

Town of Hertford
Regular Session Meeting (In Person/Facebook)
Monday, November 13, 2023 – 6:00 PM
Horace Reid Community Center, 305 W Grubb Street

The Council of the Town of Hertford held a Regular Session Meeting at the Horace Reid Community Center (also by Facebook) on Monday, November 13, 2023, at 6:00 PM.

COUNCIL MEMBERS PRESENT

Earnell Brown, Mayor	Ashley Hodges, Mayor Pro Tem
Jerry Mimlitsch	Connie Brothers
Sandra Anderson	

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 Mimlitsch, followed by the Pledge of Allegiance.

PUBLIC HEARING

Manager Cole summarized that the Planning and Zoning Board of Adjustments received a request to rezone the Don Juan property from a C-2 to an R-6 (6,000 square foot residential lots) for the purpose of a subdivision with 119 homes. PZBOA opted not to make a recommendation to Council as they had questions/unknowns regarding the extension of the infrastructure, costs, and financial impact on the Town. Council did not receive a written report from the PZBOA within 30 days of the request to them, and by statute, the Council can now proceed with that matter. Mayor Brown opened the floor to the public for comments. There were no speakers. The Public Hearing was closed at 6:06 PM.

APPROVAL OF AGENDA

A motion was made by Councilman Mimlitsch to approve the agenda as presented and Mayor Pro Tem Hodges seconded. The motion to approve the agenda passed, 5-0.

CONSENT AGENDA

Councilwoman Brothers made a motion to approve the Regular Session Minutes October 9, 2023, the Work Session Minutes October 23, 2023, and the Contract for Department of Commerce Rural Transformation Grant. The motion was seconded by Councilwoman Anderson. The motion passed, 5-0.

CITIZEN CONCERNS

None

CONTINUED BUSINESS

- a. **Community Safety Initiatives** – Mayor Brown addressed the criminal activity that has recently occurred in Hertford. She has spoken with the sheriff's department and noted that steps are being taken to make Hertford safe, including community watch groups and a tip line established by the Sheriff to report crime or provide information. Information for the tip line will be posted on the Hertford website and Town of Hertford Facebook page. Mayor Brown invited discussion from Council. Councilwoman Brothers asked about the CodeRed message that was sent to the affected areas of Hertford where criminal activity took place on October 23rd, 24th, and 25th. She requested print outs of the message from Mayor Brown. Mayor Pro Tem Hodges commented that he has also heard gunfire where he lives, around town others have heard it, and some have had their property struck by gun fire. He has spoken with Sheriff White and there are actions taking place with the sheriff's department to keep our community safe.

NEW BUSINESS

- a. **Request to Use Powell Bill Funds** – Manager Cole explained that the purchase of additional asphalt for paving, retreatments and seal coating is an allowable use of Powell Funds. She is requesting approval to purchase \$3,024 of additional asphalt with Powell Funds.

Mayor Pro Tem Hodges made a motion to approve \$3,024 from Powell Funds to purchase asphalt. Councilman Mimplitsch seconded the motion and it passed, 5-0.

- b. **Zoning Change for Old Don Juan Property** – Mr. Joseph Anlauf of Anlauf Engineering presented Council with a conceptual sketch for a subdivision at Don Juan property. The conceptual drawing includes 119 single family homes on 6,000 square foot lots. Mr. Anlauf addressed the necessity of extending the Town's infrastructure, however, Mr. Anlauf's client would not begin investing financially in the research of extending the infrastructure until the property is rezoned from C2 to R6. He stated that after rezoning, an engineering plan (including but not limited to sewer, storm water, traffic, road construction, and

water) would be the next step. Council discussed the challenges of lot sizes, and system development fees for extending the infrastructure. Council previously approved a systems development fees study and is awaiting those results. Manager Cole advised Council that they could approve the rezoning and still impose a systems development fee later. She suggested that Council could view R6 housing developments in Elizabeth City and consider affordable housing in Hertford.

Councilman Mimlitsch made a motion to table the vote for a reasonable time, not to exceed 90 days, regarding the rezoning of the property at Don Juan from C2 to R6. Councilwoman Brothers seconded his motion and it passed, 5-0.

- c. Ordinance for Power Sales Agreement Between Town of Hertford and NCEMPA** – Manager Cole told Council that NCEMPA and Duke have amended their agreement, and as a member of the organization, the Town’s approval of the document is required. Attorneys for the Town have reviewed the documents. Council has received the attorneys’ email explaining why these documents are required, copy of the Amended and Restated Full Requirement Power Sales Agreement for approval, and an Ordinance to be passed by Council. If Council approves the ordinance, the Town Clerk will post the ordinance for five days in three places before it becomes effective. If approved the ordinance will be posted in the Municipal Building, the Perquimans County Courthouse, and published on the Town of Hertford website. Following the five days post, our attorney will issue a letter that the ordinance was properly posted, the Clerk will certify the minutes of the meeting the ordinance was approved, and then send those items back to the NCEMPA. Council discussed the agreement and Manager Cole explained that the agreement is already in place, and this is an amendment to the agreement, and as a member of the group, our approval is required. Attorney Leidy said that because the agreement with Duke and NCEMPA is already in place, this is retroactive approval in nature. There could be another amendment before the end of the contract term.

Mayor Pro Tem Hodges made a motion to approve and authorize the execution and delivery of the “Amended and Restated Full Requirements Power Sales Agreement between the Town of Hertford and North Carolina Eastern Municipal Power Agency.” Councilman Mimlitsch seconded the motion and it passed, 5-0.

Councilwoman Brothers made a motion to approve the ordinance entitled “An Ordinance of the Town Council of the Town of Hertford, North Carolina, determining that it is in the Best Interest of the Town of Hertford to Approve and Authorize the Execution and Delivery of the Amended and Restated Full Requirements Power Sales Agreement between the Town of Hertford and North Carolina Eastern Municipal power Agency” and that said Ordinance be posted/published at three locations: the Town Municipal Building, the

Perquimans County Courthouse, and the Town of Hertford website.
Councilwoman Anderson seconded the motion and it passed, 5-0.

- d. PFAs Class Action Litigation** – Attorney Leidy discussed the class action litigation, which Hertford is a part of, brought by multiple municipalities that provide water service against a group of defendants who let chemicals flow into the water causing contamination. A settlement was negotiated, and the Town is a member of this class action suit at no cost to us. The Town can serve notice to opt out of the proposed settlement or submit objections to the proposed settlement by December 4, 2023. Opting out would allow Hertford to file its own suit. Attorney Leidy stated that there is more leverage in a class action lawsuit, and it would be costly for the Town to pursue their own suit. If the Town does not opt out or submit objections, the Town has 60 days after the fairness hearing on December 14, 2023, to submit a claim form. A claims administrator will determine if the Town is a Phase One or Phase Two claim, depending on the type of contamination and extent of damages we may have experienced. The claims administrator then decides how much, IF ANY, monetary damages are to be awarded to the Town as they determine if Hertford was affected, to what extent, which other municipalities stay in the suit, and other factors.

Councilwoman Brothers made a motion to accept the existing claim that allows us to remain in the class action suit and instruct Manager Cole and Attorney Leidy to submit a claim form. Councilman Mimplitsch seconded the motion and it passed, 5-0.

- e. Resolution Designating Applicant's Agent** – In 2021, Withers Ravenel applied for the Bric grant on the Town's behalf. It has finally been awarded and Council has a resolution to authorize Town Manager Cole as the agent designated to receive documents and sign the paperwork.

Mayor Pro Tem Hodges made a motion to approve the resolution to authorize Manager Cole as the agent designated to receive and sign the documents for this grant. A second was made by Councilman Mimplitsch and the motion passed, 5-0.

f. Manager's Update –

1. In August Council passed a motion regarding a request by Mr. Henry House to rezone residential properties to C2. Council approved that motion to rezone pending the sale of those three parcels to Mr. House. The properties have all been transferred to him, so based on the motion, the rezoning of those properties, including an adjacent parcel owned by the Town, is in effect as C2.
2. Mr. Reggie Ponder is no longer reporting for the Daily Advance. He is now working for the Wake Weekly, the paper for Wake Forest and Butner-Creedmoor.

3. The property tax re-evaluation report was made available to the County Commissioners last week at their meeting.
4. We have been able to identify support available to us through the North Carolina League of Municipalities. With ARPA funds, they have been able to contract with companies that can help smaller municipalities with identifying grants, administering those grants, and administering those funds. We have reached out to them, and we have been told that there is \$30K per municipality that can be used as we see fit. They are preparing a contract for us which will be brought before Council when it is received. Manager Cole has advised them that we are seeking grants in many areas including infrastructure, housing development, parks, recreation, and historic buildings. We also need assistance in preparing RFQs, tracking the grants, and tracking payment schedules.
5. On behalf of the Town, Manager Cole congratulated Ashley Hodges on his election as Mayor, and to Rhonda Waters and Keith Rouse on their election as Council. She expressed appreciation to all those that ran in the election.
6. Town mail is now being transported by employees and no longer contractors as per the Postmaster General. Our mail now goes through Richmond and Norfolk instead of Rocky Mount and Raleigh.

COUNCIL REPORTS/CONCERNS

Mayor Brown congratulated the newly elected officials and all those that ran for office. She thanked EMS for their timely response to a situation at PAL on Thursday, November 9th. She also thanked Public Works staff and director for the leak repairs and painting that has been done. Mayor Brown attended a Mainstreet planning session to work on an economic development plan to get Hertford accredited with Mainstreet organization that will help the Town with grants and investors. There will be a ribbon cutting for the new Mars Creamery in the Hall of Fame Building tomorrow at 2 PM.

Councilman Mimplitsch noted the great work Public Works is doing around town. He said that new businesses like Mars Creamery are growth for the Town. He thanked all those that ran for Council and Mayor and congratulated Keith Rouse, Rhonda Waters, and Ashley Hodges.

Councilwoman Brothers will be hosting a Christmas dinner just as she did last year, details to come. She expressed gratitude to Jamie Everett and Mr. Reggie for their service to Hertford. She and Councilwoman Anderson will be providing Thanksgiving dinners for families in need. Councilwoman Brothers said anyone in need of a hot meal should contact her or if anyone knows of someone, please contact her. Toy for Tots received over 350 applications. Thank you to all the residents.

Mayor Pro Tem Hodges said that he and Manager Cole looked through the initial audit results. He noted that our fund balance is in good shape and will allow us to do things for the Town throughout the year. At the UAL finance training, there was discussion regarding contracting the audits for the smaller municipalities. It may be something the LGC could administer at a timelier and less expensive rate. There was a Mainstreet meeting, and Mayor Pro Tem Hodges thanked Trish, Manager Cole, Doris Walton, community and county organizations, and sponsors for all they are doing to better Hertford. Mayor Pro Tem Hodges thanked Jackie Greene, the Board of Elections director, for running a solid and professional election.

Councilwoman Anderson congratulated the election winners and said she looks forward to working together. She also thanked all those that came to the meeting tonight.

ANNOUNCEMENTS

Manager Cole read the announcements.

ADJOURNMENT

Mayor Brown asked for a motion to adjourn. Mayor Pro Tem Hodges made a motion to adjourn the meeting and Councilman Mimplitsch seconded. It passed unanimously, 5-0.

The meeting was adjourned at 7:32 PM.