

ATHENS CITY COUNCIL MINUTES OF MEETING

April 16, 2018

The Athens City Council met in called session on April 16, 2018, at 5:00 p.m. with Mayor Burris presiding. The invocation was given by Mayor Burris; and upon roll call, the following members were present:

Coker, Perkinson, Raper, Pelley, Burris

The following decisions were made and ordered made a part of the records of the Athens City Council.

Vice Mayor Pelley asked for a point of personal privilege. He read the following statement into the record. "After much introspection and praying, I have come to the following conclusions that I would like to share with this Council and the citizens of Athens. First, I have no ill will against Dr. Miller, who I consider a friend and a person whom I respect greatly, individually as well as her role as Director of Schools. I have no ill will against Ms. Edmonds. The last four weeks have been traumatizing for me and my family. To be accused of misconduct rising to the level which it has, has not been pleasurable. I give thanks to the hundreds of supportive comments and to our faith which has sustained my wife and me. I do not know what the Council has in mind for me as consequence for my actions. I submit that the punishment of the past month is enough to deter anyone from even light-heartedness of the nature of my comments. I know that Dick Pelley does not intend to make any such comments in the future." **A motion was made by Vice Mayor Pelley, seconded by Mayor Burris, that the Council accept his apology, allow him to attend a sensitivity training program approved by MTAS, and dismiss the complaints against him.** He said, "Let us get on with the running of the City and I offer a public apology to the citizens of Athens for anyone who misconstrued my intentions, and especially my friend, Dr. Miller, and Ms. Edmonds." City Attorney Trew advised the Council that if he understood the motion correctly, Vice Mayor Pelley was asking the Council to accept his apology, allow him to attend a sensitivity training program, and accept his motion as his punishment. Vice Mayor Pelley responded that was assuredly his motion. Mayor Burris withdrew his second saying the purpose of convening the called meeting was to see if Vice Mayor Pelley violated any of the City codes. The motion died for lack of a second.

City Attorney Trew advised Vice Mayor Pelley that this meeting was called to give him an opportunity to respond to the testimony given at the called meeting of April 3, 2018. He received from Vice Mayor Pelley an account of what happened and if that was his response then he would pass it along to the City Council to read. Vice Mayor Pelley responded that he had already given that information to the City Council. City Attorney stated that if that letter was Vice Mayor Pelley's response to the charges, then they would move on.

The purpose of the meeting, as issued in the "Notice of Reconvened Special Called Meeting" dated April 6, 2018, was read and made a part of these minutes:

**NOTICE OF RECONVENED
SPECIAL CALLED MEETING
OF THE ATHENS CITY COUNCIL**

The Athens City Council will meet the 16th day of April 2018, at 5:00 p.m. in the regular Council Meeting Room at the Athens City Municipal Building at 815 North Jackson Street, Athens, Tennessee. This meeting of the Athens City Council is a Special Called Meeting to consider whether Complaints concerning a member of the Athens City Council violate the City Council Personal Code of Professionalism and other Athens City Policies and take action as warranted.

/s/

Charles T. Burris, II, Mayor

NEW BUSINESS

Review of City of Athens Workplace Harassment Policy, City of Athens Sexual Harassment Policy, and City Council Personal Code of Professionalism

City Attorney Trew stated the applicable codes and policies included the City Council's Personal Code of Professionalism, the Athens City Workplace Harassment Policy, and the Athens City Sexual Harassment Policy. He explained what each code and policy stated and advised the Council that it was their role to decide first whether there was a violation and then whether any discipline was warranted.

Discussion and determination by the Athens City Council of whether Council Member Pelley, by his conduct on February 26, 2018 and February 24, 2018, violated the City Council Personal Code of Professionalism, the Athens City Workplace Harassment Policy and/or the Athens City Sexual Harassment Policy

City Attorney Trew advised Vice Mayor Pelley that at a called meeting on April 3, 2018, the Council heard testimony by Human Resources Director Nina Edmonds and Athens Director of Schools Dr. Melanie Miller regarding an incident that occurred on February 26, 2018. He stated he had received Vice Mayor Pelley's written account of what occurred at City Hall and the annual retreat. City Attorney Trew asked Vice Mayor Pelley if he could share those accounts with the City Council. Vice Mayor Pelley responded that he had already provided the Council with a copy. Attorney Jim Logan, representing Vice Mayor Pelley, addressed the Council. He stated he thought the procedure the City was following was a reasonable approach. The recommendations were very similar to the ones followed by the EEOC. Attorney Logan stated that Vice Mayor Pelley would not permit him to cross examine any of the individuals involved in the proceedings. Vice Mayor Pelley was sworn in and questioned by his attorney and City Attorney Trew on his recollection of the events. According to Vice Mayor Pelley, he did make the comment about the new front of City Hall and the mirror-like glass to Nina Edmonds and Dr. Melanie Miller adding the reason he liked the front was so that he could check to see if his fly was zipped. Vice Mayor Pelley agreed that he touched Ms. Edmonds on the arm but stated he did not slap her. He also stated that at no time did he touch any area around his crotch or zipper. Copies of the "Statement and Motion of Councilman Pelley", "The Incident at City Hall", and "The Incident at the Annual Retreat" from Vice Mayor Pelley are attached and made a part of these minutes. City Attorney Trew advised the City Council that they have heard all the testimony they were going to hear about the two incidents. They have Vice Mayor Pelley's account of the two incidents and accounts of the two incidents from Dr. Melanie Miller, Nina Edmonds and DPA Staff Writer Andy Brusseau. He stated that it was the role of the City Council to decide whether any of the actions at these two events were a violation of the City's policies and procedures namely the City Council's Personal Code of Professionalism, the Athens City Workplace Harassment Policy, and the Athens City Sexual Harassment Policy and, if so, determine whether discipline was warranted. City Attorney Trew advised the Council that they could find there was not an issue, or they could find that there was a violation. If they found there was a violation, they could issue a public reprimand, require Vice Mayor Pelley to attend a sexual harassment training class as he suggested, or as Attorney Logan suggested, remove Vice Mayor Pelley's title of vice mayor. Attorney Logan stated that he found all the witnesses' testimony credible. Perception is reality for the person that made the accusation, but punishment should be based upon the reality of the offender. Mayor Burriss asked the Council if there were any comments or questions. Council Member Raper remarked that she did not like the remark that was made and was more embarrassed for the ladies than she was for herself. She felt although Vice Mayor Pelley had made a public apology, some kind of reprimand was needed. **A motion was made by Council Member Raper to remove Vice Mayor Pelley as vice mayor and remove him from the committees that he had been entrusted to serve.** The motion died for lack of a second. After further discussion and comments that Vice Mayor Pelley had violated the City Harassment Policies mentioned, **a motion was made by Council Member Coker, seconded by Council Member Raper, to remove Vice Mayor Pelley from the vice mayor position and from his committee appointments, require him to attend a sensitivity training**

program approved by MTAS, and to issue apologies to those who were offended by his statements. Council Member Coker stated he was not going to ask for Vice Mayor Pelley to be removed from the vice mayor position but the fact that he refused to sign the Code of Professionalism wore heavy on his decision. Vice Mayor Pelley asked if he was being punished for not signing the Code of Professionalism. City Attorney Trew stated that he did not believe Council Member Coker was bringing an additional charge for not signing the Code of Professionalism. If he understood Council Member Coker's statement, he was only saying not signing the Code of Professionalism concerned him. Attorney Logan stated Council Member Coker's comments regarding Vice Mayor Pelley's statement that he refused to sign the Code of Professionalism may concern him, but it should not be a factor to be considered when determining whether there was a violation or a penalty to be imposed. Vice Mayor Pelley responded to the motion stating that he had given the Council an excellent consequence and punishment for his behavior, but they had gone beyond that. He came to the meeting with an open heart and open mind basically admitting his malfeasance, but if the Council passed the motion, he would still have an open heart because God taught him to forgive. Vice Mayor Pelley stated that he had apologized to Dr. Miller and Ms. Edmonds and they would both be getting a letter of apology from him. Upon roll call, the motion passed by the following vote:

AYES: Coker, Perkinson, Raper, Burris
NAYS: Pelley

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ADJOURNMENT

There being no further business to come before the meeting and upon motion duly made and seconded, the meeting adjourned at 6:22 p.m.



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor