

NAVASSA REGULAR COUNCIL MEETING

February 16, 2023

7:30 P.M.

MEMBERS PRESENT

Eulis Willis, Mayor
William Ballard, Councilman

Jerry Merrick, Councilman
Ernest Mooring, Councilman

STAFF PRESENT

Darryl Decotis, Police Chief
Michelyn Alston, Clerk

Norwood Blanchard, Attorney

CITIZENS & VISITORS PRESENT

Marie McMillan
Janice Robbins
Clifton Ballard
Steven Hatcher
Craig Suggs
Darlene Jones

Robert McMillan
Henry Robbins
Wilhemina Everett
Melvin Walker
Dorsey Jones
Rodney Grady

Aaron Williams
Ronnie Ballard
Thurman Everett
Chiwale Thomas
LaTonya Lowe

Councilman Ballard led the Invocation
Before Mayor Willis called February 16, 2023, meeting to order at 7:30 pm.

ADJUSTMENT OF AGENDA

Councilman Ballard asked that Swearing in Ceremony be tabled until clarification on tie breaker vote is given.

Councilman Merrick asked if he could ask the attorney a question to clear the issue, stating the method in which we done was wrongful. He asked the attorney to address this issue referring to the email he received. Councilman Merrick asked the attorney to address those questions that were asked a of him at that time in the email. The question was asked about the mayor ability to vote.

Attorney Blanchard stated looking at minutes from last month if you end with a stale mate, we get to the same results no matter what happens. Settling of ties the default procedure of 160A 69 or 67 is going to apply. The mayor is treated like other mayors in the state but were going to get to the same results. a discussion was held several months ago about the methods stating with a tie Mayor gets to break the tie.

Councilman Merrick reference G.S. 160-69 or 160-67 stating he is to be treated like other Mayors. The method is Appointment or nomination. In a nomination does the mayor gets

to break a tie? Councilman Merrick referred that they haven't established yet if he has the right to vote or not.

Attorney Blanchard referred to Bob Joyce from SOG saying no he cannot.

Mayor Willis says the procedure says it's in the original charter that the mayor can vote on all matters. A discussion was held between board members regarding the mayor stating he can vote on all matters according to the charter.

Councilman Ballard addressed the fact that Attorney Blanchard agreed with them that the mayor cannot break the tie-on nomination but tonight is speaking something different.

Attorney Blanchard said on nomination no he does not. A discussion was held with the board over speaking one another. Councilman Merrick informed the board that regardless of what is done here tonight he will be taking it further because Louis Brown was the only mayor that had the right to vote on all matter until the first election.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN BALLARD TO TABLE SWEARING IN CEREMONY. BY A SHOW OF HANDS. 2-AYES Merrick/Ballard, 3- NAYS Dixon/Mooring/Willis.

APPROVAL OF MINUTES

Councilman Merrick asked that corrections be made to minutes to reflect that he made a nomination for Tonya Lowe not motion for District 2 Vacant Seat. Councilman Ballard made a motion and Mayor corrected him that he could not second a nomination.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN BALLARD FOR CORRECTION OF MINUTES TO REFLECT HE MADE NOMINATION INSTEAD OF MOTION FOR DISTRICT 2 VACANT SEAT. BY A SHOW OF HANDS. 2-AYES Ballard/Merrick, 3-NAYS Mooring/Dixon/Willis.

COUNCILMAN MOORING MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO APPROVE THE MINUTES AS WRITTEN. BY A SHOW OF HANDS. 3-AYES Mooring, Dixon, Willis, 2-NAYS Merrick, Ballard.

SWEARING IN CEREMONY

Mayor Willis administers the Oath of Office.

"I **Thurman B Everett**, do solemnly swear (or affirm) that I will be alert and vigilant to enforce the laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; that I will support and maintain the constitution and laws of North Carolina not inconsistent therewith; and that I will faithfully and impartially discharge and execute the duties

of my office as a City Council Member according to the best of my skill, abilities, and judgment; so help me, GOD”.

Sworn to and subscribed before me this, the 16th day of February 2023.

BUSINESS

Project Updates

- It was reported that NCEM Grant was awarded to Right Angle Engineering.
- DOT MUP Right Angle Engineering will draft a propose relocate of the path. Hugh will discuss easements with the Church and Patricia White.
- Indian Creek/ Waterfront, Christian will attend March’s agenda meeting to discuss the design of the project.
- StRAP grant is moving forward with RFQ advertisement for selection of a contractor.
- Updates from other minor projects are in their packets.

Port City Builders Change Order

Port City Builders, Inc presented the board with proposed change order #4. Councilman Mooring express concern about accountability for material that was signed for and the change orders that we having to approve. Councilman Merrick explained to the board that the building was order prior to COVID and laid on site a year before we began construction work. Therefore, some material may be misplaced.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN BALLARD TO APPROVE PORT CITY BUILDERS CHANGE ORDER #4. ALL VOTED IN FAVOR.

Phoenix Park Water

Councilman Ballard asked the board to request 2 more bids rather than going with the 1 bid from Mr. Garcia for Phoenix Park Water project.

COUNCILMAN BALLARD MADE A MOTION SECONDED BY COUNCILMAN MERRICK TO ASK FOR TWO MORE BIDS FOR THE PHOENIX PARK WATER PROJECT. ALL VOTED IN FAVOR.

Council Retreat Date

COUNCILMAN MOORING MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO HOLD COUNCIL RETREAT ON FEBURARY 25TH AT 9:00 AM. ALL VOTED IN FAVOR.

Budget Workshop Date

COUNCILMAN BALLARD MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO HOLD COUNCIL BUDGET WORKSHOP ON MARCH 11TH AT 9:00 AM. ALL VOTED IN FAVOR.

PLANNING DEPARTMENT

The Clerk read the update that Mr. Shore prepare for the board.

- A request for Reaves Chapel Variance hearing for March
- A request for text amendment that was recommended by the Planning Board last evening.
- He will provide a report of all active development projects and their status to the Town by end of the month.
- He also stated, “I have appreciated the opportunity to assist the Town and am available to provide technical guidance in the hiring process for a full-time planner.”

The board will table the Reaves Chapel Variance Request and text amendment until they have a planner and/or technical support person.

Councilman Merrick request that the board asked that Mr. Shore be contacted to see if Reaves Chapel Variance could be done before his contract ends and/or have him brief the attorney regarding the procedure as technical support since this project has been on hold for several months.

POLICE DEPARTMENT

Chief Decotis gave the following brief:

1. Three grants for law enforcement funding were completed, one for State and two for Federal.
2. Completed necessary paperwork necessary to become an approved and authorized entity to receive state and local discounts on new Goodyear tires for Police Department.
3. The Department switch from E citation to digital track the ticket process.
4. Received 2 estimates to repair police car asking board to make motion for the repair not to exceed specific amount so this process can move forward.
5. Reminded Council that he would be on vacation and recommending promoting Office Patrick Merrill to Captain while he is out of the country. The promotion would not cost the Town anything already have the badge and he will continue to work as auxiliary with no monetary compensation.
6. No parking sign has been installed along Forest Hill and Main Street because some people parking on grass while waiting for school bus.

The Board members asked the following questions/comments.

- A copy of the report that is being given.
- Do we have money for car repair must take a detail look at the budget.
- Requesting documentation that Officer Merrill will not be paid while covering for Chief vacation.

FINANCE DEPARTMENT

Budget vs actual report and Bank Reconciliation are in packets.

COUNCILMEMBER REPORT

Councilman Ballard stated a citizen in District 3 has a concern about the planning board having him change out his fence. He asked the board if they were aware of any request that was sent out.

Councilman Everett informed the board and citizens that he was there to serve the people of this town and help the town to grow by bringing forth visions and ideas.

Councilman Mooring is still working with the school system regarding the picking up the children from bus stop and will be attending Justice Forty Conference next week pursuing grants and funding for the Town.

CITIZENS TO BE HEARD

Mr. Rodney Ballard express concern about his business location zoning change from commercial to residential which hinders him from getting the certificate needed to reestablish his home base business.

Councilwoman Dixon investigate his concern prior and because his business was closed that automatically remove him from grandfather clause.

Attorney Blanchard informed Mr. Ballard he could ask for a variance, rezoning or some type of adjustment.

Ms. Marie McMillan stress to the board that they need to show more love towards one another and stop all that fussing at each other. She is thankful for the town reimbursing her for material purchase for the beatification of the Town's sign and hopes a committee can be established to enhance all the town.

EXECUTIVE SESSION

COUNCILWOMAN DIXON MADE A MOTION SECONDED BY COUNCILMAN MOORING TO GO INTO EXECUTIVE SESSION. ALL VOTE IN FAVOR.

COUNCILMAN BALLARD MADE A MOTION SECONDED BY COUNCILMAN MOORING TO COME OUT OF EXECUTIVE SESSION. ALL VOTED IN FAVOR.

No Action Taken on Matters

The Clerk was directed to contact the CPA and to advertised Planning Position.

Authorization was given to Police Chief to have car repaired.

ADJOURNMENT

There being no further business, Mayor Willis asked for adjourned of February 16, 2023.

COUNCILMAN BALLARD MADE A MOTION SECONDED BY COUNCILMAN MOORING TO ADJOURN THE MEETING. ALL VOTED IN FAVOR.

ATTEST:

Town Clerk

Mayor Pro Tem