

Town of Hertford
Regular Session Meeting (In Person/Facebook)
Monday, November 14, 2022 – 6:00 p.m.
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 on Facebook) on Monday, November 14, 2022, at 6:00 pm.

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

Janice McKenzie Cole, Interim Town Manager
Gina Durante, Town Clerk
Brock Mitchell, Attorney (subbing for John Leidy)

A quorum was present.

CALL TO ORDER

Mayor Brown called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Sara Winslow, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Brown asked for a motion to approve the agenda as presented. Mayor Pro Tem Hodges made a motion to approve the agenda and Councilman Mimlitsch seconded the motion. The motion to approve the agenda passed unanimously with the following vote:

Councilwoman Anderson aye
Councilman Mimlitsch aye
Councilwoman Brothers aye
Mayor Pro Tem Hodges aye
Mayor Brown aye

CONSENT AGENDA

Mayor Brown asked for a motion to approve the consent agenda accepting the minutes from:

9/12/2022 Regular Session	9/26/2022 Work Session
10/10/2022 Regular Session	10/24/2022 Work Session
9/13/2021 Regular Session	9/21/2021 Special Call Session
9/23/2021 Special Call Session	10/04/2021 Special Call Session
10/11/2021 Regular Session	

Mayor Pro Tem Hodges made a motion to approve the consent agenda and Councilwoman Brothers seconded the motion. The motion passed unanimously with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

LEGISLATIVE HEARING

Mayor Brown began the Legislative Hearing by reading the following statement:

We will now hold the legislative hearing. This is pursuant to Article IX of the Town of Hertford Zoning Ordinance.

Before us is Application No. 0991922-4 which is for a text amendment to add storage units as a use in Zone C-2 with the requirement of a Special Use Permit. The application was initiated by the Zoning Administration. It was submitted to the Planning Board for review and comment at their September 19, 2022 meeting. The Planning Board voted unanimously 4-0 to recommend approval of this amendment to the Town Council and Council was notified within the requisite 30 days. This legislative hearing was scheduled for tonight and the expanded published notice was used in that there are more than 50 abutting property owners to all the C-2 Zones in the Town.

Has anyone signed up to be heard or submitted a written statement to be read? Clerk Durante replied, "No."

We will now close the legislative hearing and Council will consider this issue at the designated item on the agenda.

CITIZENS CONCERNS

Mark Christian expressed his concern for various crimes possibly occurring in the town: drug use, prostitution, and shootings. He stated that he does not believe crime has decreased and it is unfortunate that the police department disbanded.

Sara Winslow spoke on behalf of herself and neighbors regarding dire concern for the excessive speed at which vehicles are coming off the S-bridge and onto residential Church Street. The 15 MPH speed sign for the curve is hard to see and there are no speed limit signs between Newby Street and Grubb Street on Church Street. Speed limits must be enforced as there is a pedestrian crosswalk near the bridge entering Church and this is a residential street. Ms. Winslow suggested the Highway Patrol monitor the bridge speeds and ticket as appropriate.

Ella Albrecht also spoke about the excessive speeds of vehicles coming off the bridge and onto residential Church Street, her neighborhood. She would like to see proactive measures be taken to reduce speeding or fine speeding vehicles before a fatality, injury, or property damage occurs.

CONTINUED BUSINESS

USDA Search Grant Result Finding

Manager Cole was asked to look into funding options for the construction of a new Cemetery Pump Station and the replacement of nine generators that were noted in the SEARCH Grants but were not able to be included in the request for the ARP grant. Previously the estimate for those items was approximately \$800K, and now due to inflation is probably closer to \$1M. First Tryon, financial advisors, did an analysis and advised Manager Cole that the town could borrow \$200K assuming the town received \$600K in grants if we apply to the USDA. The \$200K would be borrowed at the poverty interest rate, which is 3% through December 31, 2022. Manager Cole advised Council that there were no funds budgeted for a loan payment nor additional debt for the town. She is looking for a decision from Council if they want her to apply to USDA, which funded the SEARCH grants and take out a loan.

After much discussion, Council came to the consensus for Manager Cole to hold off pursuing a loan/additional debt at this time and proceed with the grants in progress.,

No-Wake Zone Resolution

In the first quarter of 2022, Sara Winslow came before Council and explained that she did not think the no-wake zone was wide enough and that it was a hazard as boaters come through. Under the statute, the County makes requests to the NC Wildlife Commission. We sent them a resolution requesting to have the Wildlife Commission investigate extending that no-wake zone. At the conclusion of their investigation, the Commission agreed that with the construction and opening of the new bridge, the no-wake zone needs to be expanded even wider than what we were proposing. They even suggested that we request rulemaking for that purpose, and they want buoys to put in place before the rule making is completed. Council has a resolution before them to concur with the Wildlife Commission's finding and request that they consider rulemaking regarding extending the no-wake zone.

Mayor Brown asked for a motion to accept the resolution by Council. Mayor Pro Tem Hodges made a motion to accept the resolution and Councilwoman Brothers seconded. The motion passed and the resolution was accepted unanimously with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye

Mayor Brown aye

NEW BUSINESS

Mayor Brown asked Manager Cole to address New Business.

Amendment Zoning Regulation (C-2 Special Use)

Following the Legislative Hearing and Council's review of the proposal, Manager Cole asked Council to vote on the proposed zoning amendment.

Mayor Brown asked for a motion to approve the zoning amendment. Mayor Pro Tem Hodges made the motion to approve the amendment in order to be consistent with existing overall zoning ordinances. Councilman Mimplitsch seconded the motion. The motion passed unanimously with the following vote:

Councilwoman Anderson aye
Councilman Mimplitsch aye
Councilwoman Brothers aye
Mayor Pro Tem Hodges aye
Mayor Brown aye

Fidelity Bond for Finance Officer

Manager Cole explained that there is a new NC Legislative statute requiring an increase in the minimum individual bond that we must have for the finance officer. That requirement is 10% of the municipal's budget or a maximum of \$1M, and the amount is to be set by Council. Based on our budget, in accordance with the statute, the minimum bond for our finance officer would be \$715K. Manager Cole suggested we have a \$750K bond.

Mayor Brown asked for a motion to approve the recommended \$750K bond for our finance officer, Ashley Hodges and every finance officer moving forward. Councilwoman Brothers made the motion and it passed unanimously with the following vote:

Councilwoman Anderson aye
Councilman Mimplitsch aye
Councilwoman Brothers aye
Mayor Pro Tem Hodges aye
Mayor Brown aye

Equipment to Surplus

Manager Cole stated that there is equipment that our WWTP Supervisor would like to surplus to clear out useless items. Those items are a Cushman Utility Vehicle, generator, lawn equipment, old bypass pump, air compressor, and light tower. Most have been sitting idle for years and all are inoperable and irreparable.

Councilman Mimplitsch made a motion to approve the surplus of the items indicated and a second was made by Councilwoman Anderson. It passed unanimously with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Task Orders 2&3

Manager Cole provided Council with information from Withers Ravenel detailing Task Orders 2 & 3. Information provided included cost, time, staffing, statutes, and process. Task Order 2 is for Sewer System Rehabilitation and Task Order 3 is for the Water Treatment System Improvements.

Mayor Brown asked for discussion and then a motion to approve Withers Ravenel Task Orders 2 & 3. Councilman Mimplitsch made the motion to approve, and Mayor Pro Tem Hodges seconded it. The motion passed 5-0 with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Budget Amendments

Manager Cole presented two budget amendments to Council. Budget Amendment 2 is to correct a line-item placement within the same fund. Budget Amendment 3 is to move funds from the contingency lines within the same fund.

Mayor Brown asked for a motion to approve the budget amendments. Councilman Mimplitsch made a motion to approve the amendments and Councilwoman Anderson seconded. The motion passed 5-0 with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Staff Christmas Luncheon, Longevity Pay, Bonuses and Presents

It has been a town tradition to have a holiday luncheon for the town staff and Fire Department on the day before the Christmas Holiday Closure. This year that event will be held on December 22 at noon at the Perquimans County Rec Center. Town Council is invited to attend.

There is a personnel policy that dictates longevity pay to the town employees based on years of service. Staff should receive those payments next week, November 23.

Employees will receive one day's pay as a bonus/Christmas gift in mid-December. The town has two permanent part-time staff members who do not qualify for this. Manager Cole suggested a bonus would be appropriate as their Christmas gift.

Mayor Pro Tem Hodges made a motion to approve Manager Cole's holiday recommendations for the staff and Councilwoman Brothers seconded it. The motion passed 5-0 with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Manager's Update

There was a preconstruction meeting for the S-Bridge truss. A 30-day permit has been expedited and work will begin on the pilings the second week of December. It is estimated that work will be completed mid-January and will then be followed by the painting contractor. There is a moratorium that runs February to June so every effort will be made to finish before the start of the moratorium.

In 2013 a referendum was on the ballot in Hertford regarding mixed drinks. That referendum did pass. Requirements of mandatory membership of the establishment's club to purchase mixed drinks and ratios of food sales to drink sales have been eliminated. The Hertford Bay Taphouse is interested in selling mixed drinks, and the theater on Church Street may also once they open. There is no action required by Council. There are zoning restrictions that require businesses serving mixed drinks to be no less than 400 feet from a church and no less than 400 feet from residents. Those restrictions fall under our Planning and Zoning Board.

The audit was submitted in a timely manner and the Zoom presentation will be at the Work Session Meeting on November 28, 2022.

The monthly newsletter enclosed in utility bills will now be handled by our office staff and put on colored paper. It seems the plain paper newsletters are being overlooked/unnoticed by many residents.

COUNCIL REPORTS/CONCERNS

Councilman Brothers thanked everyone for their prayers and support for her family. On November 7th, Councilwoman Brothers met with NC State Representative Ed Goodwin, Judge J.C. Cole, members of the Meridian Lodge 18, Third Masonic District, Prince Hall

Lodge, and jurisdictions incorporated on the corner of King and Hyde Park Streets. The purpose of the meeting was to seek or ask for funding to restore the lodge that is located there. It is a historical building and is in bad condition. A.R. Chesson Construction Company has been working on an assessment of renovations to the building. Councilwoman Brothers also went out to Express Linen and thanked Mr. Lem Helms who donated many products that were given to the homeless in Hertford, Perquimans County, and Virginia. Lastly, Sunday, December 4th at 3PM, Councilwoman Brothers is hosting a Christmas dinner at Louise's Event Center for all town-limit Hertford residents, but you must RSVP.

Mayor Pro Tem Hodges attended a Viable Utility Training about a week and a half ago. He completed modules that he was tested on prior to the webinar session. The webinar was attended by North Carolina elected officials, government workers, public works directors, and others who shared their struggles and strategies for managing rates, debt, and projects. Mayor Pro Tem Hodges stated that it was very beneficial. He and Manager Cole met with a representative from NC Capital Management Trust. They gave a presentation on the expected interest rates for the next year and what income Hertford *may* generate without raising rates or taxes to our residents. Mayor Pro Tem Hodges congratulated the staff on submitting the audit on time. Mayor Pro Tem Hodges shared that he has been creating an info graph of happenings in Hertford related to government, economic development, grants, etc... and will share that with Council and Manager Cole upon completion. His hope is that it can be a visual communication tool to show the residents of Hertford the progress being made on a macro level. Mayor Pro Tem Hodges also agreed with the concerns of Ms. Winslow and Ms. Albrecht regarding the excessive speeds on Church Street by vehicles exiting the bridge. A major concern is the crosswalk near the base of the bridge that is nearly concealed to traffic entering Hertford from the bridge. He is concerned that an accident, potentially major accident, will occur due to the excessive speed cars are travelling, the crosswalk that is not highly visible, and the number of pedestrians on that residential section of Church Street. Mayor Pro Tem Hodges also commented on the need for a cross walk on Church at the Albemarle Landings. He advised that flashing pedestrian signs and/or crosswalk signs may deter an accident.

Councilman Mimplitsch began by saying that several neighbors on Church Street have expressed concern to him regarding cars "flying" over the bridge and onto Church Street. There are kids and adults and elderly citizens on Church Street, so it is concerning. There have been residents standing on the sidewalks waving at cars to slow down. There is a need for more signs and possibly a speed radar, so drivers are aware of how fast they are going. Councilman Mimplitsch is going to talk to Sheriff White about what can be done to keep traffic on Church Street at the speed limit. He thanked Clerk Durante for the work done to submit several minutes from 2021 for Council approval. Councilman Mimplitsch expressed gratitude to the staff for all they do to support Council. He also recognized new residents, Charlie and Beverly Brown from Raleigh. They run a non-profit foster closet called Everyday Grace that supports foster and adoptive families as well as all children in need from the communities of Elizabeth City/Edenton/Hertford. They recently passed out coats to the kids in our community and

they also accept donations. Councilman Mimplitsch acknowledged Seeds of Success which also is a volunteer program in town to help the kids in our community. The volunteers in our community are greatly appreciated.

Councilman Anderson stated that she receives positive feedback from residents and non-residents about the work Council is doing. She looks forward to the great things that this Council will accomplish.

Mayor Brown and Manager Cole attended the NC State Water Infrastructure Authority Training in Williamston. Mayor Brown and Manager Cole also met with Elizabeth City Mayor Kirk Rivers. Mayor Rivers discussed a collaboration between Elizabeth City and Hertford on future endeavors regarding students, job opportunities, and businesses to benefit both communities. There was some discussion regarding joint public works, as well. There will be a follow-up meeting scheduled. Mayor Brown also recognized Charlie and Beverly Brown for their community involvement, including with Seeds of Success. She also stated that there are many volunteer opportunities in our community to benefit the Hertford Community. Seeds of Success is working with the school system's schedule to be open after school and on non-school days, but it takes volunteers to do this. Mayor Brown thanked Clerk Durante, Manager Cole and the Council for all their efforts.

Announcements

None

Mayor Brown asked for a motion to adjourn the meeting. A motion was made to adjourn the meeting by Councilwoman Anderson and seconded by Councilman Mimplitsch. The motion passed 5-0 with the following vote:

Councilwoman Anderson	aye
Councilman Mimplitsch	aye
Councilwoman Brothers	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

The meeting adjourned at 7:45PM.