

## **Town of Hertford**

Public Hearing and Regular Session Meeting (In Person/Facebook)

Monday, August 14, 2023 – 6:00 PM

Horace Reid Community Center, 305 W Grubb Street

The Council of the Town of Hertford held a Public Hearing and Regular Session Meeting at the Horace Reid Community Center (also by Facebook) on Monday, August 14, 2023, at 6:00 PM.

### **COUNCIL MEMBERS PRESENT**

Earnell Brown, Mayor

Jerry Mimplitsch

Sandra Anderson

Ashley Hodges, Mayor Pro Tem

Connie Brothers

### **STAFF PRESENT**

Janice McKenzie Cole, Town Manager

Gina Durante, Town Clerk

John Leidy, Attorney

A quorum was present.

### **CALL TO ORDER**

Mayor Brown called the meeting to order.

### **INVOCATION & PLEDGE OF ALLEGIANCE**

The invocation was given by Councilman Mimplitsch, followed by the Pledge of Allegiance.

### **PUBLIC HEARING – Rezoning of four parcels at Grubb/Woodland/Willow/Perry**

Manager Cole explained that there are four (4) parcels of land that we are addressing in the Public Hearing. The PZBOA has reviewed an application by Henry House to rezone three (3) parcels of land and recommended the application by Henry House to rezone those from residential (R-8) to commercial (C-2). The fourth parcel of land, owned by the Town, is adjacent to those three, and the Town has an application to rezone that parcel as well, from residential (R-8) to commercial (C-2). Manager Cole stated that all abutting property owners to these parcels have been sufficiently notified of the application and invited to the hearing tonight to speak, as well as an ad has been posted in the Perquimans Weekly for two consecutive weeks. She noted that the properties Mr. House and the Town are requesting to rezone are in a residential area, but that those properties were previously used for commercial before being zoned to residential, and they have been vacant for over 10 years. The PZBOA recommends these applications to rezone as it will support the PZBOA Plan Consistency, Zoning

Ordinance, Article I, §1-4. Mayor Brown invited speakers to share their thoughts and concerns.

Mr. House, Hertford resident and owner of Carolina Moon Bakery, addressed Council regarding his plans to expand the bakery production, which cannot be done at the current downtown location. Mr. House will maintain his downtown store. He plans a “mix-use” of the combined four parcels to expand bakery production, open a small mini-mart for neighborhood locals needing staple items, and possibly teaming with a restaurant to have a small café or even a catering kitchen that could be rented. About 30 jobs will be created and Mr. House plans to hire locally. Operating hours will be 8am-5pm, to have low impact on the neighborhood traffic and noise levels. He has already begun cleaning up the land surrounding the buildings on the property even though the purchase of the sale is contingent upon rezoning.

Julien Nixon, Hertford resident, spoke against the approval of rezoning the four parcels from residential to commercial. Mr. Nixon expressed concerns that the location is not viable for a commercial business to succeed as it is mainly residential. He is concerned that it would increase traffic to unsafe and undesirable levels. Mr. Nixon’s final concern was that the nice neighborhood they live in would suffer losses in home values because of the commercial business’s presence in the neighborhood.

Mayor Brown closed the Public Hearing at 6:23pm at the conclusion of the speakers.

### **APPROVAL OF AGENDA**

A motion was made by Mayor Pro Tem Hodges to approve the agenda as presented and Councilwoman Anderson seconded. The motion to approve the agenda was carried, 5-0.

### **CONSENT AGENDA**

Councilman Mimplitsch made a motion to approve the Minutes for the Regular Session July 10, 2023 and the Work Session July 24, 2023 on the Consent Agenda and it was seconded by Councilwoman Brothers. The motion passed, 5-0.

### **CITIZEN CONCERNS**

None

### **CONTINUED BUSINESS**

- a. **ZLS Auction of three Hertford Properties** – Manager Cole explained that ZLS is the legal organization that the County is contracted with for foreclosures and failure to pay past due taxes. On July 26, they held a sale at the courthouse for six foreclosed properties; three of those are in Hertford town limits. Of the three, only the property at 407 Market Street was a bid upon. Attorney for ZLS will be

back to certify the results to the court at the end of October. The two Town properties not sold will be turned over to the County. The purchaser of the property at 407 Market Street plans to renovate and sell the property in a timely manner.

- b. Results of surplus property sale** – Manager Cole provided Council with a list of items previously approved by Council to sell on Gov.Deal and were sold. These items were sitting unused for many years at the Public Works building. Net profit from the items sold is \$65,535.37.

## **NEW BUSINESS**

- a. PZBOA recommendation Change Zoning of four parcels**

**(Grubb/Woodland/Willow/Perry)** – Mayor Brown asked Council for their comments or concerns regarding the rezoning of the properties discussed in the Public Hearing. Councilwoman Brothers noted that she has lived in the affected neighborhood for 30 years and believes that the rezoning for Mr. House’s intended use of the property will be an asset to the community and neighborhood. Mayor Pro Tem Hodges confirmed that this rezoning is contingent upon Mr. House purchasing the four parcels for the use stated during the Public Hearing. He is supportive of the rezoning and believes that it has merit. Mayor Pro Tem Hodges acknowledged Mr. Nixon’s objection to the rezoning but feels that an abandoned building brings more negative value to the neighborhood than rezoning the lot for the use Mr. House intends. Councilman Mimplitsch said that clean-up of the Town is a priority and cleaning up that lot will be beneficial for the neighborhood. He recognized that Mr. House has already considered any noise or traffic disturbances for the neighbors and trusts Mr. House to ensure the structural competency of the building. Councilwoman Anderson agrees that the building has been left vacant for many years and added that Mr. House is committed to investing in the Town and controlling any disruptions in the neighborhood. She sees this as a revitalization of the Town, and it will provide jobs. Mayor Brown commented that this building is west of Edenton Road Street and revitalization to West Hertford is welcome and needed. She also said that Mr. House is an investor with ideas, he has already begun cleanup of the property, and his downtown bakery is successful. The expansion of the bakery will bring needed jobs, a convenience store in West Hertford is a good idea, and the lot provides plenty of parking as needed. Mayor Brown thanked Mr. Nixon for expressing his concerns at the Public Hearing.

Mayor Pro Tem Hodges made a motion to approve the rezoning as presented and recommended by the PZBOA and Zoning Administrator, to rezone:

600 Grubb Street (Map #3-0040-SS600-H)

602-604 Grubb Street (Map #3-0040-SS602-H)

605 Willow Street (Map #3-0040-SS605-H)

Parking Lot – Woodland Avenue & West Grubb (Map #3-D040-SS608-H)

from R8 to C2 because this action is consistent with the Town of Hertford Land Use Plan. Mayor Pro Tem Hodges amended the motion to include that rezoning is to take effect at the conclusion of the property sales to Mr. House, on or before

November 14, 2023. Council woman Brothers seconded the motion and it carried unanimously, 5-0.

*Mayor Pro Tem Hodges made a motion to excuse Councilwoman Brothers for the remainder of the meeting as she has an emergency to handle. Councilman Mimplitsch seconded, and the motion passed unanimously.*

- b. Rent.Fun Kayak Rentals** – Manager Cole, Council, and owner Adam Greenstein discussed Rent.Fun Kayak, a self-service kayak rental program. The program allows for the Town to choose how many kayaks we would like available for rent and covers installation of the kayak lockers, maintenance and replacement of all equipment, collecting and processing rental revenue/refunds, and insurance liability coverage. Two towns in North Carolina have this program, and the one Manager Cole was able to contact told her that it was working out very well.
- Mayor Pro Tem Hodges made a motion to accept the Rent.Fun Kayaks proposal as presented for eight (8) kayaks at \$26,000 and funds would be brought to us in a budget amendment in the future by the Town Manager. Councilman Mimplitsch seconded the motion and it carried, 4-0.
- c. CDBG-I Grant Application** – Manager Cole advised Council that additional grant money is available through DWI in the DEQ Division of Water Infrastructure that would allow us to do more work at our Wastewater Plant. Withers Ravenel has put together Task Order #8 to write that grant for us with community feedback at a fee of \$5,000. Mayor Pro Tem Hodges made a motion to approve the CDBG-I application authorization as Task Order #8 with Withers Ravenel for \$5,000. Councilwoman Anderson seconded the motion and it passed 4-0.
- d. Budget Amendments** –
- FY24-1: Council previously approved \$46K for the School of Government to conduct the spray field study. We were not billed in last fiscal year and the money was rolled into the Fund Balance. We have now been invoiced so we need to move those funds back.
- FY24-2: We have exhausted all funds designated for tree trimming services, but there is additional tree trimming that needs to be done for safety as electric poles are in danger. Manager Cole is asking to move \$15K from the Electric Fund contingency line item to Professional Services.
- FY24-3: We would like to use the \$65,000 gained from the sale of surplus items on Gov.Deal to purchase a new truck for Public Works.
- FY24-4: We would like to move money from the Wastewater Contingency fund to Professional Services for Withers Ravenel to write the CDBG-1 grant application for the Town.
- Mayor Brown asked for a motion to approve Budget Amendments FY24-1 (\$45,600), FY24-2 (\$15,000), FY24-3 (\$65,000), and FY24-4 (\$5,000). Councilman Mimplitsch made the motion and Councilwoman Anderson seconded. The motion passed, 4-0.

e. **Selection of Contractor for Rural Transformation Grant** - Manager Cole requested to put this item on Council's next agenda as two bids were received shortly before tonight's meeting and those bids need to be reviewed.

f. **Managers Update** –

1. The American Legion is hosting a "First Responder of the Year" reception on September 11, at 7:00 pm. The event will take place at the Post-126 Legion Hall. The Mayor, Council, Town Manager, and Town Clerk are invited to attend.
2. There is a re-evaluation of property going on in Town. The field work is about 82% complete. The greatest increases will be in improved residential properties. The farmers and commissioners will have an opportunity to observe the scheduled values and meet. They will also be meeting with people at the Plantation regarding lot values, golf course, and other items. The proposed schedule is:  
October 16 Present schedule values  
October 30 Public Hearing  
November 6 Schedule up for adoption  
December 5 Last day to appeal  
February 20 Mailing notices  
April-July Appeal meetings with Board of Equalization and Review
3. The PZBOA did not make a recommendation for the proposed subdivision out on Don Juan Road because of the uncertainties of the costs to extend the infrastructure to that area.

Mayor Brown mentioned that Habitats for Humanity completed a home for a family. She also shared that on Thursday, Governor Cooper made a scheduled visit to the Perquimans County Child Learning Center and she, Mayor Pro Tem Hodges, Councilwoman Anderson, and Manager Cole attended.

### **COUNCIL REPORTS/CONCERNS**

Mayor Pro Tem had no report at this time.

Councilman Mimplitsch thanked town Manager Cole for all her work.

Councilwoman Anderson thanked those that came to the meeting and thanked Manager Cole for all her work.

Mayor Brown announced that there will be a ribbon cutting on September 11 for a new business opening downtown. The time will be announced soon. She also thanked Manager Cole for her work with the Mainstreet Program. We are building a Mainstreet Strategic Plan that will connect with our Town' Strategic Plan.

Manager Cole added that the Harbor Town boats, although not cleared by the Coast Guard yet, have asked about a date of "welcoming the boats to Hertford." It was

suggested that Saturday, September 16 could be a potential date, as it ties into our Toast the Perquimans event at the Hertford Marina. Mayor Pro Tem Hodges asked if the boats would be available the weekend before during the Indian Summer Festival because the turnout is expected to be larger than that for the Toast the Perquimans. Manager Cole stated that if the boats could be scheduled for the Toast the Perquimans, it may boost attendance. She will look into their availability for that previous Saturday, but reiterated that the boats are pending Coast Guard approval. She wanted to confirm that a Saturday would be acceptable as Council had previously discussed a boat ribbon cutting on a Thursday or Friday.

### **ANNOUNCEMENTS**

Mayor Brown read the announcements.

### **ADJOURNMENT**

Mayor Brown asked for a motion to adjourn. Councilman Mimplitsch made a motion to adjourn the meeting and Mayor Pro Tem Hodges seconded. It passed unanimously, 4-0.

The meeting was adjourned at 7:45 PM.