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**CITY OF HAMPTON
MAYOR AND CITY COUNCIL
ORGANIZATIONAL MEETING
JANUARY 3, 2019**

MINUTES

Present: Mayor Steve Hutchison; Mayor Pro Tem Ann Tarpley; Councilmembers: Stephanie Bodie, Elton Brown, Henry Byrd Errol Mitchell, and Willie Turner.

Staff: City Clerk Melissa Brooks, City Attorney L’Erin Wiggins, Police Chief Derrick Austin, Director of Human Resources Cris Randall, Director of Finance Millie Shah, Director of Economic Development Dr. James Bumpus and Director of Community Development Franck Houenou.

Absent: None.

City Clerk Melissa Brooks called the January 3, 2019 Organizational Meeting to order for the purpose of swearing in newly elected officials. Being there were none, the meeting was turned over to Mayor Hutchison.

- 23 1. Consideration and action on appointing a representative to the Henry County Planning
24 and Zoning Advisory Board to fill the un-expired term of Warren Bailey.

25
26 Councilmember Byrd nominated Chris Moore to serve on the Henry County Planning and
27 Zoning Advisory Board. Councilmember Tarpley nominated Dexter Cladd to serve on the
28 Henry County Planning and Zoning Advisory Board.

29
30 **ACTION:** Councilmembers Byrd, Mitchell, Brown and Bodie voted in favor of Chris Moore
31 to serve on the Henry County Planning and Zoning Advisory Board.

32
33 Councilmembers Tarpley and Turner voted for Dexter Cladd to serve on the
34 Henry County Planning and Zoning Advisory Board.

35
36 **Motion Passed (4-2) if favor of Chris Moore**

- 37
38 2. Consideration and action on appointing as the City’s Associate Judge to serve in the
39 absence of the Municipal Judge.

40
41 City Attorney Wiggins gave background regarding the importance of the City having a
42 backup Judge. Attorney Wiggins presented to the Mayor and Council Attorney Matthew
43 McCord and gave a brief background on Mr. McCord.

44
45 Councilmember Tarpley asked for the process of selecting Matthew McCord as the City’s
46 Associate Judge.

47
48 Attorney Wiggins said that the qualifications for serving as a Judge is five years of practice –
49 we looked for someone in the surrounding area, and someone who would be available. She

50 received feedback from other Judges. It was determined that if something unforeseen should
51 happen to the current municipal Judge, Judge McCord would fill-in until a new Judge is
52 appointed.

53
54 **ACTION:** Councilmember Mitchell motioned to appoint Judge Matthew McCord as the
55 City's Associate Judge, seconded by Councilmember Byrd.
56 **Motion Passed (6-0)**

57
58 3. Swearing in of City Attorney L'Erin Barnes Wiggins.
59
60 Mayor Hutchison administered the Oath to Attorney Wiggins.

61
62 4. Appointment of 2019 Committee Members.

63
64 4a. Mayor Pro Tem

65
66 **ACTION:** Councilmember Byrd nominated Councilmember Errol Mitchell for the position
67 of Mayor Pro Tem, seconded by Councilmember Bodie.

68
69 Councilmember Turner nominated Councilmember Ann Tarpley for the position
70 of Mayor Pro Tem, seconded by Councilmember Brown.

71
72 **Motion Passed (4-3) Mayor cast tie breaking vote in favor of Errol**
73 **Mitchell as the 2019 Mayor Pro Tem**

74
75 Mayor Hutchison announced the committees and members as follows:

76
77 **ADMINISTRATIVE & FINANCE COMMITTEE**
78 Chairperson Errol Mitchell & Co-Chairperson Elton Brown

79
80 **PUBLIC SAFETY COMMITTEE**
81 Chairperson Ann Tarpley & Co-Chairperson Errol Mitchell

82
83 **COMMUNITY SERVICE & RECREATION COMMITTEE**
84 Chairperson Ann Tarpley & Co-Chairperson Willie Turner

85
86 **ENVIRONMENT & SANITATION COMMITTEE**
87 Chairperson Willie Turner & Co-Chairperson Elton Brown

88
89 **ELECTRIC, WATER & SEWER & STREET COMMITTEE**
90 Chairperson Henry Byrd & Co-Chairperson Willie Turner

91
92 **PUBLIC BUILDINGS & PROPERTY COMMITTEE**
93 Chairperson Henry Byrd & Co-Chairperson Elton Brown

94
95 **EDUCATIONAL & YOUTH COUNCIL COMMITTEE**
96 Chairperson Stephanie Bodie & Co-Chairperson Ann Tarpley

97
98

99 **COMMUNITY DEVELOPMENT COMMITTEE**

100 Chairperson Errol Mitchell & Co-Chairperson Stephanie Bodie

101
102 Mayor requested that members of the Council see him regarding any changes in their committee
103 appointment.

- 104
105 5. Public Hearing on proposed Budget for FY2019 and approval of Ordinance #472 (2nd
106 Reading).

107
108 Mayor Hutchison opened the Public Hearing for Public comments on the adoption of the
109 proposed FY2019 budget.

110
111 Councilmember Tarpley motioned to approve the FY2019 budget and supporting Ordinance
112 #472, seconded by Councilmember Turner.

113
114 **AMENDMENT TO ORIGINAL MOTION:** Councilmember Tarpley requested an
115 amendment to the DDA's budget to increase DDA's budget from \$130,000 to 230,000,
116 seconded by Councilmember Turner.

117 **AMENDED MOTION FAILED**

118
119 **ORIGINAL MOTION PASSED IN FAVOR OF ADOPTING FY2019 BUDGET AS**
120 **PRESENTED: Motion Passed (4-2)**

121 **Bodie & Byrd - Opposed**

122 **Brown, Mitchell, Tarpley & Turner – Voted in favor**

- 123
124 6. Personnel Hearing for Charles L Coney.

125
126 Attorney Wiggins requested that the Council take a moment to set-up chambers with tables
127 and chairs for Mr. Coney and his attorney Maurice King.

128
129 After a table and two chairs were brought into the chambers, the meeting reconvened at 6:19
130 p.m.

131
132 The meeting was turned over to City Attorney Wiggins. Attorney Wiggins gave a
133 introduction and purpose for the hearing:

134
135 As you know, this is the appeal hearing for Mr. Charles L. Coney. This appeal hearing is
136 done pursuant to the employment contract that was given to Mr. Coney by this board upon
137 the hiring of Mr. Coney as the City Manager earlier in 2018.

138
139 The request for an appeal was timely done following this board's action to terminate Mr.
140 Coney. For the record, there was some scheduling conflicts amongst Mr. King who
141 represents Mr. Coney and the City and me. Based on email conversations and phone
142 conversations – today's hearing was a suitable time for both sides.

143
144 We're having this hearing for an opportunity for Attorney King and Mr. Coney to appeal to
145 the Mayor and Council to overturn the decision of the Mayor and Council to terminate
146 employment. This is an opportunity for the Mayor and Council to hear Attorney King and
147 Mr. Coney.

148 Once that has taken place, the Mayor and Council will go into Executive Session to
149 deliberate. The Mayor and Council will come back out in public session to announce the
150 outcome. Attorney Wiggins stated if anyone has questions regarding the process – know is
151 the time to voice your concerns.

152

153 Attorney King stated – before we start, I am going to object to the process. We object to the
154 hearing. We still do not know the reason for termination. Lack of adequate pre-termination
155 hearing, lack of dis-interested and un-bias decision making, lack of subpoena powers.

156

157 We object to the process – it violates due process, it seems to me the City has the burden of
158 proof and today it seems that the burden of proof is being placed on Mr. Coney.

159

160 We also object the employment hearing – each party must have a fair opportunity to present
161 their case.

162

163 We object because the alleged vote to terminate Mr. Coney’s employment contract violates
164 the contract and the Open Meetings Act because it was not an agenda item nor was it added
165 as an agenda item. He stated that Mr. Coney did not have notice of his termination.

166

167 Attorney Wiggins responded to Attorney King by saying this is not an opportunity to go back
168 and forth, so if Attorney King wishes to go forward considering his objections he may do so,
169 and if Attorney King wants to present an appeal to Mayor and Council – now is the time to
170 do so.

171

172 Attorney King called his witness – Charles L. Coney and requested that he be seated in an
173 unavailable area of the chambers. (Area occupied by City Clerk and City Attorney).

174

175 Attorney Wiggins asked for what purpose would Mr. Coney need to be seated differently.
176 This is not a trial.

177

178 Attorney King stated that I understand that this is not a trial, but I have to make my record
179 and I still have to ask my client questions.

180

181 Attorney King swore Mr. Coney in – to tell the truth.

182

183 Attorney King referred to the following exhibits:

184

185	Exhibit 1	Employment Agreement
186	Exhibit 2	Letter – Request for an Appeal
187	Exhibit 3	Ordinance Section 2-120 (Removal of City Manager)
188	Exhibit 4	HB 539
189	Exhibit 5	Certified Copy of November 13, 2018 Council meeting agenda
190	Exhibit 6	Mayor & City Council agenda for January 3, 2019
191	Exhibit 7	Mayor & City Council Special Called Meeting for December 11, 2018
192	Exhibit 8	Ordinance Section 2-116

193

194 Attorney King questioned his client Charles L. Coney accordingly by discussing the above
195 Exhibits.

196

197 As the questioning of Mr. Coney continued with no interruptions from the Mayor and City
198 Council for 45 minutes.

199
200 Attorney King asked Mr. Coney to respond to how it felt on the day that he was terminated.
201 Attorney King asked his client if he was treated like a “nigger” by the Mayor and City
202 Council.

203
204 At this point, Mayor Hutchison stated that he did not like the use of the “N” word in his
205 chambers.

206
207 Mr. Coney responded by saying that he will not agree that he was treated like a “nigger” but
208 that he was treated unprofessionally.

209
210 Attorney Wiggins stated that the line of questions that are being asked – did not have
211 anything to do Mr. Coney appealing to regain employment with the City of Hampton.

212
213 Attorney King asked Attorney Wiggins – what is your position here today?
214 Are you a hearing Officer?

215
216 I am here to represent the Mayor and Council for the City of Hampton and to ensure that
217 things are done in order.

218
219 We are now out of order – Let’s stay on the relevant topic of – “Your client was terminated
220 - and therefore, the Council should over-turn their decision”.

221
222 City Attorney Wiggins stated to Attorney King - that the road that you’re going down does
223 Not address over-turning the Mayor and Council’s decision.

224
225 A discussion took place regarding allowing Mr. Coney the right to appeal the Mayor and
226 Council’s decision to terminate.

227
228 Attorney Wiggins stated – You are Appealing to the Mayor and Council to Over-turn their
229 decision of terminating Mr. Charles L. Coney – nothing more.

230
231 At this time, Mayor Hutchison stated the Mayor and Council would enter Executive Session
232 to deliberate.

233
234 **ACTION:** Councilmember Mitchell motioned to enter executive session at 7:10 p.m. for the
235 purposes of discussing personnel, possible litigation and real estate, seconded by
236 Councilmember Bodie.

237 **Motion Passed (4-2) to enter Executive Session**
238 **Councilmembers Brown and Tarpley opposed to entering Executive Session**

239
240 **ACTION:** Mayor Pro Tem Tarpley motioned to reconvene the Regular Session at 7:41 p.m.,
241 seconded by Councilmember Turner.

242 **Motion Passed (6-0)**
243

244 City Attorney Wiggins requested for Attorney King to add any additional exhibits at this
245 point. She state that I have Exhibits 1-8. Attorney King confirmed that there were no
246 additional exhibits.

247
248 **EXECUTIVE SESSION**

249
250 **ACTION:** Councilmember Mitchell motioned to uphold the Council’s decision that was
251 made on November 13, 2018 to terminate the employment agreement with
252 Charles L. Coney as Hampton’s City Manager for the following reasons: Not
253 providing the Budget, not listening to citizens, and not interacting with the
254 council, seconded by Councilmember Byrd.

255
256 Councilmember Mitchell, Bodie & Byrd voted to uphold the termination of Charles L.
257 Coney.

258
259 Councilmembers: Brown, Tarpley & Turner opposed to the termination of Charles L.
260 Coney.

261 **Motion Passed (4 – 3) The Mayor cast the tie breaking vote to uphold the**
262 **termination of Charles L. Coney.**

263
264 7. Swearing in of Otanya Clark with Clarke Law, LLC as prosecuting attorney for the City
265 of Hampton.

266
267 Mayor Hutchison administered the Oath to Prosecuting Attorney Clark.

268
269 **ACTION:** Councilmember Tarpley motioned to adjourn, seconded by Councilmember
270 Byrd.

271 **Motion Passed (6-0)**

272
273 There being no further business. Meeting adjourned at 7:45 p.m.

274
275
276 _____
277 Steve Hutchison, Mayor

278
279
280 _____
281 Melissa Brooks, City Clerk