

MINUTES OF THE SPECIAL MEETING OF CITY COUNCIL HELD SEPTEMBER 7, 2021

A Regular Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, September 7, 2021 at 6:30 p.m.

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

John March Altman, Jr., City Manager
Sandra Robinson, City Attorney
Mollie Bess, City Clerk

Mayor Bennett called the meeting to order.

ROLL CALL: Mayor Bennett - Present
Vice Mayor Partin - Present
Councilor Randolph - Present
Councilor Holloway - Present
Councilor Gore - Present
Councilor Denton - Present
Councilor Pelham - Present

Prayer was led by Vice Mayor Partin, followed by the Pledge of Allegiance to the Flag of the United States of America led by Vice Mayor Partin.

Mayor Bennett turned the meeting over to Councilor Pelham. Councilor Pelham stated that she called this Special Meeting of City Council so that we can have another vote on a motion that she made when certain member of Council could not get on the telephone line to participate in the vote due to technical difficulties and a pending injunction against the City Council. So, this is an opportunity for everyone on Council to vote.

Motion made by Councilor Pelham and seconded by Councilor Gore to reconsider the amendment to the City Attorney's contract as presented by the attachment.

Discussion – Vice Mayor Partin consulted with the City Attorney to ask if first, there would be a motion to reconsider and then a motion to approve the contract. So there would be two motions made? The City Attorney responded that the first motion would be a motion to reconsider the vote to approve the amendment to the City Attorney's contract would be vote number one and if that passes then the motion that was presented in the first instance comes back and that is voted upon.

Point of Order by Councilor Randolph – asked the City Attorney to repeat what the first motion would be. C.A. repeated the first motion is, “a motion to reconsider the vote that amended the City Attorney's contract, Yes or No. If it's a Yes, then you proceed to the original motion, if it's No, then it's over. Councilor Randolph then stated that the motion that was made in the original meeting was not a complete motion. The motion was that was made was something that should not have been voted on based on how it was worded. Randolph asked how we can vote on a motion that said we were to consider changing the contract for paid time off and get the rest from the City Attorney – that is not an acceptable motion. Point

of Order by Councilor Gore – POI’s are used to asked a question about Parliamentary Procedures and she would like the clerk to restate the motion that was made. City Clerk Bess re-read the motion as follows – “Motion made by Councilor Pelham and seconded by Councilor Gore to approve the amendment to the Contract for City Attorney Robinson as presented.” Clerk Bess stated that the end of the motion she did not have so she spoke with the CA to get the correct verbiage on the rest of the motion. Councilor Randolph stated that is not the motion that she remembered from that evening and that Councilor did say that it was whatever the City Attorney says.

Point of Information by Mayor Bennett – The motion on the floor is to reconsider, are speaking to reconsider the vote or not to reconsider. If we are going to reconsider then we need to open it back up for the second motion. Councilor Randolph stated that she was trying to clarify what the original motion was as she does not understand how we can consider a motion that was not a proper motion. Point of Information by Mayor Bennett – how is that not a proper motion? Mayor Bennett asked the City Attorney if it was a proper motion. City Attorney stated “motions are proper if they are understood, if you know what the action is on which you are taking, so that becomes the question if you have a member saying they did not understand what the motion was, then the question presents for those who voted whether or not they understood what they were taking action on. If members understood what they were voting on, then the motion was sufficient. If you understood what you were taking action on, then the motion was sufficient. Councilor Pelham stated that if you do not understand the motion, vote for the reconsideration and once it is reitteriated then you will understand it. Point of Order by Councilor Randolph – asked the City Manager if he could look at his notes and see if they matched what she had on her motion written down. City Manager stated that he did not bring his notes with him. Councilor Gore asked for clarity on what we are now voting on. City Clerk provided the motion – “to reconsider the vote to approve the amendment to the City Attorney’s contract.” Councilor Gore stated that she does not agree with having this vote to reconsider, the vote was clear that night, the meeting is on-line for anyone to view, there was discussion prior to coming out to vote, she takes issue with the word choices being used to relay that something improper was done, which that is not correct. There was a motion on the floor, it was properly moved and seconded, and Council voted on it. We are here tonight to accommodate a recent lawsuit, to provide an extra layer of clarity – Council Gore does not want it to be stated or repeated that something improper was done, as that is not correct. Councilor Gore wants her statement recorded in the minutes – as this serves that request.

Councilor Randolph stated concern that the three people that were not in the meeting that evening for the vote via phone, but were in it earlier and there was no amount of hours of dollar amount given. Clarity on the motion was not there. She would like to see clarity in the motion, she is not trying to stop the vote. Mayor Bennett wanted to mention for the record that we did call the vote, it was restated for you, Councilor Randolph, during the time for discussion you asked a question, then you didn’t, so at that time it was clear, and if you felt it wasn’t clear at that time, it was appropriate to state that. Moving forward at any time if someone does not understand a motion, you have every opportunity to stop and ask the question, that should not be the issue.

Motion made by Councilor Pelham and seconded by Councilor Gore to reconsider the amendment to the City Attorney’s contract as presented by the attachment.

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

Motion Passes 7/0

Motion made by Councilor Pelham and seconded by Councilor Gore to approve the amended contract for the City Attorney as presented.

Councilor Denton wants to make sure that the motion is the exact motion that was voted on previously. Councilor Randolph requested the amount, she understood 124 hours possibly, but would like the amount before considering. Would like clarity on the amount. City Manager was asked for information on prior pay outs of PTO. He gave former Assistant City Manager Mr. Dane's PTO which was 69 ½ hours when he departed service, that payout was \$4,475.65. Mr. Bragg had 154.63 hours of PTO and that payout was \$5,350.20. Mr. Congalo had 133.31 hours of PTO and payout was \$6,409.54. PTO payouts for staff are based on our personnel manual. Councilor Gore stated that City Attorney Robinson is a contract employee and the HR manual rules do not apply to her.

Point of Order Councilor Gore asked City Attorney Robinson to provide clarity. City Attorney Robinson stated that the amendment that she requested is from the very first instance reduced to writing and it has been presented in its totality. Writing was distributed to all members of Council and it has not varied in its writing since the very beginning. From the very beginning she has requested for all unused leave to be rolled over and awarded at the end of tenure. At no point and time did she insinuate or otherwise state that I would calculate how many of those hours would exist at the end of her tenure or assign a monetary value to them. To the extent that there was a request for that information, she does not recall that. There were comments made and they were responded to. However, the request is the request and it stated clearly on the amendment that is before Council and it replaces or alternates language in her contract that was not as specific as that, that was requested in this meeting. Does not see how the motion was unclear, it has not been changed and is the same as it was a couple of weeks ago, as it is right now.

Point of Information – Councilor Gore – As C.A. stated she did provide that information to City Council in the beginning and as stated there were emails from other members of Council throughout this time that was seem by all. Sometimes the C.M is allowed to execute contracts that City Council does not have before them, however, this one was provided to City Council in advance.

Mayor Bennett stated, we are here tonight to discuss paid time off during COVID, during an epidemic, time that has been earned. If an employee is taking PTO during that time, they are still getting paid to be away from their desk. If that employee did not take that time, how does that not belong to them? Either way; it pays out the same. Every employee of City Council has the opportunity to come to Council if they feel that they deserve to have their PTO, then they need to come to Council, if they want to carry it over. Any appointee of Council has the right to come to Council and ask, that is the proper way. Councilor Denton stated, then tonight if we vote for this motion then we are opening the door for any employee who feels that they have not been paid for what they worked they can come to Council. Mayor Bennett stated that she said appointees. Councilor Gore stated that the perception is that someone is being given preferential treatment and that is not the case. Every appointee that Council has had, has had the opportunity to get their PTO paid out and we have done that, this is no different. The difference in this position to staff if that staff has the ability to flex and comp their time, she does not have that ability because she has a contract. Councilor Pelham stated she put in for the reconsideration so that hopefully the Injunction by Councilor Denton would be dismissed.

Motion made by Councilor Pelham and seconded by Councilor Holloway to approve the amended contract for City Attorney as presented.

ROLL CALL:

Councilor Holloway	-	yes
Vice Mayor Partin	-	no
Councilor Gore	-	yes

Councilor Denton	-	no
Councilor Pelham	-	yes
Mayor Bennett	-	yes
Councilor Randolph	-	no

Motion Passes 4/3

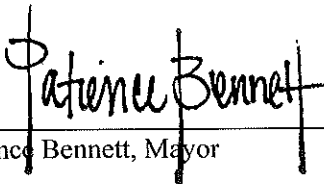
Motion made by Vice Mayor Partin and seconded by Councilor Denton to adjourn the meeting

ROLL CALL:

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

Motion Passes 7/0

Meeting adjourned



Patience Bennett, Mayor



Mollie P. Bess, City Clerk