

**MINUTES OF SPECIAL CALLED MEETING
OF MAYOR AND CITY COUNCIL
MAY 9, 2019**

The Mayor and City Council of the City of Goldsboro, North Carolina, called a Special Meeting to discuss the results of an investigation and upon motion, the Council may go into Closed Session to discuss a personnel matter in the City Hall Addition in the Large Conference Room, 200 N. Center Street, Goldsboro, NC at 3:00 p.m. on May 9, 2019 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadway
Councilmember Antonio Williams
Councilmember Mark Stevens
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock

Call to Order. Mayor Allen called the meeting to order at 3:05 p.m.

An audio clip from the proceedings held in the General Court of Justice, District Court Division, Wayne County, North Carolina, Courtroom #6, from the November 13, 2018, session held before the Honorable Beth Heath was played.

Councilmember Williams asked why didn't we hear what she stated pertaining to getting help from employees here to write the memorandum and that she stated there were certain councilmen that were going to be a buffer to help her against me. Why didn't we listen to that? She stated that IT was going to help her with whatever she needed, so those are important factors, but thank you for playing that, if they want to listen it is there.

Closed Session Held. Upon motion of Councilmember Ham, seconded by Councilmember Aycock and unanimously carried, Council convened into Closed Session to discuss a personnel matter.

Council came out of closed session.

Mayor Allen stated Councilmember Williams I believe in my heart that you think you are innocent and that you are the victim. I think that no matter who did the report, if it did not exonerate you, you were not going to agree with the report, based on the conversation we have had. I do think the majority of us sitting here do believe and can honestly say at some point or another, on occasion we have seen you create a hostile work environment.

Councilmember Williams asked Mayor Allen what is a hostile work environment?

Mayor Allen state the EEOC...

Councilmember Williams stated the EEOC did not do a report, a report was never filed by Ms. Simpson-Carter.

Mayor Allen stated the EEOC states that when one's conduct explicitly or implicitly interferes with an individual's work performance or creates a hostile or intimidating work environment is a violation of the Title VII Civil Rights Act. This report clearly indicates that it is clear the city could be found liable for your actions as a councilmember. This report clearly states that Councilmember Williams has engaged in behavior that puts the city at risk, for failing to protect an employee from your retaliatory conduct.

Councilmember Williams stated there is no retaliatory conduct on my part that came from Ms. Shycole Simpson-Carter. I was the first one to address this complaint. She did not file her complaint through the proper channels, she went through the district court, opposed to going through the grievance process with the City of Goldsboro.

Mayor Allen stated it goes on to say, if Councilmember Williams continues to display animosity and continues to subject Ms. Carter to additional criticism and disrespect the city council could be held liable for not taking sufficient action. We have said that you need to quit your attacks.

Councilmember Williams stated I have no attacks against her, it is my first amendment right to remove myself from someone who has lied on me, disrespected my communities, so I am not going to sit in someone's face who went to court and stated all these false facts. I have explained that, I have asked our Interim City Manager to get me a liaison, nothing has been done and there has been no retaliation against her. She has not been demoted, she has not been moved to another job, so I have no power to harass her, or to dismiss her from her job, or any of those things.

Mayor Allen stated we only have six or seven months left as a council, it is my hope that we get this resolved, get over this and we can work together in unity and try to work together. This is what our citizens deserve, I think that is what they expect. Our Code of Ethics states "a violation of this Code of Ethics may subject a Mayor/Councilmember to a censure Resolution by the Goldsboro City Council; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the board and be heard regarding the allegation." Mayor Allen stated if the Council decides they want to censure you, they have to give you a notice, then you will have your time to come before the board with all the due process and all the evidence you want to submit. The question is does the council want to move forward with this.

Councilmember Ham stated we have a document that is 78 pages and within that document there are numerous statements, made by city employees which have been called lies or untruths. The investigation has been called unbiased, excuse me, biased towards the city. Councilmember Williams has suggested statements made by employees were lies, which would question their integrity, and their professional ethics, I can't believe these outstanding city employees, deliberately lied and made statements of this nature. His actions have put the city at risk, brought dishonor...

Councilmember Williams stated dishonor, I disagree with you sir. I have been positive throughout this whole ordeal, I guess you couldn't understand because Councilmember Ham you have not had to go to district court and someone to say, stop you from sodomizing, harassing them, and stalking them, so until that happens to you, you will probably not understand my situation, sir.

Councilmember Ham said therefore, I think we should take some action.

Councilmember Foster stated to add to that, if you are going to take action on one side, you have to look at action on the other side. We all heard part of the court hearing that was played, it was found 50C that it was found not to be held up in court basically and if Ms. Shycole went to file paperwork on someone, Councilmember Williams, and the paperwork was untrue isn't that some grounds to have some type of discipline for her as well because Councilmember Ham at one point is saying city employees have so much integrity, but then if you have that much integrity, you shouldn't go file a false claim.

Mayor Allen stated let me stop you because I am not sure where that line is.

Councilmember Foster stated that is fine, I do not know where it is either.

Attorney Lawrence cautioned when you begin discussing disciplinary action of any employee you need to go back into Closed Session.

General discussion continued.

Councilmember Aycock stated the problem I am having with this report, no matter who the lawyer or investigator interviewed, Mr. Williams stated they all lied and I cannot believe that.

Councilmember Williams stated I did not say they all lied, I said there were untruths and parts missing, parts of my statements, I sat with her for hours and I do not see any of that in there.

Councilmember Foster stated there is only one person's words in there.

Councilmember Foster stated I spent three hours with her.

Councilmember Ham stated as I understand it, we have two or three options here.

Councilmember Williams stated I just spoke to the City Attorney and he stated he did not have any recommendations pertaining to this report.

Councilmember Ham stated we can censor Councilmember Williams based on admonition.

Councilmember Williams stated based on what, this fabrication sir, based on no evidence, I have emails.

Councilmember Ham stated in addition to admonition, for bringing dishonor to the City Council, and the City of Goldsboro, prohibit access to Ms. Simpson and certain buildings within this complex.

Councilmember Williams stated you cannot censor me from going through this location, people elected me to be here, for transparency.

Councilmember Ham stated we can also take more drastic action to ask for a recall election to remove him, or just remove him all together.

Councilmember Williams stated that's illegal sir.

Councilmember Ham stated as a minimum I would recommend a letter of admonition to Mr. Williams and prohibit access to the place where Ms. Carter-Simpson works.

Councilmember Williams stated I do not go to the place where she works, I have never went to the place she works at.

Councilmember Ham continued to say and any other place she might be in this building.

Councilmember Williams stated if she was so fearful, why was she sitting in front of me at Council Meetings, if she was so fearful, if Ms. Valerie Bateman felt that she was in fear, she would not have had me meet in the office building she was at.

Mayor Allen stated Councilmember Ham has the floor and is making a motion, when he is done you can have the floor.

Councilmember Williams stated I have every right to feel this way, this is a mockery, this is double jeopardy. The court ruled, and they said it no merit and we are doing this over again.

Councilmember Ham stated Councilmember Williams you are demonstrating clearly, the actions you are being spoken to about. Your disrespect of other people, and so I think it demonstrates that you don't respect anyone else's opinion, you do not give them an opportunity to speak. It's all about you.

Councilmember Williams stated I do not respect liars.

Mayor Allen asked Councilmember Ham to state his motion.

Councilmember Williams stated there is a lot of confusion in here, this Council is confused.

Councilmember Ham stated that Councilmember Williams be given a letter of admonition for his actions.

Councilmember Williams asked who gave you that strategy?

Councilmember Ham continued and stated that he be prohibited access.

Councilmember Williams asked have you guys spoke about this.

Councilmember Ham stated I have not had a conversation with any member of this council.

Councilmember Williams stated I do not believe you.

Mayor Allen stated Councilmember Ham's motion is we adopt a censor resolution, before it can be adopted, we will have to have a hearing, we will send the proper letter if voted in, and then we ask that we restrict his access to city hall, was that your motion? Councilmember Ham stated yes.

Mayor Allen asked if there was a second.

Councilmember Aycock seconded the motion.

Councilmember Stevens stated the reason I am leaving is because of this situation and matters that have been going on today and previously. I could out several situations of hostile environment. I could call it for all of us, but truthfully in this matter of speaking, I am done, I pray that whatever comes out it gets done in the right direction.

Councilmember Williams stated according to our laws, pertaining to this matter, to this hearing, I am entitled to have an attorney, and this council has to allow me to have legal representation. So I make a motion that this Council approve me an attorney so that I am able to defend these false allegations and this sanctioning.

Councilmember Foster seconded the motion.

Councilmember Aycock reminded Council there is already a motion of the floor.

Mayor Allen called for a vote on Councilmember Ham's motion that was seconded by Councilmember Aycock.

Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Stevens, Ham and Aycock voted in favor of the motion that Councilmember Williams be given a letter of admonition for his actions and prohibited access to City Hall.

Mayor Allen asked Attorney Lawrence are we obligated in any way to provide an attorney to Councilmember Williams, or would he do that personally.

Attorney Lawrence stated I will research that and get back to you.

Councilmember Williams stated according to our ordinances and I actually have an email from Frayda Bluestein and I also want to ask this question to the attorney. October 4 when I talked to you about this TRO you told me you could not represent me as an attorney so at that point I asked you well could you at least get me the TRO complaint, who gave you the complaint?

Attorney Lawrence stated the Clerk's Office did.

Councilmember Williams stated how could they give that to you if you didn't represent me?

Attorney Lawrence stated it was public record.

Councilmember Williams stated it was not public record, I did not get served until the 9th but you had it on the 4th.

Attorney Lawrence stated it does not matter when you got served.

Councilmember Williams stated well let me ask you this, why was it two copies, why was it a draft then it was a file copy. Did you assist Ms. Carter in filling out this TRO?

Attorney Lawrence stated absolutely not.

Councilmember Williams stated I think it was unusual not to have Mr. Guthrie up here and speak, when he was the main person that I was speaking to through this complaint process. He assured me this was going to be fair, and it wasn't. I trusted him and I trusted the HR Director who never followed with any of the grievances, or anything. Now this is what was sent to Mr. Lawrence, this email, G.S. 160A-167 allows a city to provide a defense to any member of the governing body involving a matter that arises in the scope and course of his official duty, harassment is not within the scope of duty but Valerie Bateman stated there was not harassment, she said it was retaliation and she was wrong about that too because I was the first one to file a complaint.

Discussion continued regarding legal defense.

Mayor Allen called for a vote on Councilmember Williams' motion to provide an attorney which was seconded by Councilmember Foster.

Councilmember Aycock stated we have asked Mr. Lawrence to look into it, I am going to deny today, but still wanted to hear from the attorney about the legal part of it.

Councilmember Williams, Foster and Stevens (Councilmember Stevens was considered a favorable vote, due to a lack of a vote) voted in favor of the motion to hire Councilmember Williams an attorney. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted against the motion. Mayor Allen stated the motion failed 3:4.

Councilmember Williams explained the grievance procedure in the ordinance.

There being no further business, the meeting adjourned.

Chuck Allen
Mayor

Melissa Capps, MMC/NCCMC
City Clerk