 term to 10/31/13.

REPORTS OF CITY COUNCIL COMMITTEES

Councilor Pelham attended a meeting of the Central Virginia Film Office Board, who was disappointed that they were unsuccessful in filming the Steven Spielberg film, “Lincoln” in Petersburg. The board continues to seek movie makers to use Petersburg.

Mayor Luman-Bailey attended a meeting of the Crater Planning District Commission on December 8, 2011. They discussed the upcoming session of the General Assembly. She also announced the VML Legislative Day on the second Thursday in February 2012. The CPDC will not be meeting on that date due to the conflict. They will, however, be meeting at the VML Day.

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REPORTS OF CITY COUNCIL MEMBERS

Councilor Bujakowski wished everyone a Merry Christmas and Happy Holidays.

Councilor Pelham wished everyone a Merry Christmas and urged safety. Schools have a half day on Friday, December 16 and will reopen on Tuesday, January 3, 2012.

Vice Mayor Walton urged safety. He recently experienced a fire at his property. The firemen did a great job and he appreciates their efforts and those of his neighbors until he was notified. He wished everyone a Merry Christmas. He announced that Carter G. Woodson Middle School distributed gifts to underprivileged students.

Mayor Luman-Bailey hoped that citizens had been able to participate in the City's recent activities thus far: the Christmas Boat Parade, lighting of the tree in the plaza, and the Senior Citizens Advisory Council's Annual Christmas Dinner/Dance.

ADJOURN

At 9:17 PM **motion** to adjourn the meeting was made by Vice Mayor Walton, seconded by Councilor Pelham, and unanimously passed.

Christina J. Luman-Bailey
Mayor

Ann M. Romano, City Clerk