

**City Council Special Meeting
February 5, 2014**

The City Council of the City of Elizabeth City met for a Special Meeting on Wednesday, February 5, 2014 in Council Chambers, located on the 2nd floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Joe Peel
Councilwoman Jean Baker
Councilman Ray Donnelly
Mayor Pro Tem Anita Hummer
Councilman Michael Brooks
Councilman Kem Spence
Councilman Montravias King

MEMBERS ABSENT: Councilman Tony Stimatz
Councilman Darius Horton

OTHERS PRESENT: City Manager Rich Olson
City Attorney Bill Morgan
Deputy City Clerk Vivian White

The City Council Special Meeting was called to order by Mayor Joe Peel at 5:30 p.m. Mayor Peel welcomed everyone to the meeting and recognized Councilman Michael Brooks for the invocation, after which all in attendance recited the Pledge of Allegiance.

1. Agenda Adjustments and Approval:

Mayor Peel called for approval of the agenda.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker, to approve the agenda as presented. The motion carried unanimously.

2. Discussion – Clarifying the directive for the investigation approved by the City Council during the January 27, 2014 City Council Meeting:

Mayor Peel recognized Councilman Michael Brooks and Councilman Kem Spence for their comments regarding calling the Special Meeting.

Councilman Spence stated that he wanted to determine who actually was going to select the person who will conduct the investigation. Mayor Peel responded that the Council had instructed City Attorney Morgan to present names to the Council for their consideration.

Councilman Brooks objected and stated that it was not the Council's intention for the City Attorney to gather the names for the Council's consideration. He said that it would be a conflict of interest for the City Attorney to do that, because he worked for the City. Councilman Brooks further stated that he had asked during the January 27, 2014 Council meeting that someone outside the City make the recommendations. He said he was concerned when he read an article in The Daily Advance that reported that the City Attorney would be finding the names, which prompted him to request the Special Meeting.

Councilman Donnelly asked how the process for identifying someone to do the investigation would work and if all the Councilors will come back with suggestions. Councilman Brooks stated that the NAACP called for the investigation initially; and he said that they are just as qualified as anyone to bring a name because they have attorneys, they are totally on the outside and it would be impartial. He stated that it would still be approved by the Council, even if the NAACP suggested the name. He proposed that would be the best way to go about it to assure the City was not involved in the investigation.

Mayor Peel asked how that would be any different than City Attorney Morgan's association with himself and the City Manager; and the NAACP, who originally brought the charge.

Councilman Brooks disagreed and stated that even if the NAACP did the investigation, they would still have to go through a process. Mayor Peel countered and stated that was the same argument Councilman Brooks used against Mr. Morgan suggesting an investigator's name.

Motion was made by Councilman Michael Brooks, seconded by Councilman Kem Spence, that the Council not have the City Attorney look for someone to investigate Mr. Peel and Mr. Olson and that we (*the Council*) have the NAACP or another entity outside to bring someone.

Mayor Peel called for discussion of the motion.

Councilwoman Baker stated that she previously advised the Councilors that she did not feel qualified to bring someone in; and she further stated that she did not feel anyone on the Council was qualified to direct who would do an investigation. She said she thought the District Attorney or even the County Manager could make a suggestion or someone in the field of investigations could provide a name.

Councilman Spence stated that the Councilors could contact anyone they felt was qualified to make a recommendation in order to get a suggestion and then bring it back to the Council.

Councilman Brooks stated that the reason why his motion was not to have Mr. Morgan find someone was that the NAACP did not have to use a lawyer in their system. He indicated that they have access to more lawyers because they not only have a local chapter, but state and federal chapters. He said that he personally had ongoing issues with the district attorney's office and stated that they had been very biased. He reiterated that his motion stands as he first stated.

Mayor Pro Tem Hummer inquired who would pay for the investigation if the District Attorney's office performed it. City Attorney Morgan responded that if the investigation was performed for someone other than the state, he felt the City would be billed for those services.

Councilwoman Baker pointed out that she did not suggest that the District Attorney perform the investigation, only that he suggest someone that could do an investigation.

Councilman King stated that the names should be brought to the next City Council meeting so the Council could get the ball rolling.

Councilman Donnelly requested that resumes and background information be submitted on the various investigators in order to allow him to make an informed decision. Councilman Brooks responded that a resume had nothing to do with someone's ability to investigate.

Mayor Peel called for the vote on Councilman Brooks' motion, the results of which are as follows:

Those voting in favor of the motion: Brooks, Hummer, King and Spence. Against: Baker and Donnelly. The motion carried.

3. Closed Session as authorized by NCGS § 143-318.11(a)(6) – Discussion of Personnel Matters:

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilwoman Jean Baker to go into Closed Session per NCGS § 143-318.11(a)(6) for discussion of personnel matters. Motion carried unanimously.

Mayor Peel declared a three minute recess, after which the Council entered Closed Session at 6:01 p.m.

Motion was made by Mayor Pro Tem Anita Hummer, seconded by Councilman Michael Brooks to come out of Closed Session and return to Open Session. Motion carried unanimously.

The Council returned to Open Session at 6:43 p.m. Mayor Peel thanked everyone for attending the meeting. He announced that City Manager Olson had suspended all testing for the Public Works Department until the Council can discuss the issue and make some decisions about it during a later City Council meeting.

There being no further business to be discussed, Mayor Peel adjourned the meeting at 6:45 p.m.

Joseph W. Peel
Mayor

Vivian D. White, NCCMC
Deputy City Clerk