



City Council
Kevin Mumpower, Mayor
Kevin Wingard, Vice Mayor
Doug Fleenor, Council Member
Bill Hartley, Council Member
Neal Osborne, Council Member



BRISTOL, VIRGINIA CITY COUNCIL
300 Lee Street, Bristol, Virginia 24201
October 15, 2018

6:00pm
Call to Order
Moment of Silence
Pledge of Allegiance

CALLED MEETING AGENDA:

1. Consider a Private or Public Hearing for the Removal of Councilman J. Douglas Fleenor pursuant to Chapter 4.07 of the City Charter.

a. Receive Decision on Hearing Format (Public/Private)

If Councilman elects for a private hearing, Council will convene in closed session pursuant to §2.2-3711.A1, Code of Virginia 1950, as amended. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body (personnel).

1.1 Motion and Second

1.1 Roll Call

- b. Open Hearing
- c. Council Evidence
- d. Councilman Fleenor's Evidence
- e. Council Rebuttal Evidence
- f. Close Hearing

If a private hearing is held, Council will return from closed session and provide the necessary certification.

1.2 Roll Call

2. Consider Removal of Councilman J. Douglas Fleenor pursuant to Chapter 4.07 of the City Charter.
 - a. Council Discussion
 - b. Council Motion and Second
 - c. Roll Call

3. Adjournment.

Ordinance 18-8, Adopted August 28, 2018

VII. Removal of Members

A. Grounds

A member of Council may be removed only for malfeasance or neglect of duty with an affirmative vote by at least three members.

B. Procedure

The person to be removed shall be entitled to notice of the intention of the council to remove him/her, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which they shall be given an opportunity to be heard thereon. The hearing may be public at member's option. [Charter, Chapter 4, Section 4.07].

The Council will present its evidence first and may subpoena witnesses with testimony pertinent to the matter at hand. The Councilmember in question may present evidence on his/her behalf and request the City subpoena witnesses for his/her defense. The Council will have the opportunity to rebut the Councilmember's defense at the conclusion of the Councilmember's case. Only evidence relevant to the conduct in question of the Councilmember will be admissible. A designee of the City Attorney shall make all procedural and evidentiary determinations. The designee shall be a member in good standing of the Virginia State Bar.

§ 4.07. - Appointments and removals.

The council in making appointments and removals shall act only by affirmative vote of at least three members. It may remove any person appointed by it for an indefinite term, provided that the person to be removed shall have been served with written notice of the intention of the council to remove him at least ten days prior to the action becoming final. If two or more members of council shall be disabled to vote pursuant to the provisions of the Virginia State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.) or its successors, as the same may be amended from time to time, council may act by an affirmative vote of those members of city council not so disabled to vote. No hearing shall be required.

Any member of the council or any member of a board or commission, and any other person appointed by the council for a specified term may be removed during that term by the council but only for malfeasance or neglect of duty. The person to be removed shall be entitled to notice of the intention of the council to remove him, containing a clear statement of the grounds for such removal, and fixing the time and place, not less than ten days after the service of such notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the council shall be final. It shall be the duty of the council, at the request of the person sought to be removed, to subpoena witnesses whose testimony would be pertinent to the matter in hand. Any officer, elective or appointed, including councilmen, or an employee of the city who shall be convicted by a final judgment of any court from which no appeal has been taken, or which has been affirmed by a court of last resort, on a charge involving moral turpitude, whether felony or misdemeanor, shall forfeit his office or employment. Council shall also have the power to otherwise punish its own members and to compel their attendance.

(Acts 1996, Ch. 678, § 1)