

Town of Mount Olive
July 1, 2024
Regular Board Meeting
Minutes

Mayor Jerome Newton called the meeting to order at 6:00 P.M. Those in attendance per roll call were Mayor Pro-Tempore Barbara Kornegay, Commissioner Delreese Simmons, Commissioner Danny Keel, Commissioner Tommy Brown, Commissioner Vicky Darden, Town Attorney Carroll Turner and Town Clerk/Administrative Assistant Sherry Davis.

Mayor Jerome Newton delivered our invocation and Commissioner Tommy Brown lead us in the Pledge of Allegiance.

Mayor Jerome Newton read the Conflict of Interest Statement; there were no conflicts.

Mayor Jerome Newton requested a motion to approve the published agenda. Commissioner Tommy Brown made a motion to add a Resolution of Censure for Commissioner Delreese Simmons. Commissioner Danny Keel seconded and the motion passed 5-0.

Commissioner Delreese Simmons made a motion to hear the Censure now. Commissioner Vicky Darden seconded and the motion failed to pass. Three board members were against, (Commissioner Tommy Brown, Commissioner Danny Keel and Mayor Pro-Tempore Barbara Kornegay). Two board members voted for (Commissioner Delreese Simmons and Commissioner Vicky Darden).

Commissioner Delreese Simmons made a motion to remove the Closed Session PURSUANT TO NCGS SEC. 143-318.11 (*Motion/Second-Roll Call) (a) 6: To consider the competence, performance and/or fitness of an employee. He stated since Town Manager Jammie Royall is not here there is no need to have the closed session. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Mayor Pro-Tempore Barbara Kornegay made a motion to accept the agenda as amended. Commissioner Danny Keel seconded and the motion passed 5-0.

Mayor Jerome Newton requested a motion to approve the June 3, 2024 Regular Board meeting minutes. Commissioner Tommy Brown made the motion. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Mayor Jerome Newton then opened the public forum. Mr. Gerald Bell of 305 North Center Street, Mount Olive, NC 28365. 919-222-4870. He commented if he understands the board received \$188,000.00. He asked if the board would consider rescinding those five cents. He stated Center Street is looking better all the time.

Commissioner Delreese Simmons wished to speak. He said that he represents District 2 and the whole town. He stated he brings to light things that certain groups try to hide. He will continue going on Facebook and will continue in District 2 as long as his people continue to vote for him. He stated he is not mad. He is happy you are not taking his vote.

Mayor Jerome Newton thanked them for their comments and closed the public forum.

Mayor Jerome Newton then discussed Action- Memo- 07-01 – Consider Adoption of Carver High School Alumni & Friends Proclamation. Mayor Pro-Tempore Barbara Kornegay made the motion to approve Action Memo – 07-01. Commissioner Tommy Brown seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action- Memo- 07-02 - Consider Adoption of Updated Capital Improvements Plan for Sewer Collections & Treatment. Mayor Pro-Tempore Barbara Kornegay stated she had met with the Division of Water Infrastructure and they recommended this. Commissioner Danny Keel made the motion to approve Action-Memo – 07-02. Commissioner Tommy Brown seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action- Memo- 07-03 – Consider Approval of Airport Commission Recommendation to Replace David Edwards. Mayor Pro-Tempore Barbara Kornegay stated Mr. Wiley Pender is a veteran and has been a pilot since 1973. The Airport Commission unanimously approved him for recommendation to the Town Board of Commissioners. Mayor Pro-Tempore Barbara Kornegay made a motion to approve Action Memo – 07-03. Commissioner Tommy Brown seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action Memo – 07-04 – Consider Approval of the Wayne County 2024/2025 Annual Agreement and Contribution to the Mount Olive Airport. Mayor Pro-Tempore Barbara Kornegay made a motion to approve Action-Memo – 07-04. Commissioner Danny Keel seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action Memo – 07-05 – Consider Approval of a Resolution of Censure for Commissioner Delreese Simmons. Mayor Jerome Newton asked Town Attorney Carroll Turner if he would please discuss. Town Attorney Carroll Turner distributed the resolution to the Mayor and the Board of Commissioners. He stated this is a resolution saying the majority of the board does not agree with or condone the actions of Commissioner Delreese Simmons. He said this is not a court trial. He requested that Town Clerk Sherry Davis include the Resolution of Censure as an official part of the meeting minutes.

Commissioner Delreese Simmons stated Point of Information. Town Attorney Carroll Turner advised Mayor Jerome Newton to proceed with this meeting following Roberts Rules of Order. Commissioner Delreese Simmons made a motion to adjourn. Town Attorney Carroll Turner stated that is a privileged motion. Mayor Jerome Newton requested a second. There was no second for the motion to adjourn.

Town Clerk Sherry Davis was asked to read the Resolution of Censure for Commissioner Delreese Simmons. She was asked to stop reading at paragraph six. Mayor Jerome Newton requested a recess.

After a fifteen-minute recess, Mayor Jerome Newton called the meeting back to order. Mr. Brent Heath walked up to Town Attorney Carroll Turner's seat and was speaking with him quietly. Mayor Jerome Newton stated he was out of order and asked him to please return to his seat. At this point Annette Kirby stood up and advised she would like to call a Point of Personal Privilege and that it appears an act to censure this young man concerns her. Citizens would be unable to continue getting information and communicate. Mayor Jerome Newton advised the public forum has been closed and there is no public comment, he did state that he would note Annette Kirby's concerns.

Town Attorney Carroll Turner commented that Roberts Rules of Order needs to be followed. A point of information and a point of privilege can be raised by a person participating in the meeting. He responded to the Point of Information request, stating again this is not a court trial and they have no legal obligation or requirement to provide it. Commissioner Tommy Brown commented that Commissioner Simmons' social media posts are the point of information.

Annette Kirby again asked for a point of privilege and stated the board has already gone out of procedure for Roberts Rules of Order by not following the table and recessing until everyone can review further.

Mayor Jerome Newton again stated the public forum has been closed. He thanked Town Attorney Carroll Turner for the information but said he needs to be clear in making this decision. Commissioner Delreese Simmons again requested to adjourn the meeting. There was again no second.

Mayor Jerome Newton said he needs clarification from a legal advisor. He wants to be sure he is legally moving in the right direction. The point of information has to be read to that point. He does not feel comfortable at this point because of the uncertainty.

Mayor Jerome Newton requested the board consider tabling this and recess until tomorrow afternoon at 6:00 P.M. Town Attorney Carroll Turner advised he needs to request a motion and second. Mayor Jerome Newton requested a motion to recess this meeting until Tuesday, July 2, 2024 at 6:00 P.M. at the same location. Commissioner Tommy Brown made the motion to recess until Tuesday, July 2, 2024 at 6:00 P.M. at the Town Hall Board Room. Commissioner Vicky Darden seconded and the motion passed 5-0.

Town of Mount Olive
July 2, 2024
Recessed from the Regular Board Meeting
Of July 1, 2024
Minutes

Mayor Jerome Newton called the meeting to order at 6:00 P.M. Those in attendance per roll call were Mayor Pro-Tempore Barbara Kornegay, Commissioner Delreese Simmons, Commissioner Danny Keel, Commissioner Tommy Brown, Commissioner Vicky Darden, Town Attorney Carroll Turner and Town Clerk/Administrative Assistant Sherry Davis.

Mayor Jerome Newton advised the public forum was closed at yesterday's meeting so there will be no public comment. He stated it was necessary yesterday to recess and get clarification on Roberts Rules of Order.

Mayor Jerome Newton then discussed Action Memo 07-05 - Consider Approval of a Resolution of Censure for Commissioner Delreese Simmons.

Town Clerk Sherry Davis was again asked to read the Resolution of Censure for Commissioner Delreese Simmons as follows:

Resolution of Censure of Commissioner Delreese Simmons

WHEREAS, while the undersigned Commissioners believe that in a constitutional republic, the highest and best corrective action for those in elected office is the ballot box; and

WHEREAS, we also recognize that in some instances the behavior of an elected official is so egregious that a response is needed and deserved by the public, before the opportunity to again cast your ballot; and

WHEREAS, the Mount Olive Board of Commissioners is aware of habitual long-term inappropriate behavior on the part of Commissioner Delreese Simmons which has created an atmosphere of intimidation and compromised the integrity of the Board to which we were elected and on which we serve; and

WHEREAS, Commissioner Simmons has repeatedly attacked fellow Commissioners, including their spouses and town employees, in person and on social media, including threats of termination; and

WHEREAS, Commissioner Simmons has repeatedly disclosed, in person and on social media, privileged and confidential information, obtained in closed sessions, which disclosure could have been damaging to the Town of Mount Olive and resulted in litigation against the Town; and

WHEREAS, Commissioner Simmons has attempted to incite racial animus in the town by repeatedly stating in public, and on social media, that the town is racist and that equal services are not provided for the black community knowing such statements are blatantly false; and

WHEREAS, in order to maintain the integrity of the Board of Commissioners on which we serve, we adopt this Resolution of Censure and condemn the actions of Commissioner Simmons and his threats and intimidation directed not only toward this Board but those directed toward town employees.

NOW THEREFORE, the Board of Commissioners of the Town of Mount Olive does hereby adopt this Resolution of Censure effective until the end of Commissioner Simmons term of office and directs the Town Clerk to make this Resolution a part of the official minutes of the Board of Commissioners.

It is further ordered as follows:

1. Commissioner Simmons is to immediately cease and desist all personal attacks directed toward the Commissioners or town employees including threats of dismissal or demotion, whether made on social media or in person.
2. Effective immediately, Commissioner Simmons is restricted from meeting with department heads without the presence and supervision of the Town Manager.
3. Effective immediately, Commissioner Simmons is restricted from communicating with town employees, with the exception of the Town Manager, Town Clerk or Town Attorney, outside the presence of the Town Manager.

Adopted this 2nd day of July 2024.

Mayor Pro-Tempore Barbara Kornegay made a motion to approve the Resolution of Censure for Commissioner Delreese. Commissioner Tommy Brown seconded the motion. Before a vote was taken, Commissioner Delreese Simmons asked if all of the remaining board members were in favor. Commissioner Vicky Darden responded she hates to do this but asked that her name be removed from the Resolution of Censure because she has received threats. She can said she could work with anyone and again asked that her name be removed.

Commissioner Delreese Simmons requested a move to information. Commissioner Danny Keel moved to the previous question. There is a vote and second on the floor and we have to entertain a vote. Commissioner Delreese Simmons again called for Point of Information. Mayor Jerome Newton commented that Commissioner Delreese Simmons could speak against what is on the Resolution of Censure. He can explain why or why not the information is correct. Commissioner Danny Keel for a second time moved to the previous question to take a vote. Mayor Jerome Newton asked Town Attorney Carroll Turner to advise. Town Attorney Carroll Turner stated the call to previous question (a motion and a second on the floor) was not debatable and can't be amended once moved.

Commissioner Delreese Simmons called for a point of order. Mayor Jerome Newton commented, you justify the information. The resolution is a resolution and not a legal document. We have to be careful not to violate anyone's first amendment rights. He commented the Board has the authority to make this decision so it does not matter whether it is delayed or we move forward.

Mayor Jerome Newton advised the chair determines what the privilege of order is and the rules are if the Board moves forward to move forward. He stated yesterday was a shock though he understands. He does not like the way it was handled and feels it was underhanded. His position as Mayor is to protect the Town; he recessed yesterday for that reason. He is a bit perturbed he was blocked from this. He said we could not build bridges if the people are going to burn them. Mayor Jerome Newton was shocked when Town Attorney Carroll Turner told him that he was sworn to secrecy not to tell the Mayor.

Mayor Jerome Newton asked Town Attorney Carroll Turner if any open meetings laws were violated. Town Attorney Carroll Turner answered, no there was not. Mayor Jerome Newton responded that he wants to make sure everyone understands what could have happened. He said the Chief of Police was put in a terrible predicament. He understands why this was done but not how it was done. We need to figure out a way to work together. Our challenge today is if Commissioner Delreese Simmons continues to run, he will continue to win and we have to work with him. Commissioner Delreese Simmons is allowed to speak and has a right but one motion overrides. Concern from the citizens is the police officers need to do their jobs.

Mayor Jerome Newton advised he would allow. Commissioner Delreese Simmons to speak, then the Board would move forward. Commissioner Delreese Simmons thanked everyone for coming tonight. He stated the Board is doing this because he has attacked them because they were not doing things for their districts. He said when Miss Vicky Darden was attacked no one said anything. He stated that Town Attorney Carroll Turner and Former Mayor Pro-Tempore Steve Wiggins said that nothing could be done.

Commissioner Delreese Simmons stated he has never spoke about anyone's spouse. Commissioner Tommy Brown responded you talked about mine. Commissioner Delreese Simmons requested that Commissioner Tommy Brown provide proof. Commissioner Tommy Brown commented, I have the proof and I will provide it.

Commissioner Delreese Simmons said a couple of years ago they had the police wand people as they came into the meeting room because he posted a rap song. He stated that he had been convicted of six felonies and he has served his time. However, a certain commissioner told him that Miss Sherry accused him of harassing her. Then the next day took it back and said they lied because they were mad.

As to the paragraph regarding inciting racial animus, Commissioner Delreese Simmons wanted to know who put the black community. He asked the audience if they got the same treatment regarding limbs, trash and sewer as the north side. Commissioner Delreese Simmons said he is protected under the first amendment. He then read his first amendment right. He stated a couple of court cases to back that up. He said the Supreme Court heard a Social Media Case in 2017 and a Florida Social Media case ruled the first amendment right is protected and cannot be taken away by government or a private entity. He is here tonight because he ran on transparency and for attacking Town Attorney Carroll Turner on social media.

Mayor Jerome Newton then returned to Action-Memo 07-05 - Consider Approval of a Resolution of Censure for Commissioner Delreese Simmons. He stated we have a motion on the floor to approve by Mayor Pro-Tempore Barbara Kornegay and a second by Commissioner Tommy Brown. Mayor Jerome Newton then asked each Board member to individually state his or her vote as follows:

Commissioner Tommy Brown – Yes
Mayor Pro-Tempore Barbara Kornegay – Yes
Commissioner Danny Keel – Yes
Commissioner Delreese Simmons – No
Commissioner Vicky Darden – No

The motion to Consider Approval of a Resolution of Censure for Commissioner Delreese Simmons passed 3-2.

Mayor Jerome Newton commented to Town Attorney Carroll Turner, it is my understanding one commissioner is censured from talking with town employees, is that legal. Town Attorney Carroll Turner responded, he is not prohibited from talking with town employees but it must be in the presence of the Town Manager.

Mayor Jerome Newton said it is imperative that we as a board repel to a path of success. We need to put aside our personalities and division among us or we will fail as a board. He asked if there was an illegal meeting regarding the preparation of the censure and again stated he felt it very underhanded of the board for not discussing it with him. Town Attorney Carroll Turner responded there was no illegal meeting.

Mayor Jerome Newton advised that he is concerned that our businesses are leaving our Chamber and going to Goldsboro. He has met with several of our business owners and they need to be taken care of. They feel like the Mount Olive Area Chamber of Commerce is only concerned about the North Carolina Pickle Festival and the Christmas Parade. The Mount Olive Area Chamber of Commerce and our citizens need to work together. He said the North Carolina Pickle Festival does bring a lot of people to our town but look at all the empty spaces downtown.

Mayor Jerome Newton wanted to appeal to each of you to work together. Right now, we are so divided and should not be. We need to work together if possible. He does not plan for it to be a circus and he is not a circus master.

There being no further business Mayor Pro-Tempore Barbara Kornegay made a motion to adjourn. Commissioner Danny Keel seconded and the motion passed 5-0.

Our next regular meeting is scheduled for Monday, August 3, 2024 at 6:00 P.M. in the board meeting room.

Respectfully Submitted,

Jerome Newton
Mayor

Sherry Davis
Administrative Assistant/Town Clerk