

NAVASSA REGULAR COUNCIL MEETING

October 20, 2022

7:30 P.M.

MEMBERS PRESENT

Eulis Willis, Mayor
William Ballard, Councilman
Ernest Mooring, Jr, Councilman

Jerry Merrick, Councilman
Ida Dixon, Councilwoman
James Hardy, Councilman

STAFF PRESENT

Michelyn Alston, Clerk
Darryl DeCotis, Police Chief
Officer Coy Wolff

Attorney Norwood Blanchard
Sam Shore, CFCOG-Planner

CITIZENS & VISITORS PRESENT

Walter Mapson
Janice Robbins
Steven Hatcher
Frank Willis
Dorsey Jones
Seth Ellis
Norwood West

Marva Robinson
Henry Robbins
Clifton Ballard
Melvin Walker
Darlene Jones
Tony Burgess

Councilman Ballard led the Invocation.
Before Mayor Willis called October 20, 2022, meeting to order at 7:30pm.

ADJUSTMENT OF AGENDA

None.

APPROVAL OF AGENDA

COUNCILWOMAN DIXON MADE A MOTION SECONDED BY COUNCILMAN MERRICK TO APPROVE THE AGENDA AS WRITTEN. ALL VOTED IN FAVOR.

APPROVAL OF MINUTES

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO APPROVE THE MINUTES WITH THE NECESSARY CORRECTIONS. ALL VOTED IN FAVOR.

VENDORS/VISITORS WITH TOWN BUSINESS

None.

OLD BUSINESS

Duke Energy Easement

Mr. Norwood West from Duke Energy the Land representative for the project located on Cedar Hill Road spoke to the board about three easements that were needed. He stated the power lines in that section would be moved from the south side to the north side.

Councilman Mooring asked about the possibility of running the lines underground and was informed that the cost was too great to consider that option. Mr. West spoke about three different options and the best solution would be option 3 that would eliminate Councilman Ballard property being affected.

Attorney Blanchard asked for clarification that option 3 will not change anything on Councilman Ballard property and asked if Mr. West if he opposed Councilman Ballard voting on this matter. Attorney Blanchard advise Councilman Ballard to abstain from voting on this subject

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO APPROVE THE EASEMENT WITH DUKE ENERGY PROGRESS. ALL VOTED IN FAVOR.

Easement

State of North Carolina County of Brunswick THIS EASEMENT (“Easement”) is made this 20th day of October 20, 2022, from TOWN OF NAVASSA, a municipal corporation organized and existing under the laws of the State of North Carolina (“Grantor”, whether one or more), to DUKE ENERGY PROGRESS, LLC, a North Carolina limited liability company (“Grantee”). Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, “Facilities”). Grantor is the owner of that certain property described in that instrument recorded in Deed Book 4777, Page 465, Brunswick County Register of Deeds (“Property”). The Facilities may be both overhead and underground and located in, upon, over, along, under, through, and across a portion of the Property within an easement area described as follows: A strip of land thirty feet (30’) in uniform width for the overhead portion of said Facilities and a strip of land twenty feet (20’) in uniform width for the underground portion of said Facilities, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10’) wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the “Easement Area”).

The rights granted herein include, but are not limited to, the following: 1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee). 2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions. 3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities. 4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area. 5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation,

widening, or alterations. 6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor. 7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage and shall only be to the extent such damage was caused by Grantee or its contractors or employees. 8. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and neighboring lands. Portions of the Facilities may be installed immediately, and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations at the widths defined in this Easement. 9. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities. The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights. TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

Project Update

A document was submitted to the board with the update on various ongoing projects.

NEW BUSINESS

Port City Builders

The board was presented with a change order from Port City Builders for project Navassa Town Offices Site work and foundation (Municipal Building) in the amount of \$3,808.00.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO APPROVE THE CHANGE ORDER FROM PORT CITY BUILDERS FOR \$3,808.00. ALL VOTED IN FAVOR.

Akers Building Systems

The Board was presented with a change order from Akers Builders System for Navassa Municipal Building in the amount of \$1,607.59.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO APPROVE THE CHANGE ORDER FOR AKERS BUILDING SYSTEMS FOR \$1,607.59. ALL VOTED IN FAVOR.

Resolution Dedicating Public Buildings

Councilman Merrick gave a brief about the Resolution he was presenting for adoption, stating it was to honor those who were first on Board. Councilwoman Dixon asked that the resolution be amended to include Charlena Alston to Maintenance Department

Building. A brief discussion regarding the pros and cons were held with the resolution not being altered.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN BALLARD TO ADOPT THE RESOLUTION DEDICATING PUBLIC BUILDINGS. PASSED BY A VOTE SHOW OF HANDS. Councilman Mooring didn't vote stating he wasn't familiar with anyone from the resolution.

**RESOLUTION DEDICATING PUBLIC BUILDINGS
TOWN OF NAVASSA**

WHEREAS, this Resolution establishes Town of Navassa naming of public buildings and facilities; and, **WHEREAS**, this Resolution provides that buildings, rooms and/or facilities owned by Town of Navassa may be named for individuals who have made exceptional contributions to the community and sets forth specific criteria; and, **WHEREAS**, these individuals made major contributions in assisting the Town of Navassa, **WHEREAS**, the following public buildings will be named after these individuals:

- Louis Bobby Brown Administration Building
- William Mosley, Sr. and Wilhelmina B. Horton Law Enforcement Building
- Oglatha Myers and Walter Williams Senior Center
- Alonza Davis and Nathaniel Andrews Maintenance Building
- Thomas V. Merrick, Sr. and Eulis A Willis Athletic Center

NOW, THEREFORE BE IT RESOLVED THAT, the Town Council of the Town of Navassa hereby dedicates their public facilities to the individuals listed above.
Adopted this 20th day of October 2022.

Community Service Work Program

A Community Service Work Program Recipient Agency Agreement was presented to the board for their approval to participate in program.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN BALLARD TO ENTER INTO AGREEMENT FOR THE COMMUNITY SERVICE WORK PROGRAM. ALL VOTED IN FAVOR.

PLANNING DEPARTMENT

Lena Springs Phase 5 public hearing date

Mayor Willis explained the reason why an administrative decision is not needed but the concerns justify the reason to hold a public hearing instead of voting. He spoke about the safety of the children regarding bus stop and asked that Brunswick County School give explanation as to why they aren't going down those streets.

Councilman Hardy stated his experience with the bus issue on Magnolia Drive was resolved because that street does not have sidewalks. If a particular street has sidewalks like the Lena Springs area the buses will not go down those streets, there because there is no safety issue.

Attorney Blanchard informed the board that a public hearing is not a standard policy, and the town gave the planning board the steps to follow, and he believes the project is complying. Mr. Blanchard stated the town board would have to approve rather than having the court tell us to approve.

Reference was made to the subdivision ordinance rules section 3.3 and 3.5. Attorney Blanchard stated that the planning board and Mr. Sam Shore have done what is necessary for this subdivision plat part. Also, the General Assembly out weights the Town reasons referring to House Bill 196/SL 2021-3. Mr. Shore reported that Brunswick County was contacted, and they reported several reasons the buses don't go down street.

A heated exchange occurred between the Developer and Mayor Willis in which Mayor Pro Tem stepped in and asked that the Attorney to provide the reference House Bill to satisfied Mayor Willis inquiry. Mayor Pro Tem Merrick stated with conflicting interest he would call for a voted.

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN HARDY TO APPROVE THE FINAL PLAT WITH EXCEPTION TO HAVING THE BONDING DOCUMENTS PRIOR TO SIGNING. PASSED UNANIMOUSLY BY A SHOW OF HANDS.

Planning Board Updates

Mr. Shore gave update about the following projects that are before the planning board:

- Samet is requesting a SUP for their project
- Planning board is working on Reeves Chapel PUD
- Clifton Ballard is updating his project proposal

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO HOLD A QUASI-JUDICIAL HEARING FOR SUP NOVEMBER 17TH AT 7:00PM. ALL VOTED IN FAVOR.

POLICE DEPARTMENT

The chief brief the board on the following items:

- Animal Control request to partnership with Town of Leland has been denied Because Leland is operating currently operating at a high level. He recommends contacting the County to see if they are willing to assist.
- He informed council that the Call for service 3rd Quarter breakdown was in the packets
- Navassa Pd will be participating in Town of Bolton Pinetree Festival and Tabor City Yam Festival. Also, will be at Navassa Trunk or Treat event.
- All Officers including soon to be auxiliary officer have completed their annual firearms qualifications.
- Officer Wolff will be attending field training officer school
- Officers will attend the Phoenix Park Fun Day
- Navassa Pd anticipate move into new location next week.

FINANCE DEPARTMENT

The Local Government Commission has approved the audit contract with Nunn, Brashear and Uzzell.

COUNCILMEMBER REPORT

Councilwoman Dixon reported that portions of Old Mill Road have been repaired and she will continue to inspection the state roads to see what needs to be repaired since Councilman Merrick be working.

Councilman Hardy informed the board that he will vacate his seat at the conclusion of November meeting because his character is being attacked and personal reasons. He reported that he is leaving his position as the Finance Officer in good standing with the Audit Contract approved and have supplied the board with qualified candidates for Planner and Administrator position. A hard copy of his resignation will be submitted Monday morning.

Councilman Ballard asked Mayor Willis to show Bernard and Janice Robbins along with Steve Hatcher the plans for the Phoenix Park water situation. He has referred them to head up the project in his place since he has been attending to his ill spouse.

CITIZENS TO BE HEARD

Mr. Frank Willis expresses his concern about the car accidents that keep occurring around the curve near his home that keeps destroying his mailbox. This year there has been four accidents thus far.

Ms. Marva Robinson thanked the board for the repairing of Old Mill Road and stated the resolution for the naming of the building was a good idea. Address the statement by Councilman Mooring that he wasn't familiar with any of the names on the resolution. Also, asked if the gentlemen out of order that was in the back forth exchange. She stated that Oglatha Myers was 1st African American registered nurse to work at NHRMC and Walter Williams was the 1st educated person from Navassa to go to a HBCU.

Mr. Clifton Ballard stated the dedication of public buildings was a good idea but some other people from other districts need some resignation as well.

Attorney Blanchard informed the board that Councilman Hardy seat can be filled by appointment of the Council to serve until the next election.

Councilman Ballard stated he is displeased with the Board members behavior that shared a part in resignation of Councilman Hardy because he was doing a good job.

EXECUTIVE SESSION

COUNCILMAN MERRICK MADE A MOTION SECONDED BY COUNCILMAN MOORING TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL. ALL VOTED IN FAVOR.

COUNCILMAN MOORING MADE A MOTION SECONDED BY COUNCILWOMAN DIXON TO COME OUT OF EXECUTIVE SESSION.

The record will reflect Merrick, Ballard, Hardy left executive session not returning to meeting.

Discuss personnel matter gave directive to staff no action taken.

ADJOURNMENT

There being no further business, Mayor adjourned October 20, 2022, meeting.