

# ATHENS CITY COUNCIL MINUTES OF MEETING

April 3, 2018

The Athens City Council met in called session on April 3, 2018, at 5:06 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, Burris

Mayor Burris read the following statement into the record regarding Vice Mayor Pelley's absence. "I called this special meeting of the Council as Mayor. Even though our attorney notified Council Member Pelley last Monday, March 26, 2018, that a called special meeting would be held by this Council on April 3, 2018 to hear complaints against him of misconduct, Council Member Pelley has chosen not to appear for this meeting. He did indicate to Attorney Trew that he would be out of town for a training session and unable to appear at an April 3, 2018 meeting. Attorney Trew communicated with Council Member Pelley several times last week, each time indicating that the meeting for April 3, 2018 would not be rescheduled. Attorney Trew suggested to Council Member Pelley that he change his plans so that he could attend the hearing. Since we are going to proceed with this meeting and Council Member Pelley is not present, I am going to exercise the privilege as Mayor regarding this procedure we are going to follow, which I have discussed with Attorney Trew. I am going to turn the meeting over to our City Attorney, Mr. Trew, who will lead us through this meeting as your agenda indicates. We have two incidents to consider involving Council Member Pelley. We are going to take these in order of their occurrence beginning with the February 24, 2018 incident. After Attorney Trew has presented us with evidence concerning the February 24, 2018 and February 26, 2018 incidents we will end this meeting and convene at another called meeting at which Council Member Pelley will hopefully be present to offer his defense. We will take items up to 7 on your Council agenda." Mayor Burris then turned the meeting over to City Attorney Trew.

City Attorney Trew stated the City Council would not discuss the evidence they heard at this meeting and would not deliberate. He will ask Vice Mayor Pelley, through his attorney, when he would be available, and, at that time, he can appear and respond in any manner that he chooses. The witnesses would present their evidence and then be asked to come back when Vice Mayor Pelley could be present. Jim Logan, attorney representing Vice Mayor Pelley, was present at the meeting. City Attorney Trew noted that he had previously spoken to Attorney Logan regarding the procedure to be followed and Mr. Logan was comfortable with the process. Attorney Logan would not be cross examining the witnesses at this meeting.

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## NEW BUSINESS

Attorney Logan stated that on behalf of his client, Dr. Pelley, he wanted to present a document for inclusion in the record. A copy of Dr. Pelley's communication with Mr. Trew dated 10:12 a.m. on Thursday, March 29, 2018 was presented to show on February 21, 2018 Dr. Pelley's employer notified him that he was scheduled to attend a training session, as a requirement for his employment, on April 3, 2018 in Middle Tennessee. The class was scheduled to end at 5:30 p.m. Central time.

City Attorney Trew stated that since this was a Called Meeting there were several items that needed to be put into the record.

The purpose of the meeting, as issued in the "Notice of Called Meeting" dated March 27, 2018, was read and made a part of these minutes:

**NOTICE OF SPECIAL CALLED MEETING**  
**FOR APRIL 3, 2018**

At my request as Mayor, this letter is to provide each member of the Athens City Council with Notice of a Special Called Meeting for April 3, 2018, beginning at 5:00 p.m. in the regular meeting room for the Athens City Council at the Athens City Municipal Building.

The purpose of the meeting is to consider whether Vice Mayor Pelley has violated the City Council Personal Code of Professionalism, the Athens City Workplace Harassment Policy, and/or the Athens City Sexual Harassment Policy.

/s/ \_\_\_\_\_  
Charles T. Burris, II, Mayor

The following documents were entered into the record: a copy of an email exchange between City Attorney Trew and Vice Mayor Pelley; a copy of the notice of the Called Meeting published on March 29, 2018 in the Daily Post-Athenian advising the public of the meeting; a copy of a letter from City Attorney Trew dated March 27, 2018 and given to Vice Mayor Pelley on Wednesday, March 28, 2018 advising Vice Mayor Pelley of the specific charges against him, notice of the policies and procedures that had been violated, copy of the Complaint, and date of Special Meeting; a copy of the Complaint of the February 26, 2018 incident dated February 27, 2018; relevant pages from the City of Athens Workplace Harassment and the Sexual Harassment Policies; and a copy of the City Council Personal Code of Professionalism.

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**Consideration of alleged sexually inappropriate comment made by Vice Mayor Pelley at February 24, 2018 Strategic Summit of the Athens City Council**

City Attorney Trew stated at the February 24, 2018 Strategic Summit all members of the Athens City Council were present. This meeting was properly advertised and a member of the Daily Post-Athenian (DPA) was present. City Attorney Trew stated, to the best of his knowledge, the only other individuals present at the Summit were City Manager Sumner and MTAS Consultant Angie Currier. Ms. Currier was discussing social media with the Council at the time the comment was made. Since all the Council was present, City Attorney Trew asked Andy Brusseau, staff writer for the DPA, to testify. If after Mr. Brusseau testified, any one on the Council had a different recollection, they could speak up at that time. Mr. Brusseau was sworn in by City Attorney Trew and asked to name the individuals present at the Summit. Mr. Brusseau stated the entire City Council, City Manager Sumner, MTAS Consultant Angie Currier, and himself were present. City Attorney Trew then asked Mr. Brusseau to describe what was being discussed at the time the comment was made and to state what the comment was that Vice Mayor Pelley made to the individuals in attendance. Mr. Brusseau stated that they were discussing a broad range of topics and social media was brought up several times during the conversation. Vice Mayor Pelley made a comment during the social media discussion that he imagined almost all young people in the high school age range had smart phones and about 80% of them probably had nude pictures on their phones. In what Mr. Brusseau interpreted as an extremely poor attempt at humor, Vice Mayor Pelley commented that he had not received any of those nude pictures. There was an awkward silence and then the conversation went back to the business at hand. City Attorney asked the council members if they had a different recollection. The consensus of the Council was Mr. Brusseau's statements accurately reflected the events at the February 24, 2018 Strategic Summit.

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**Consideration of Complaint submitted to City Manager by Director of Human Resources alleging a sexually inappropriate comment and gesture made by Vice Mayor Pelley on February 26, 2018 to and in the presence of Nina Edmonds, Director of Human Resources, and Melanie Miller, Director of Athens City Schools**

City Attorney Trew presented a copy of a memorandum from Nina Edmonds, Human Resources Director, dated February 27, 2018, reporting the incident to City Manager Sumner which occurred on February 26, 2018. In that memorandum, and in her testimony, Ms. Edmonds stated that prior to a joint meeting of the Athens School Board and Athens City Council at the Athens Municipal Building, while she and Dr. Miller were commenting on the new windows installed at the entrance to City Hall, Vice Mayor Pelley came up to them and asked them if they knew what he liked best about the windows. When they responded "What?" Vice Mayor Pelley responded that he liked when you look into the window you can see if your fly is open and then touched the front of his pants. He then slapped her on the arm and said, "Aw c'mon". It was her impression that Vice Mayor Pelley thought she should think his comments were funny. She stated the entire exchange was extremely uncomfortable and inappropriate in a workplace. After City Attorney Trew finished questioning Ms. Edmonds, he questioned Dr. Miller who corroborated Ms. Edmonds claims.

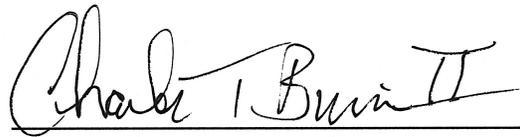
City Attorney Trew stated that City Council members should not discuss the evidence provided at the meeting and should not deliberate or make any findings of fact at this meeting. They will reconvene the meeting when Vice Mayor Pelley will be able to attend to offer his testimony and any other evidence.

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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 5:41 p.m.

  
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C. SETH SUMNER, City Manager

  
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CHARLES T. BURRIS, II, Mayor