

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, December 7, 2020**  
**Kitty Hawk Town Hall, 6 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Police Department
  - Introduction of POI Caleb Macon and POIII Tara Poulin
  - Recognition of Retired Police Lieutenant Wade Styons
5. Presentations
  - Terry Gray/Motorcycle-Jeep Toy Run and Presentation to the Police Chief
  - FY 19-20 Audit Report/Teresa Osborne, CPA, Dowdy & Osborne, L.L.P.
6. Public Comment
7. Consent Agenda
  - a.) Approval of October 9, 2020 and November 2, 2020 Council Minutes
  - b.) *(moved to agenda item #8)*
  - c.) Resolution to Obtain a Water Resources Development Grant (Debris Removal in Ditches and Canals)
8. Items Removed from the Consent Agenda
  - a.) Due to COVID-19 Restrictions a Request for Reallocation of Funds from Holiday Luncheon to Gift Cards for Employees
9. Possible New Business
10. Reports/General Comments from Town Manager
11. Reports/General Comments from Town Attorney
12. Reports/General Comments from Town Council
13. Public Comment
14. Adjourn

**COUNCILMEMBERS PRESENT:**

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman David Hines, Councilwoman Lynne McClean and Councilman Jeff Pruitt

**STAFF MEMBERS PRESENT:**

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Police Chief Joel Johnson and Police Officer III Jimmy Helms

This meeting was live streamed on YouTube and could be listened to by telephone.

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**1. CALL TO ORDER**

Mayor Perry called this meeting to order at 6 p.m. and recognized the day as Pearl Harbor Remembrance Day.

**2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

Following a moment of silence, the Pledge of Allegiance was recited.

**3. APPROVAL OF AGENDA**

Mayor Perry said he wants to move 7(b) to agenda item #8 for discussion. **MPT Garriss made a motion to approve by removing item 7 (b). It was seconded by Councilwoman McClean and the vote was unanimous, 5-0.**

**4. POLICE DEPARTMENT**

- Introduction of POI Caleb Macon and POIII Tara Poulin - Chief Johnson recognized these new police officers hired by the town.
- Recognition of Retired Police Lieutenant Wade Styons – Chief Johnson said Lt. Styons retired September 30<sup>th</sup> after working with the town for 21 years. He presented him with a plaque.

**5. PRESENTATIONS**

- **Terry Gray/Motorcycle-Jeep Toy Run and Presentation to the Police Chief** – Mr. Gray presented Chief Johnson with a plaque in recognition and thanks for the department's help with the 5<sup>th</sup> annual toy run. They raised over \$40,000.
- **FY 19-20 Audit Report/Teresa Osborne, CPA, Dowdy & Osborne, L.L.P.**

**Osborne:** *Good evening and congratulations on your new granddaughter MPT Garriss.*

*I am happy to be with you all tonight to present the results of your June 30, 2020 independent audit which we performed this fall. I am here to let you know the town has received an unmodified opinion on its financial statements which is the best opinion you can receive, and you will find that opinion on pages 1 and 2. Additionally, there are no material weaknesses or significant deficiencies noted in internal control and that report is on pages 58 and 59.*

*After budgeted transfers to the capital reserve funds revenues exceeded expenses in the general fund by \$638, 000. This was largely due to certain unbudgeted revenues including*

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*\$55,000 in covid relief and your investment earnings were over budget by about \$108,000. We had some very favorable interest rates last year, unfortunately, beginning in March the interest rates plummeted. Additionally, all department expenses came in under budget and the town deferred the budgeted \$200,000 capital reserve transfer for the future police station. So, all those items contributed to the \$638,000 revenues over expenses.*

*Although revenues exceeded expenses the town's unassigned fund balance decreased \$205,000. I would like to review this in detail and this is the separate piece of paper that Andy handed out for me. When the town's budget was adopted for the 20-21 fiscal year you were unsure of what the effects of covid would be on some of your major revenue sources. Because of this you budgeted these revenues very conservatively and you balanced your budget with an appropriation from the unassigned fund balance of \$744,424. If you look at the schedule in the right-hand column you are going to see that we have broken out an amount called \$744,424 which is designated as subsequent year's budget. As we saw in July through November these revenues were not significantly impacted by covid so in October you approved a budget amendment decreasing this \$744,424 appropriation by \$716,000. Basically, what I am telling you is that this decrease in unassigned fund balance is temporary. As of June 30<sup>th</sup>, you had planned to use \$740,424 but as the last couple of months have gone by you realized that really was not the case so you have gone back and amended your budget but we had to report it as it was as of June 30<sup>th</sup>. I wanted to point that out to you to let you know that I think it is more of a timing difference. Are there any questions on that? (There were none.)*

*After deducting the town's working capital, what you refer to as your emergency fund balance policy in the amount of \$3.5 million, this leaves a remaining unassigned fund balance of \$4,079,047 million. The town has a capital reserve fund restricted for beach nourishment which had a balance of \$2,200,774 million on June 30<sup>th</sup>, 2020. Additionally, the town had reserves for future capital purchases of \$943,378 and I have outlined those two amounts on that schedule that was handed out.*

*The town's tax rate for the audit year was the same as the prior year at 34 cents town wide and 4 cents of that is restricted for beach nourishment along with a 12 cent Municipal Service District tax. The town's tax base increased about .65% and the overall tax collection rate was 99.3% which is an excellent tax collection rate. You have ended the year in a strong financial condition and I am happy to answer any questions that you might have.*

**Perry:** *We are healthy financially. Does anyone have any questions? (There were no questions.)*

**Osborne:** *I want to thank the staff for their help while I was here. The LGC extended the deadline for audits until January 31<sup>st</sup> but I am glad to say we got it in on time.*

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**Perry:** *We appreciate you auditing for us. I learned when I was on the Tourism Board not every CPA company wants to do this kind of work. Thank you.*

**Osborne:** *Thank you very much.*

**6. PUBLIC COMMENT**

**1. Trisha Cahoon, 106 Holly Ridge Road Manteo, NC:** *Hello. How are you? You remember my face from last time. I am Trisha. I am here speaking on behalf of LeeAnn Fletcher Hartleben who was murdered in Kitty Hawk, North Carolina and we had a public discussion here the first week of November, the last town council meeting. I was just wondering if any contact had been made as far as individuals that would be able to address the issues that we brought to your attention at the last meeting. Has there been any progress with that? The community would like to know as well as most individuals in the county and the family would like to know most importantly. I understand that this is not a session where we beat, badger, whatever and it is for public comment, but it also says that you can respond to public comment, so we are asking for a response today.*

**Perry:** *And I will give you one at the close of public comment.*

**Cahoon:** *Yes sir. Okay. Also, I would like to address the fact that there are other issues that have come up with the Kitty Hawk Police Department that directly involve the chief that I would like for the town manager and the town attorney to address. It has happened recently and there has, from my understanding, been charges, or soon to be charges on the chief of police. So, this is something that has not just \_\_\_\_\_ with LeeAnn this is something that has actually happened more than on one occasion. So that being said I think that a little investigation and a little bit of digging will bring to light a few situations that need to be brought to light as far as Chief Joel Johnson goes.*

**Perry:** *And what are the charges that you are talking about?*

**Cahoon:** *Actually, if you like ... I said ... I do not know if the charges have actually been official yet on the chief of police but there was actually two different incidences and one was involving a gun and it was not a department's gun so ... and that was actually addressed with the magistrate. That should be public record. You should be able to pull that, so I feel like that that's ...*

**Perry:** *First I have heard of it.*

**Cahoon:** *Okay. So, like there was the first that you had heard about LeeAnn as far as what Joel ... the comments that had been made in that meeting. I understand that. I guess you do not have social media and maybe not really up to date as far as a lot of issues that are involved with the police department. There are several issues with the Kitty Hawk Police Department that need to be addressed.*

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**Perry:** *Okay. Lynn?*

**Morris:** *Brian Lee.*

**Perry:** *Brian, before you start, are you speaking on behalf of yourself and only yourself?*

**2. Brian Lee o/b/o MaryAnn Fletcher, 55 Trinitie Trail, Southern Shores, NC:** *No sir. I was getting ready to introduce myself. My name is Brian Lee and I am speaking on behalf of Maryann Fletcher.*

**Perry:** *And you are only going to speak for three minutes or less?*

**Lee:** *Yes sir. That is correct.*

**Perry:** *All Right.*

**Lee:** *All Right. A week ago, all the councilmen as well as the town manager, received a formal complaint from the family of LeeAnn Fletcher Hartleben. Hope everyone enjoyed their Thanksgiving. The Fletcher Family was missing an important member at theirs. At one meeting, one councilwoman, I guess that narrows it down, stated that she had not heard any concerns from any citizenry. I encourage you to go to the Facebook page of a support group that has over 3,100 members there who are supporting the efforts even now not since the charges but even now of the family. At one of the council meetings Councilman Garriss you said that you supported the KHPD. I want you to know that the family of LeeAnn Fletcher Hartleben we also support the KHPD we just do not support bad officers nor their leadership. Everyone should support KHPD.*

*Mayor you seem to be most moved that I have seen you in the three meetings when Carl Seto stood up. I believe several of you have personal relationships. He has been a gentle giant, very silent throughout it, but you seemed to be most moved by his words and his interactions with Chief Joel Johnson and you said at the end of the meeting that if those were true that that was troublesome. And I appreciate that acknowledgement. Only threats, fear and intimidation, and you as a council, are protecting Chief Joel Johnson and unfortunately you have bypassed your obligation of representing the citizens and put an incredible weight on the town manager. The community has lost confidence in the leadership and action must be taken. We ask that the town manager take a reasonable person standard and ask yourself with the general knowledge and inform yourself of proper police procedure. If this was your daughter and God forbid, I do not wish this on no one. If this were your daughter, mother, or God forbid your granddaughter would you have been satisfied? Would you have been satisfied with the actions of the chief of police? No one takes pleasure in seeing someone of 27 years lose their position but honestly if he had the integrity, any integrity, left in him when the videos of the meeting came out, and when the videos of their delay came out, he should have resigned. The arrogance and ego do come before the fall. It was the chief of police's policy not to go in the home that caused a delay. It was a chief of police's personality that caused an improper investigation. It was a chief of police obstruction and unnecessary delay,*

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*his personal decisions, that led to the delay of the charges against Jay Tolson. If Strickland is the head of the detectives, then he needs to go as well. The courthouse will hopefully bring justice for the family, but it is up to the town hall to bring justice for the citizens of Kitty Hawk.*

*So, the formal complaint has been filed and we ask that a fair and just and reasonable person standard be applied. It is very difficult. You have put all the weight and you have hidden a difficult decision and put the weight on a man who does not deserve it. His job as a town manager is to build relationships with the leaders of all the departments to make sure he comes through for him. So, I know that there is a very close personal relationship that has been formed because that is the job and role of a town manager. Build relationships, find conformity and now you ... well the chief by not resigning, you as a council for remaining silent, and now you have put the burden on this gentleman who does not deserve it. By all means everything that I have seen in the history since he has been here, he is a great town manager, but he does not deserve this burden that you have placed on him, but tough decisions, right decisions are sometimes not always the easiest decisions and so our prayers are with you as you conduct your investigation. Thank you.*

**Perry:** *Lynn?*

**Morris:** *That is all that have signed up.*

**Perry:** *Do we have somebody on the telephone?*

**3. Jackie Fodor, 267 Fernwood Ave., Weirton, WVA:** *Hi. My name is Jackie Fodor.*

**Stewart:** *Do you have a public comment Jackie?*

**Fodor:** *Thank you, yes. I am actually calling from out of state and I am not currently a Dare County resident, but I do have a special reason to the Outer Banks. Several years ago I was a resident of Kill Devil Hills and I was a teacher at both Kitty Hawk Elementary School and First Flight Elementary School and my parents and my sister's family are current Kitty Hawk residents. And this evening I would like to take a few minutes to talk about my brother-in-law Chief Joel Johnson. Joel is married to my younger sister Amy and I have known Joel for over 30 years. I have watched him evolve into a man with a strong work ethic, integrity and family values. Joel's strong work ethic is such an important part of the success he has had in his career in law enforcement. His discipline and hard work have allowed him to earn his title of chief of police of Kitty Hawk, North Carolina and to own and operate a very successful family business. I have proudly observed Joel become a role model for children with his reliability, dedication and professionalism. Joel is a natural leader and he keeps things organized in handling challenging situations with integrity. He always does the right thing even when it is not acknowledged or convenient for him. One of the most noble examples of Joel's integrity is his ability to give people the benefit of the doubt when circumstances are unclear or \_\_\_\_\_ feedback that someone has spoken badly about him for his efforts as the chief of police. Joel is respected and courteous in his interactions with members of the community and his family. He helps his children make sound, right choices and does whatever*



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*he can to solidify his family's close bond. As a father, Joel has instilled courage, honesty and trustworthiness in his amazing four children. He guides them \_\_\_\_\_ decisions and teaches them \_\_\_\_\_ right and wrong. Our family values have always enabled us to stand strong in our views despite other people's efforts through opposing views.*

*I am truly disheartened by what has transpired in the Kitty Hawk community over the last six months and my heart goes out to the family of LeeAnn Fletcher. I cannot imagine the pain and suffering experienced by the entire Fletcher family and my thoughts will always be with them. However, I am just as disheartened by the unprofessional behavior that I have witnessed on social media \_\_\_\_\_ of the Kitty Hawk community. In attacking Joel Johnson, Chief Johnson, his staff and his family is causing unnecessary and unwarranted pain. Involving the chief's wife, my sister, and their children is unacceptable and unprofessional on every level. They have absolutely nothing to do with this tragedy. The slanderous attacks against Chief Johnson and the Kitty Hawk Police Department are also unacceptable. To be clear they responded to a call with the necessary first responders who then took the victim to the hospital for the appropriate treatment. Chief Johnson \_\_\_\_\_ and policies set forth \_\_\_\_\_. Chief Johnson did his job on that day just like he has his entire productive career and because he did his job ...*

**Perry:** *Yes ma'am, Andy?*

**Stewart:** *Time?*

**Perry:** *Yes. You have three minutes for public comment. She has exceeded that.*

**Fodor:** *I have used all three?*

**Stewart:** *Yes ma'am.*

**Fodor:** *Okay. I just have a few more things to say.*

**Perry:** *What did she say?*

**Stewart:** *She has a few more things to say.*

**Fodor:** *Just a few more. May I please?*

**Stewart:** *She has a few more things she would like to say.*

**Perry:** *I still did not understand what he is saying.*

**Garriss:** *She has a few more things she would like to say. But she is out of time.*

**Perry:** *She is out of time.*

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**Pruitt:** *She can do it again later, again at the end.*

**Perry:** *Yes. You can call in at the end of the meeting.*

**Stewart:** *... another public comment section at the end of the meeting if you would like to stay on.*

**Fodor:** *Okay. I will just stay on. Thank you for your time. I really appreciate it.*

**Stewart:** *Anyone else on the phone that has any public comment?*

There were no further comments.

**Perry:** *Is there anyone else either on the phone or in the hall that has not already spoken?*

**Cahoon:** *I would like to speak at the end of the meeting as well.*

**Perry:** *We have a second comment at the end of the meeting. You can use that, but I am going to close this particular comment period.*

*Casey, I asked you some questions up front so that you would have time to look them up because I kind of expected what we are dealing with tonight. Question number one. If an elected representative, a councilmember, pushed the town manager towards dismissal of a town employee, police chief or otherwise, and the town manager succumbed to the request under the implied threat of himself or herself being subject to dismissal, what legal or punitive status would that place the member and town, as a public entity, be subject to.*

**Varnell:** *I have done research on this particular issue. One of the main things that comes to light when you research an issue like this you have to essentially look back towards the town charter. We need to see what type of town was actually set up. In other words what system of government do we recognize. There are two particular systems of government in North Carolina. You have the council/mayor system and then you have the council/manager system. We obviously operate under a council/manager system. It affects the voting powers and things of that nature and it affects the mayors veto power depending on what type of government we have but what you will find and actually what I found when I researched the UNC School of Government which of course is one of the "go to" sites for any municipal attorney is that a council/manager system like we have ... as a matter of fact that particular article I read ... the very first sentence stated that the main difference in a council/mayor and a council/manager system is the authority to hire and fire and where that authority rests. With the council/manager system that authority by law, by statute, rests solely with the town manager. So, under the hypothetical that you just brought up it would certainly be my opinion that if the town board stepped out of their bounds and went and implied again or threatened the town manager regarding their opinion on what they should do with their request for dismissal as we see here ... if you went and tried to force your will on the town manager given the hypothetical that the mayor has asked, then what happens there is you end up subjecting*



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*yourself to what is called ultra vires, cause of action. Ultra vires is Latin for exceeding your authority and if ... in other words if you tried to put yourself into the shoes or if you tried to improperly influence the town manager in some way in a decision such as this the governmental immunity goes out the door potentially. There is an argument for that at least, and it could possibly, depending on the way that the discussions happened with the town manager, could lead to potential personal liability in a situation where you would not even have governmental immunity to fall back on. In this hypothetical \_\_\_\_\_ kind of pressing your will on the town manager perhaps with a threat that if he does not do what you ask then he is also going to be fired for example. Again, just in a situation such as this it comes down to who has the authority, the authority comes down to what type of government we currently operate, and currently we have a council/manager system, and that is totally where those duties come from in terms of hiring and firing. The duties lay strictly with the town manager.*

**Perry:** *And then there was a second question that I asked you. If an elected representative indicated to the manager that he or she agreed with the requested action but also made clear that there was no pressure from an elected representative to carry out the action would that still leave a member to legal jeopardy?*

**Varnell:** *Honestly, mayor in that particular ... I mean again it is entirely circumstantial when we are talking about gray areas such as whether or not a board member has exceeded their authority. However, I would say that there is never a problem I would not think with an elected official discussing a particular issue with the town manager and sharing their feelings on that. What I think it comes down to is whether or not you are forcing, you are trying to impress upon the manager your will for something you have no statutory authority to control, but I would say having a conversation with the manager about your thoughts I do not necessarily think that would subject any one board member to \_\_\_\_\_.*

**Perry:** *But it does leave it open for the manager to misunderstand what you are saying.*

**Varnell:** *Yes. In many of the cases I read on this particular topic it is kind of a he said/she said because what you end up dealing with generally is a situation where you stepped outside your bounds. Who is more than likely going to be the harmed one in that case and maybe if whoever is released or dismissed at the board's consent or at the board's will that person may file a suit. The manager may file a suit, so it is going to usually, in those types of cases, come down to he said/she said, how things are interpreted. So I think that is why this strict deviation in North Carolina law on the differences in council/mayor and council/manager systems exist and I would just say and encourage that in any type of conversation you have, because I would never give a legal opinion that discourages a board member from discussing a particular issue or what their thoughts are on an issue, but one would need to understand that a board member going in to that that you would certainly have to be careful what you said and then that is where you become your own judge of what is too much and what is enough.*

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**Perry:** *Council. I would like to put to rest the question for the benefit of the audience of whether or not we as a council are going to step outside what we have done in the past and that is let the manager manage and we will set policy and those sorts of things which is what we are supposed to do. I can tell you as mayor I am not going to go there and I will ask each of you. I will start with you David. Do you have any interest in interfering with what the manager is doing or about to do?*

**Hines:** *I do not.*

**Perry:** *Lynne?*

**McClean:** *I have all the confidence in the world that our town manager can handle administering everything the town needs to have administered.*

**Perry:** *Craig?*

**Garriss:** *It is the town manager's job. It is up to him and I will not interfere.*

**Perry:** *Jeff.*

**Pruitt:** *I agree with Craig. He is the town manager and like he said I think he will do a great job whatever it is.*

**Perry:** *So that question has been put to bed as far as we are concerned. Now I have a question that Lynne gave me and I think it is a good one. Casey it is not scripted or anything and it is not something I asked you to do but where is it documented in code or state statute a council must consult social media?*

**Varnell:** *I think I can answer that without doing the research. There is no requirement for that.*

**Perry:** *That is what I thought. Okay, so council is not going to interfere. We have told you that that is the way it is going to be and now do councilmembers have anything at this particular time before I go into the rest of our business that you individually want to discuss?*

There were no further comments.

## **7. CONSENT AGENDA**

**a.) Approval of October 9, 2020 and November 2, 2020 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

**(Removed to agenda item #8) b.) Due to COVID-19 Restrictions a Request for Reallocation of Funds from Holiday Luncheon to Gift Cards for Employees.** In lieu of an annual luncheon and door prizes (approximate cost \$3,700) staff is suggesting a \$50 gift card for full time employees and a \$25 gift card for part time employees be given for a total amount of \$2,633. *(An approval of the consent agenda will approve this reallocation of funds for employee gift cards.)*

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c.) **Resolution to Obtain a Water Resources Development Grant (Debris Removal in Ditches and Canals).** This resolution needs to be adopted to complete the process to receive \$90,000 from the State of North Carolina to remove debris in the ditches and canals in town. *(An approval of the consent agenda will adopt this resolution.)*

**Councilman Pruitt moved to approve the consent agenda as amended. Councilwoman McClean seconded and it passed unanimously, 5-0.**

### 8. ITEMS REMOVED FROM THE CONSENT AGENDA

#### **a.) Due to COVID-19 Restrictions a Request for Reallocation of Funds from Holiday Luncheon to Gift Cards for Employees**

**Perry:** *We had an email from a constituent that asked why we are making the distinction between part time and full time especially when it comes to a dinner and it made all kinds of sense. Do they eat less or something? So, the question before us is simply are we going to treat them all the same or not? Do I hear a motion?*

**Councilman Pruitt made a motion to give all employees, full and part time, a \$50 gift certificate. Councilman Hines seconded and it passed unanimously, 5-0.**

**Perry:** *And Doug if you are listening, or listening later, you spoke, and we heard you. You made sense and we fixed it.*

### 9. POSSIBLE NEW BUSINESS

There was no new business.

### 10. TOWN MANAGER

**Stewart:** *At this time, we have gone to being a lot more cautious on wearing masks at the town hall. We ask anybody that visits the town hall to please wear a mask.*

### 11. TOWN ATTORNEY

There were no further comments.

### 12. TOWN COUNCIL

**Garriss:** *I want to thank all the staff for everything you have done in 2020. It has been a very interesting year to say the least. We are winding down December and 2021 is just ahead and I am definitely looking forward to the upcoming year. I am sorry we cannot have our Christmas luncheon. I always enjoy it. Merry Christmas to everyone that works for the Town of Kitty Hawk and lives in the Town of Kitty Hawk.*

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**Pruitt:** *I would like to thank the staff also and for everybody doing such a great job this year. I would like to thank everybody that worked with Teresa on the audit and keeping the town financially stable. Merry Christmas and stay safe everybody.*

**McClean:** *I also would like to thank the staff and everyone that works for the town full time, temporary, part time and short time. It takes a lot of work to keep our town going and I think we have been successful through the covid problem and I just wish everybody would continue to follow the safety precautions. Mask up, keep your distance, wash your hands, use sanitizer and have a safe Christmas. Hopefully we can all get together next year and things will be a lot better. Thank you.*

### **Outdoor Events and Gatherings Signs (Town Code Ch. 18)**

**Perry:** *I am going to raise something to council that I kind of feel like we need to give direction to Andy. You have probably noticed a bunch of campaign style signs in the public right-of-way out in front of Longboards. They are advertising Christmas tree sales. I went to Andy and said I do not think the code allows that. I guess Ben looked at the Code and is reading it a little differently. What he is saying is they are allowed a sign with a certain square footage but since they have smaller signs, they can add them all up to make the total. I do not agree with that. I do not know if you folks think that is the right way to go. I do not know how you feel about those campaign signs. I do not even like them when it is campaign time but that is not what we should have because they also are doing it on the other side of the road and it just opens the gate. What I am asking you tonight is do we need to get Andy to look at the rule, and maybe the attorney, to determine what we need to do so that we put to rest this splitting hairs on campaign signs making up the square footage.*

**Stewart:** *Can I tag along to that Mr. Mayor? Section 18.11 on outdoor gathering events and signage regulations says the total amount of temporary signage shall not exceed 250 square feet in area. Such signage may be in a single sign and then it says or a combination of signs. So that is kind of why those yard signs are being allowed now.*

**Perry:** *Well, I can tell you I do not believe any councilmember intended that to happen. Did you? I am seeing no all around. Do we want to give direction to do something? If we need to fix it bring it to us in a fixed fashion. Are we all in agreement? Again, heads are nodding yes.*

**Hines:** *I do not have a whole lot to add at this time. Thanks to everybody, fellow councilmembers, town staff, residents, Merry Christmas.*

### **13. PUBLIC COMMENT**

**1. Trisha Cahoon:** *I just wanted to say that there was a comment made that I understand that it is a family member of Joel Johnson's. I completely understand. If it were my family member, I would be defending him as well. I have a son that is a member of a police department here locally*

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*in Kill Devil Hills and I would be behind him 100%. I grew up with police officials. I have actually worked undercover with police officers. I have worked directly with them as a paramedic here in this county for 8 years. I am a nurse. I work with them every day at the hospital. There is a standard and an ethic and morals and values that go behind wearing that badge and having that responsibility and I cannot tell you how many times there have been police officers that you have one bad apple out of the bunch and sometimes you have more than one. I am not saying that Joel was a bad apple before this because I never had any kind of run ins with Joel, but I will say this, the way this situation was handled from day one and if you watched any of these videos I have never, ever lied. I will stand behind that from this point for the rest of the way. Everything that I said has been totally factual. I have not ever accused anybody of anything that they ... that was wrong. I have not slandered Joel's wife, nor his children. I would never, ever dare do that on social media, ever, period. So that being said I do not know who did, but I will say the family nor myself which is a family member has done that, but I will say Joel did not honor, nor did he on LeeAnn's behalf, nor did he do safety as far as he goes or the officials that were in that house that day.*

*That police officer should have gone inside that house. He made a very, very wrong, bad decision but it was because of covid. The EMS personnel still went in there. They got thrown under the bus for this directly by Joel Johnson. Directly by Joel Johnson. Okay. That is verbatim out of his mouth on a recording that he threw EMS personnel under the bus. I work with them. They are good individuals. That made me sick. He threw members of his department under the bus, members of his department.*

**Perry:** *Okay. You have met your time.*

**Cahoon:** *That was not three minutes.*

**Perry:** *It was by my watch.*

**Cahoon:** *No sir. Either way I will say this in closing. Joel Johnson does not deserve the badge that he wears on his chest nor does he deserve the job title that he has as chief of police, period, at all, whatsoever.*

**Perry:** *All right.*

**Cahoon:** *... and I would never say that about an officer ever, ever.*

**Lee:** *I will defer to the lady on the line.*

**Perry:** *Is she still on the line?*

**2. Jackie Fodor:** *I am still here.*

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**Stewart:** *You can hear us?*

**Fodor:** *I will be quick. Thank you so much for the time. What I wanted to say was that there are multiple, multiple victims in this very tragic case but there is only one person at fault and the person at fault is I can say without hesitation not my brother-in-law Joel Johnson. Chief Johnson is \_\_\_\_\_ entire career. He put the citizens that he serves first without an ulterior motive or prejudice. He is a hero to the residents of Dare County. He is well respected by his peers and adored by his friends and most importantly to Joel he is adored by his family. It is my hope that future attacks, verbal attacks, are solely focused on the person in custody for this horrendous crime. It is also my hope that Joel and his family can have some normalcy return to their lives and most importantly that the life of LeeAnn Fletcher can be honored accordingly. Thank you for your time. I appreciate it.*

**Perry:** *Thank you. Brian?*

**Hines:** *I'm sorry. What is your name again?*

**3. Brian Lee:** *Brian Lee.*

**Lee:** *I am speaking on behalf of Maryann Fletcher. Unbelievable to say there is more than one victim in this case is absurd. There is only one victim here and that is LeeAnn Fletcher, period. Playing the role of the victim is often deceits favorite role I might add.*

*And we are not here playing hypotheticals. We are dealing with reality even though hypotheticals were played out. The reality is you have a chief of police who failed in the most important investigation he could ever be in and that is the investigation of a death. Every characteristic that the sister-in-law just described Joel Johnson is debunked by his very words in the July 31<sup>st</sup> meeting which every single one of you, if you have not opened your email, you have the ability to have that. Every one of those characteristics. We are not saying Joel Johnson is a horrible individual. We are just saying he is incapable of leading Kitty Hawk in a confident way that builds confidence in the citizens any longer. This department was not and is not prepared to handle murder investigations.*

*We are not asking you to put pressure on the town manager. We as citizens will take on the responsibility in the next year's election cycle because we the people are in charge. Our family and coalition that we continue to build will not support or tolerate a town manager that supports this action of the chief of police. The town manager works at the pleasure of the council and now you are saying you cannot speak or talk to him about the issues. So, the question that was not asked is will you as the town council support and have no negative actions on the town manager if he chooses to terminate Chief of Police Joel Johnson? That question was never asked and one you need to think about. He is caught in the middle. I would not want to be sitting in his position. You please the council because you work at the pleasure of the council and you keep your job and if that situation ends up that it does not please the citizens who you all are here to serve then*



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*perhaps there is a new three/five majority after next year's election that does not support the town manager and that is the last thing we want. Andy is a good man.*

*I want to close this with there is a lot of emotion built in this family but there is a lot of fact and truth built in this family in this message. And we sincerely wish everyone in this room, every law enforcement officer and every citizen of Kitty Hawk we wish you a Merry Christmas and to all of you may only the peace that can come from our one true God be with you. Thank you.*

**Perry:** *Is there anyone else?*

\_\_\_\_\_: *I am here. (on the telephone)*

**Perry:** *Is that the same person?*

**Stewart:** *Have you already spoken?*

\_\_\_\_\_: *This is a different person. I am a new one.*

**Stewart:** *Please tell us your name.*

**4. Miriam** \_\_\_\_\_: *My name is Miriam. I am from Pennsylvania. I am an out of state resident \_\_\_\_\_ . So, I have been watching this whole story unfold and I am disgusted with the Kitty Hawk Police Department and I am now disgusted with this whole meeting. The first and foremost thing that I would like to add is that anyone that is standing by watching this unfold because you do not want to get involved is just as guilty as Joel Johnson and the Kitty Hawk Police Department. Everyone that is standing by watching saying oh we do not want to get involved or you know this is out of our pay range or whatever should be appalled. This girl laid in her bed and died and everyone is just turning a blind eye. Why is the family not getting more information? Why does the family have to press and press and press and do basically everything by themselves and then finally this person gets arrested and the court date gets rescheduled because no one told and then they come and say oh \_\_\_\_\_ you as town manager \_\_\_\_\_ of people and you just want to turn a blind eye. It is disgusting. Being better ... you better work for the citizens of Dare County and especially for the citizens of Kitty Hawk and Trisha Cahoon should not be having to do this whole entire thing \_\_\_\_\_. This is disgusting. And that is all I have to say.*

*Somebody needs to take a look, step back and realize okay maybe Joel Johnson is somebody else's \_\_\_\_\_ this investigation maybe firsthand and looking at it instead of having \_\_\_\_\_ step back and say oh wow we have had problems with the family previously, so we do not really want to deal with this. It does not matter. This girl died and somebody should \_\_\_\_\_ and it is not just the court. The court okay they had \_\_\_\_\_ and you know \_\_\_\_\_ but the people that were involved with it at the Kitty Hawk police department Joel Johnson \_\_\_\_\_ they deserve to lose their job or possibly something of that sort. And that is all I have to say. I am done.*

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**Perry:** *Thank you.*

**Cahoon:** *Thank you.*

**Perry:** *Is there anyone else?*

**Stewart:** *Let me unmute it just to make sure. Is there anybody else on the phone that would like to speak during public comment?*

**Perry:** *Let the record show that there was no one else. I am going to close out public comment. Before I make a motion to adjourn, I am going to state for the public record, I support the Kitty Hawk Police Department. I support Police Chief Joel Johnson; I have known him for a while, and he has done a good job for us. I think he still does a good job for us and I want to make sure you understand that ...*

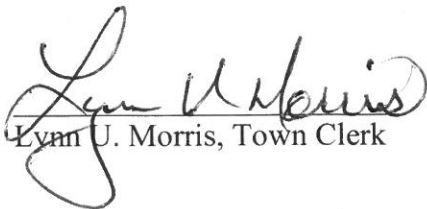
**Cahoon:** *That is disgusting.*

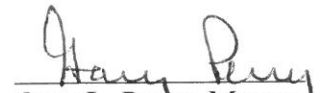
**Perry:** *Anyone else?*

**14. ADJOURN**

Hearing no further comments or questions, **Mayor Perry made a motion, seconded by Councilwoman McClean, to adjourn. It passed unanimously, 5-0.** Time was 7:00 p.m.

These minutes were approved at the January 4, 2021 council meeting.

  
Lynn U. Morris, Town Clerk

  
Gary L. Perry, Mayor