

MINUTES OF THE September 26, 2023 CITY COUNCIL REGULAR MEETING

A REGULAR meeting of the Hopewell City Council was held on Tuesday
September 26, 2023 at 6:00 p.m.

PRESENT: John B. Partin, Mayor (Virtual)
Jasmine Gore, Vice Mayor (Absent)
Rita Joyner, Councilor
Michael Harris, Councilor (Virtual)
Janice Denton, Councilor
Brenda Pelham, Councilor
Dominic Holloway, Councilor

Councilor Joyner makes a motion to allow Mayor Partin and Councilor Harris to participate in meeting by zoom, Councilor Holloway seconds the motion.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Abstain
	Mayor Partin -	Abstain

Motion Passes 4-0

CLOSED MEETING:

Councilor Holloway makes a motion to go into closed session pursuant to Va. Code Section § 2.2-371 1 (A)(I) to discuss and consider personnel matters, including board and commission appointments; the assignment and performance of specific appointee and employees of City Council, and to the

extent such discussion will be aided thereby, motion is seconded by Councilor Joyner

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

Reconvene Open Session

Councilor Holloway makes a motion to come out of closed session motion is seconded by Councilor Joyner.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

CERTIFICATION:

Immediately thereafter, council responded to the question pursuant to Virginia § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

Councilor Denton moves to make a motion to amend the agenda to postpone the work session until the October 10 meeting, motion is seconded by Councilor Holloway.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Passes 6-0

REGULAR MEETING

Councilor Pelham calls the Regular Meeting to order.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Prayer by Reverend Danny Tucker, followed by the Pledge of the Allegiance led by Councilor Denton.

Councilor Denton makes a motion to amend the agenda to move public hearings 2, 3, and 4 to regular business R 3, 4, and 5. Motion fails for lack of a second.

Mayor Partin moves to approve the agenda as presented, Councilor Holloway seconds the motion. Councilor Denton calls for a point of order stating the reason she wants to move the public hearings was because it doesn't seem to follow the charter, she asked city attorney to confirm if it should be a public hearing or a regular business. City Attorney quotes section 4 chapter 8 in its entirety. She interprets it that ordinances are passed by vote of city council and no mention of public hearings. Councilor Pelham confirms there was a consensus for a public hearing at the last meeting. Councilor Denton states she does not believe at the last meeting that there was a vote to move these items to the public hearing, city attorney states it was a consensus not a vote.

Councilor Holloway states he is unclear on what the motion is, he confirms what the motion on the floor is and calls for the vote. Councilor Harris then calls for point of information and states he did not hear clearly what her motion was and confirmed that there was not a second, he asked if he could back track because he isn't hearing everything well, he was told he could only vote on the current motion to vote against the current motion because the formal motion has died.

Motion on the floor: Mayor Partin moves to approve the agenda as presented, Councilor Holloway seconds the motion.

Roll Call:	Councilor Denton -	No
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	No
	Mayor Partin -	Yes

Motion Pass – 4-2

Councilor Joyner makes a motion to adopt the Consent Agenda as presented and second by Councilor Holloway.

Councilor Denton state she is against this because the minute are a part of this consent agenda and because there was no vote for the public items she disagrees with the consent agenda being approved. Councilor Pelham stated once something is sent to the public to allow the public to speak she does not want to not allow the public to not speak, so that is why she disagrees to take away the public items. Councilor Holloway calls for the vote. Councilor Denton speaks again to say she doesn't want to stop anyone from speaking but it is proper procedure to follow the charter, and she feels a precedent is being set and it is not a good one.

Councilor Holloway ask for point of information to clarify for the public if a consensus takes the place of a vote, City attorney states a vote and a consensus are two different things. Councilor Holloway asks does a consensus instead of a vote have them out of order. City attorney states with ordinances the charter is specific in how they are adopted, but with adoption of ordinance the charter speaks to how it is adopted. Councilor Holloway states so they would be out of order because a consensus is not how you can handle an ordinance, city attorney states yes if the ordinances were to be adopted tonight. Councilor Holloway states so they are out of order, City attorney states to just follow the charter. Councilor Joyner states

many ordinances have public hearings and then adopt after two public hearings. She believes this is still following procedure and not violating anything. Vote is called for.

Motion restated: Motion is to adopt the consent agenda as presented.

Roll Call:	Councilor Denton -	No
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	No
	Mayor Partin -	Yes

Motion Pass – 4-2

INFORMATION/ PRESENTATIONS

1. Queen Ann Pump Station project by Mr. Dickie Thompson. He begins by describing what the queen ann pump is and where it is located. He gives a brief history on it and states how they work. He stated there has been increased development and the current set up reduces the pump capacity that was originally installed. In the past there have been overflows that leads to the Appomattox river. He is looking to improve resiliency and construct a separate force main for the prison and the jail flow. He states this also helps protect the environment. He provided a memo that highlights that davenport suggested to use the sewer improvement fund and the sewer rate stabilization fund. The estimated cost of the project is 2.7 million dollars. He is requesting to appropriate 3 million to have contingency money from the two funds mentioned. Councilor Denton asked Mr. Sanderson does he feel comfortable with this and what his opinion is. Mr. Sanderson speaks to say he does feel comfortable with this request. He

gives a little information on the sewer improvement funds and the rate stabilization fund. Neither are pledged to bond holders so ultimately they can use for any purpose they like after following specific procedures that he provided.

COMMUNICATIONS FROM CITIZENS

Mr. Daniel Ekwevi who resides in Hopewell in ward 6. He begins by stating he has an issue that has come to his attention concerning the Walmart in Colonial Heights. He stated there is a bill of over \$6000 dollars that they are offering routine mileage maintenance checks without checking all fluid levels especially the coolant levels. This is a cooperate policy and he finds it extremely dangerous for children and adults. He believes Walmart needs to be approached and have them include this in their routine checks. He stated his research shows other auto shops offer this. He explains what basic auto maintenance covers. He stated they are stating they offer basic auto maintenance but not checking all fluid levels. He believes this is deceptive, harmful, and dangerous. He will be bringing this up to the colonial heights town hall as well. He is concerned if you let this go, several other auto shops will eventually also stop checking all fluid levels. Councilor Pelham directs Mr. Ekwevi to give his information to the city clerk so he may be contacted.

No other person signed up for communications from citizens.

PUBLIC HEARING

PH1- Collective Bargaining with Vance Stallings – He begins his presentation by stating he wants to open a window of communication and ultimately lead to bettering the lives of the citizens of Hopewell. He starts to go through his PowerPoint presentation that he provided. He begins with page 5 explaining why choose collective bargaining and he goes into a brief detail of the history of collective bargaining. He is asking for approval of an ordinance that lays the ground work for how collective bargaining would be undertaking. He provides

an ordinance that allows the collective bargaining process to open between public servants and between the city. He stated he have seen this be adopted in other jurisdictions and he sees it is effective. He states how it would work, the city would appoint a labor relations administrator who would create an election process to give the advantage of other jurisdictions who have adopted this. He opens the floor for any questions.

Councilor Holloway asks in the end he states that are not too many downsides, so he asks what are the downsides. The response is he gave a poor choice of words; he believes it is a win-win situation. He states as council they are not setting themselves up in a position of giving away any authority or lose the ability to effect good in the community.

Councilor Harris asks why would you introduce in a public hearing about collective bargaining by not starting out with what is most important about the collective bargaining and the fact that how it would work under the proposed ordinance. The response given was he did a presentation before and with other it was encouraged that he be mindful of time but that he may have picked the wrong things to prioritize. He goes into what the number of officers in the city are currently and goes over what the advantages are. Councilor Harris states in regard to the ordinance he wants to be understood by citizens and council that the city sets the boundaries and the city does not give up their inherent management rights by entering collective bargaining.

Councilor Joyner asks how many localities have adopted collective bargaining thus far, the answer is given by name each locality that has signed up so far. She asks are there any smaller communities that they are working with, the answer was the bigger ones so far has done it, but he is unaware of the demographic comparison but if it just the city the closest would be Portsmouth.

Councilor Pelham states it seems the major thing they provide is they provide legal counsel when there is a grievance procedure for policeman. The answer is the representation more than a decade has been majority grievances, but their role in this process is to help writing ordinances and letting them know they were asking for the consideration as well. She asks if it came down to a disagreement bargaining between salaries the city would have the last word, the response is that it is absolutely protected in the ordinance.

Councilor Pelham opens the floor for the public to speak.

Constance Moreau speaks in regards to the collective bargaining as an officer in the city of Hopewell. She thanks council for the opportunity. She explains who she is and her role in the city. She stated many people are here tonight who are very invested in the outcome of this vote. She wanted to give insight into the police department stating communication between council and various departments could be better. She gives a brief history of her experience with police work and her experience with collective bargaining in other states. She goes over the good that collective bargaining can mean for the city. She believes it can help the city get out of the slump it is in. She stated there are 15 confirmed police officers that are confirmed to be gone and she knows more are headed out the door. She mentioned that the senior officers present tonight are looking at other agencies and do not feel appreciated for the hard work they do. She states her dedication does not pay her bills. She wants to continue working here and continue to like being here. She states there are things that are needed to have a successful work/life balance. She believes things needed can be fixed with collective bargaining.

Councilor Pelham closes the public hearing and lets the audience know there will not be a vote on this item tonight, but it will be voted on at the next regular meeting.

Councilor Holloway thanks Officer Moreau and speaks for all council to say they are open to hear comments and he is unsure of any direct request for communication but let them know they have a right to address council with any concerns they may have. He thanks the officers for their hard work and dedication in the city. He also thanks fire, ems, and all other departments.

Mayor Partin makes a motion to extend the meeting until CR2 is complete, Councilor Joyner seconds the motion.

Roll Call:

Councilor Denton -	Yes
Councilor Pelham -	Yes
Councilor Holloway -	Yes

Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes

Motion Pass – 6-0

PH-2 – Amendments to the transient occupancy Tax ordinance – Danielle Smith discusses the proposed ordinances amendment to discuss the additions to definitions inside the ordinance regard to person, retail sell, room change, and accommodations provider in section 34-146 of city ordinance. Another addition are the added job responsibilities for the commission of revenue Ms. Reason who is now required to report all information to Virginia dept. of Tax and must maintain a list of hotel owners here in the city of Hopewell and have a copy of all rules and regulations that will be available in her office. She provides contact info for Ms. Reason. Mrs. Smith opens the floor for questions.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

PH3 – Sewer use connection fee ordinance proposed amendments – Mrs. Smith goes over the sewer fee change to state where there are property owners who divides a lot into two or more lots and there is an available sewer line and there is an available sewer line where the secondary line does not have a preexisting sewer line the connection fee would remain the same of \$2026.00, the change would be where there is a preexisting sewer line in the same example, the fee would change to \$200. Mrs. Smith opens the floor for questions.

Mayor Partin asks when they change the dollar amount to 200 is that section F and subsection C, Mrs. Smith confirms that is correct.

Councilor Holloway asks what was the initial fee, Mrs. Smith stated the \$2026 fee was always that rather there was an existing sewer line or not.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

PH4 – Amended FOIA policy language and fees – Mrs. Smith asks for consideration to adopt a FOIA policy required by general assembly. Specifically, the general assembly has required that every city, county, or town to adopt the FOIA policy and post it to the city website to allow citizens to be aware of the fees associated with their requests. She explains what the current policy is. She gives council options on how they can set the policy, to either continue current policy, set hour rate, or set flat rate per page. City council action is requested; she is also asking for a deadline for payment with regard to making request for the FOIA documentation. She offers a suggestion to say if it is not picked up within a 60 day pay period, the office may shred and get rid of the documents.

Councilor Holloway asks what was the average hourly rate excluding directors, Mrs. Smith states it would be about \$95 an hour. He asks excluding the directors, Mrs. Smith stated she would need to get back with city council. He stated those in the same high pay category to be excluded and then give an average, Mrs. Smith asks do you want her to exclude the top 5 highest salaries, Councilor Pelham stated they first need to decide if they are going to use the salary as the option for FOIA fees. Councilor Holloway asks Mrs. Smith what was her recommendation, she stated to pull the hourly wage of the person pulling the documentation. She stated the requests pulls time from the employer pulling the documentation, so that makes the most sense, she says her recommendation would be to keep the current policy.

Councilor Joyner states it makes sense to keep the current policy in place and add to it a time line requirement.

Councilor Pelham asks does the policy say anything on how much has to be put down. Mrs. Smith stated \$200 or more the deposit has to be \$200 dollars, even if it leaves an outstanding balance with the city, however, if there is a second invoice by the same person, the outstanding balance must be paid in full before the office begins working on the second invoice.

Councilor Pelham closes the public hearing. Item is moved to the next agenda meeting on October 10 as a regular business item.

REGULAR BUSINESS

R1- Appropriate funds for SCBA Grant – Chief Ruppert – Opens up his presentation going over his budget discussions from last year and the need to replace breathing apparatus. He stated there were bottles that would be going out of service that would need to be replaced at a minimum, but they would also request a federal grant. They applied for the grant and beginning the month they got notification from FEMA they were rewarded the grant in the amount of \$294,645.90 and including their match it would be a total of \$324,110.50. His request tonight is to purchase the equipment and then receive the reimbursement. He will submit all documents to receive the reimbursement so the money can be returned back to the city.

Mayor Partin makes a motion to resolve to approve the appropriation of \$324,110.50 to include the cities \$29,464.60 matching portion to the fire department budget to procure new SCBA, Councilor Joyner seconds the motion. City Manager makes a friendly amendment to get the money from the unassigned fund balance, Mayor Partin agrees to the friendly amendment.

Councilor Holloway asks was the additional money already approved earlier in the year, he wanted to ensure they had everything they needed. Chief Ruppert stated after tonight they will have everything they need.

Roll Call:	Councilor Denton -	Yes
	Councilor Pelham -	Yes
	Councilor Holloway -	Yes
	Councilor Joyner -	Yes
	Councilor Harris -	Yes
	Mayor Partin -	Yes

Motion Pass – 6-0

R2 – Gravity Thickener replacement – Mr. Thompson begins his presentation stating he is here tonight requesting action on appropriating \$1,000,000.00 dollars from Hopewell water renewal fund 32 to procure a project to replace and repair gravity thickener equipment. He begins explaining that they are a complex major municipal waste water treatment facility, 85 percent industrial waste and 15 percent domestic waste water. He states they have two gravity water thickener, the gravity thickener is part of the sludge handling process, the sludge must be conditioned properly before disposed of, and only having one instead of two they run into the risk of catastrophic failure with the sludge handling process, if it is not process at the plant it goes out of the plant and into the river. He states this project was quoted 5 years ago and has not moved forward. He stated the commission on sept 7 approved the project, and he is asking to take the million-dollar request from fund 32 and appropriate it into a line item to cover the cost of the project. He goes over the included equipment. He stated Evoqua quoted them \$129,000.000, he then goes over what they will be responsible for and what this project will do to help them.

Councilor Holloway makes a motion to appropriate a total of \$1,000,000.00 from Hopewell Water Renewal Fund 32 excess revenue (cash account) to fund the project and approve the budget resolution, Mayor Partin seconds the motion.

Roll Call:

Councilor Denton -	Yes
Councilor Pelham -	Yes
Councilor Holloway -	Yes
Councilor Joyner -	Yes
Councilor Harris -	Yes
Mayor Partin -	Yes

Motion Pass – 6-0

Councilor Request – Discussion of Financial Services – Councilor Joyner states she is asking that council consider submitting an RFP for financial services, she stated the last couple months there have been concerns on how responsive they have been over the last several years, she thinks getting an RFP out for comparison is in the best interest of the city.

Councilor Joyner makes a motion that we submit an RFP for financial services, Councilor Pelham seconds the motion.

Councilor Denton states she does not want to take action on this tonight as there was nothing the packet to explain what this is about. She confirms that Councilor Joyner is referring to the Davenport Company and Councilor Joyner states that is correct, they have not been responsive, and in terms of the situation red flags should have been raised a lot sooner. Councilor Denton states Davenport has been very responsive in her opinion, has been very helpful and guiding the city great and she has no complaints. She stated there was no bad advice given, they just were not doing the audits. She states Davenport would come any time they are asked to come. She states they have gotten good advice and she would like to keep it as it is and she is against sending out an RFP.

Councilor Holloway agrees with Councilor Denton stated when he came a question was asked by Councilor Pelham why was it so long, he stated his response was appropriate. So he agrees that there were no complaints concerning their business from the finance department or any other appropriate department.

Mayor Partin states we are only talking about putting out an RFP for competition to see if there is anything out there, he is saying they are not doing away with Davenport but he sees nothing wrong with seeing what is out there.

Councilor Harris states he has no problem with Davenport.

Councilor Pelham states she does not have a problem with Davenport either, but would like to take a proactive approach, she states they read our audits just like they do, and she thinks there could have been times where he speaks to staff, but there is a Mayor on council and the company should speak to the mayor and/or the financial company. She believes if there is an RFP put out, it needs to state that the company speak to the Mayor as well as the finance team. Being proactive by talking to finance committee and the city manager and the mayor. She asks how much are they paid a year, that answer was not available.

Councilor Holloway calls for the vote.

Councilor Denton begins speaking, Councilor Holloway calls for point of information because he called for the vote, Councilor Pelham states Councilor Denton's light was on prior to the call for vote.

Councilor Denton states she saw correspondence between council and davenport, and their policy is not to speak to any one councilor or to majority but to represent all of them, and she states she agrees with that and if he represents the city that they should represent all of them and not one councilor or mayor. She states we are a city and a team and it is run by majority only. Not having anything in her packet about this, she thinks it is poor business to vote tonight.

Councilor Joyner states she will rescind her motion. Councilor Pelham asks what else does she need to get an RFP. Councilor Denton says when she comes to a meeting she wants all information and documents to review. Councilor Joyner states again she will rescind her motion until the following meeting to have all necessary documents. Councilor Pelham states she does not rescind her second, city attorney confirms because Councilor Joyner withdrew her motion,

the motion died. Councilor Harris confirms the motion from Councilor Joyner was withdrawn.

CR2 – Discussion and review of employee handbook – Councilor Pelham states Councilor Denton is correct, there are no supporting documents for this request and she will continue it to the next regular meeting.

Councilor Pelham opens the floor to council for final remarks.

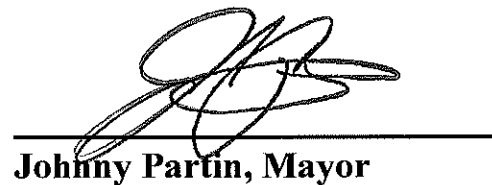
Councilor Holloway makes a motion to adjourn the meeting.

Vote: 6 Aye

0 Nay

A handwritten signature in cursive script, appearing to read "Brittani Williams", written over a horizontal line.

Brittani Williams, City Clerk

A handwritten signature in cursive script, appearing to read "Johnny Partin", written over a horizontal line.

Johnny Partin, Mayor