

**Regular Council Meeting
May 11, 2021**

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD MAY 11, 2021

An Electronic (Zoom) Meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, May 11, 2021 at 5:30 p.m.

ROLL CALL

Mayor Bennett opened the meeting at 5:30 p.m. Roll call was taken as follows:

PRESENT:

Patience A. Bennett, Ward 7
 John B. Partin, Jr., Vice Mayor, Ward 3
 Deborah Randolph, Councilor, Ward 1
 Arlene Holloway, Councilor, Ward 2
 Janice B. Denton, Councilor, Ward 5
 Jasmine Gore, Councilor, Ward 4

 Brenda S. Pelham, Councilor, Ward 6 (Arrived Late)

 John M. Altman, Jr., City Manager
 Sandra Robinson, City Attorney
 Charles E. Dane, Assistant City Manager

 Mollie P. Bess, Acting City Clerk

CLOSED MEETING

Motion made by Councilor Denton and seconded by Vice Mayor Partin to move to into closed meeting pursuant to Va. Code Sections 2.2-371 1(A) (l) to discuss and consider personnel matters, including the recruitment and appointment of a City Clerk; (A)(7) and (A)(8) to consult with legal counsel and staff regarding specific legal matters and probable litigation, where such consultation in open meeting would adversely affect the City's interest; and to the extent these discussions will be aided thereby, (A)(4) for the protection of the privacy of individuals in personal matters not related to public business.

ROLL CALL	Councilor Holloway	Yes
	Vice Mayor Partin	Yes
	Councilor Gore	Yes
	Councilor Denton	Yes
	Councilor Pelham	Absent
	Mayor Bennett	Yes
	Councilor Randolph	Yes

Motion Passes: 6 - 0

Motion to come out of Closed Session by Vice Mayor Partin and seconded by Councilor Pelham.

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ROLL CALL

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	Yes
Councilor Denton	Yes
Councilor Pelham	Yes (arrived late)
Mayor Bennett	Yes
Councilor Randolph	Yes

Motion Passes: 7-0

CERTIFICATION

CERTIFICATION PURSUANT TO VIRGINIA CODE §2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting.

ROLL CALL

Councilor 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

OPEN MEEETING

Mayor Bennett opened the meeting and welcomed guests.

ROLL CALL:

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	Yes
Councilor Denton	Yes
Councilor Pelham	Yes
Mayor Bennett	Yes
Councilor Randolph	Yes

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REGULAR MEETING

Prayer was offered by Assist City Manager Charlie Dane followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Randolph

Vice Mayor Partin stated that there was a motion that needs to be made after time in closed session was completed.

Vice Mayor Partin moves to authorize the City Attorney and City Manager to take all necessary steps to effectuate the reversion of the land the City sold to the Francisco Landing developers including purchasing back the property or initiating and prosecuting litigation if the developer refuses to cooperate, Seconded by Councilor Pelham.

Discussion — Councilor Gore wanted to go on record stating that she did vote in favor of the breach, she feels that the City needed to demonstrate that we took contracts seriously moving forward. However, she did express the desire to negotiate an agreement to move forward with the development of the site in terms of the rebate and the donation agreement that was being discussed. Those conversations are ongoing. Some actions not taken in the contract from our point of view and they need to get the ball rolling to get the project completed in the time frame of the contract. She cannot vote in favor of this tonight.

Councilor Denton agrees with what Councilor Gore stated, she feels it is too early to vote on this. It will benefit our City in the long run, but not all is understood at this time, Would like to continue to work with developers to make this happen for our City. Cannot vote for revision tonight.

Councilor Randolph also agreed she will not vote in favor of this contract either. Definition of construction was not defined clearly in the beginning, which means we may have a potential of a loss. Would like to have a clean contract, will wait to see what the developer comes back with, Will not be voting in favor.

Councilor Pelham is voting to look out for tax constituents of Hopewell — she is voting for the reversion.

Councilor Gore — for clarity for Ward 4 residents, not voting in favor, but does not mean she favors anything regarding this. Wants her position to be very clear, she was one of the original members of Council who did support this deal, she did not support the original deal which is annotated in the minutes, she did not support the zoning as she was absent during that meeting, but she did support an amended agreement that included some items in there for the public. However, the terms have changed, what has brought us to this point is that the developer does not have the financing to do the project. So wants it to be clear that the terms in which was agreed to have adjusted. In addition, she also wants it to be made clear that after the last round of negotiations the amount of money that we were estimated was around \$700,000 and maybe lower so it is not \$4 million just for a point of clarity. Were told the project would be started 2019, we assumed everything was in place and they would be breaking ground then. She is not flip flopping, just wants to be sure before moving forward.

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ROLL CALL

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	No
Councilor Denton	No
Councilor Pelham	Yes
Mayor Bennett	Yes
Councilor Randolph	

Motion Passes: 4-3

AMEND THE AGENDA

Motion was made by Councilor Gore and seconded by Councilor Pelham to adopt and Amended Agenda to move C9 Riverside Regional Jail up to R3 and to adopt the agenda as amended.

ROLL CALL:

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	Yes
Councilor Denton	No
Councilor Pelham	Yes
Mayor Bennett	Yes
Councilor Randolph	No

Motion Passes: 5 - 2

City Manager noted there were certain items in an email that was sent last night there were certain items that were discussed by the Regional Jail Authority in closed session that he would not be at liberty to discuss in open session or without advice from legal counsel for the jail. He will be limiting what he can say if consent agenda is approved.

Point of Information — for City Manager in regard to the comments made she didn't really share with anyone what she was trying to have discussed for this evenings meeting, so in response to the question regarding the email and then your response in regards to closed session, we don 't know what was discussed in closed session, so it' s not like we ca ask questions specific to what you can't tell us, But you can discuss what has been publically shared and give more context and you can share that you can't answer the question at this time.

Vice Mayor Partin made a motion to extend the meeting to 9:30 and it was seconded by Councilor Gore.

ROLL CALL:

Councilor Holloway	Yes
Vice Mayor Partin	Yes
Councilor Gore	Yes
Councilor Denton	Yes
Councilor Pelham	Yes
Mayor Bennett	Yes

Motion Passes: 7-0

Vice Mayor Partin noted that we should be working toward equalizing our machinery and tools tax along with the personal property tax and that Hopewell citizens should not be paying a higher rate on their personal property while the industry are paying a much lower rate with their machinery and tools tax. He will be voting against this tonight.

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Is there any possibility of lowering the personal property tax and divide between machinery and tools? Because of AMR we cannot lower rates, only raise them.

M&T has been a source of contention in the general assembly of the past several sessions, although this past session there wasn't any discussion of the issue. We regularly have to go to bat and our Commissioner of Revenue has testified before different subcommittees and committees in the general assembly regarding the importance of the machinery and tools tax to our local economy and for a point of reference, M&T is worth to the City about \$7 to \$8 million dollars annually in revenue. If that tax were eliminated, we would have to make it up somehow.

Mayor Bennett stated that for the record she would like to ask that if on the Ordinance that Mayor Patience A. Bennett, Ward 4 be changed to Ward 7.

Motion made by Councilor Randolph and seconded by Mayor Bennett to adopt the Ordinance.

ROLL CALL:

Councilor Holloway	Yes
Vice Mayor Partin	No
Councilor Gore	No
Councilor Denton	Yes
Councilor Pelham	Yes
Mayor Bennett	Yes
Councilor Randolph	Yes

Motion Passes: 5-2

REGULAR BUSINESS

R 1 -IN-HOME FAMILY SERVICES SPECIALISTS

To establish two (2) full time permanent In-Home Family Services Specialists positions with the Hopewell Department of Social Services. Additional staff resources are required to help implement the Commonwealth of Virginia's mandate for In-Home foster care prevention services (formerly known as CPS Ongoing Services) as a result of the Family First Prevention Services Act. Hopewell has been allocated \$94,061 to hire new staff to implement mandated In-Home Prevention Services. The \$94,061 would be forfeited if not approved tonight.

Motion made by Councilor Denton and seconded by Councilor Pelham to establish the two full time permanent In-Horne Family Services Specialist positions with the Hopewell Department of Social Services.

Councilor Gore made a point of clarity — since this was distributed in January and we are talking about it now in May, why we are talking about this outside of the budget session and what was the delay. City Manager stated that we have had some turnover in positons and focus was made on filling the positions of people that had left. There were some key management positions in the Department of Social Services that needed to be filled first. If this passes tonight the plan is have folks on by the July 1 date.

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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

R-2 - REQUEST FOR APPROPRIATE FUNDS FROM SURPLUS PROPERTY AUCTION

The Department of Recreation and Parks has been tasked with managing the sale of surplus property for the City. Traditionally, funds from the sale of surplus property have been appropriated back to the Department to offset the cost of programs, facility repairs, and park maintenance. Recent surplus property sales have resulted in revenue totaling \$22,450. The Department is requesting that \$22,450 be appropriated for future expenditures.

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

R-3 - RIVERSIDE REGIONAL JAIL

Gore wants an update on the issues at Riverside Regional Jail. Three main points: (1) would like for City Attorney to give City Council an overview in a memo regarding our role in terms of a locality as it pertains to Riverside Regional Jail, in looking at the legislation that enacted this, it is a separate authority and it is important that when the public asks questions to speak factually about the extent of our role as it regards to Riverside and its operations. (2) public statements have been made from other localities and they seem to have more information than we have, noted the Board of Supervisors are coming together and submit a Dept. of Justice civil rights complaint and also noted in their letter several times which complaints to the Board have been submitted. Would like the letters that were referenced from Chesterfield County. (3) Ask Mr. Altman to follow-up with the appropriate FOIA contact. What is Plan B for Hopewell if Riverside Regional Jail is closed down?

Councilor Gore pivoted to Mr. Altman to share what he could in reference to Riverside Regional Jail. Mr. Altman stated that on April 21 the State Board of Local and Regional Jails and their review committee met and discussed preliminary findings and recommendations in regard to Riverside Regional Jail. The jail superintendent nor Attorney were advised that the jail would be on the agenda for discussion that day. We found out through word of mouth that there was a recommendation by the review committee to the Board

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that Riverside Regional Jail be decertified and all of the incarcerated individuals be remanded back to their jurisdiction of origin. That meeting was on Wednesday, the 21st and on that Friday there was a special call meeting of the Board and discussed the proceedings of the review committee in closed session. At that point and time there had been no receipt of official notification from any representative of the State Board, their staff or the review committee with regard to their recommendations to findings. A letter was received which was forwarded to all members of Council and the nexus of the review board which is a newly established Board, they are reviewing 3 deaths that occurred at Riverside Regional Jail in 2019 & 2020. Two deaths were a result of natural causes resulting from chronic health conditions of the inmates and those causes were certified by the Office of the State Medical Examiner and one of the deaths involved a suicide of an inmate that was under supervision of licenses mental health professionals. We have requested an informal hearing which will occur tomorrow. We have 21 days to object to preliminary findings which we have done and if a resolution is not worked out with staff prior to the Board meetings we have up until June 6 to come to some resolution. If no resolution is reached by then the jail will go to a formal hearing before the Board on June 16. We feel that the staff did not do anything wrong, no criminal charges were filed on staff as to the treatment of the inmates. The new superintendent, Mr. Lebo has been in place for roughly a year now and since then we have passed all of our state audits and our pre-audit. Suicide Watch is when a person is placed in a supervised area and if not, they are in a pod with general population. The individual that committed suicide was not on suicide watch. Riverside houses state inmates that are in the process of being moved or being released from state incarceration. Need to know when inmates from Riverside will be moved to the respective state prisons. Jail makes revenue for housing state and federal inmates. Councilor Partin state issues with Dept. of Corrections we need reach and get a timeline as to when they will start moving inmates from Riverside to the respective state prison they should be in. The amount of money, we as a locality have to pay for those inmates drops drastically, Jail makes revenue from housing state and federal inmates. Can you just clarify Vice Mayor Partin's request.

Motion made by Councilor to extend the meeting to finish the topic of conversation currently being address (Riverside Regional Jail) and seconded by Councilor Pelham.

Roll Call:	Councilor Holloway	Yes
	Vice Mayor Partin	Yes
	Councilor Gore	Yes
	Councilor Denton	No
	Councilor Pelham	Yes
	Mayor Bennett	Stepped away
	Councilor Randolph	Yes

Motion Passes: 5 - 1

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Councilor Gore would like to have the minutes reflect the following:

- 1) Would like to have City Attorney Ms. Robinson provide us with an update us on our role as a member of this body in terms of the locality, so that way we have an understanding of our local role is as pertains to Riverside vs. the authority. What are the legal separations?
- 2) Who is the FOIA point of contact?
- 3) Why the Jail was placed on probation — would like that information. Mr. Altman stated they have not been successful in retrieving that information.
- 4) Concerns in regard to the budget that Jail revenue is down, according to audit, to \$1.5 million and they had to dip into the rainy day fund twice and our cost has gone up. What are the projections this year, in regards to that? Budget showed dipping into the rainy day fund but in the end we did not have to do that. In last year's budget information there was a note that we had an increase because of Chesterfield not sending inmates over to the jail, it wasn't relayed. We had to pay more because of Chesterfield not paying in as much as they used to. Altman stated that Chesterfield indicated they would reduce the number of inmates that were sent to the jail, they actually ultimately did not reduce it to the number that they indicated, they said they were going to drop to 300 inmates and as we went through the budgeting process to plan around that number crept up, The increase in the budget was a result of Chesterfield indicating they were not going to send us as many inmates to Riverside as the service agreement called for. This year those numbers were adjusted up from a Chesterfield perspective. Are we obligated to have to pay more?
- 5) Plan B — if the appeal fails, has staff started having some preliminary discussions about what are we supposed to look at doing? Mr. Altman stated that the Sheriff would be the one to look at housing our inmates at Riverside, they will not shut the day down the day of the decision. We will have a time frame in which to find an alternative location to house our inmates. We will work on the Sheriff on that.

ADJOURN

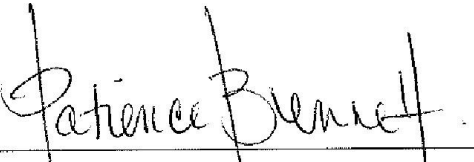
Motion made by Councilor Randolph and seconded by Vice Mayor Partin that we adjourn.

Roll Call:	Councilor Holloway	Yes
	Vice Mayor Partin	Yes
	Councilor Gore	Yes
	Councilor Denton	No Answer
	Councilor Pelham	Yes
	Mayor Bennett	Yes
	Councilor Randolph	Yes

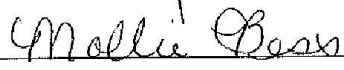
Motion Passes: 6 - 1

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Meeting Adjourned



Patience Bennett, Mayor



Mollie Bess, Acting City Clerk