

Town of Hertford  
Recessed Meeting (County Courthouse/ Zoom)  
Monday, January 24, 2022  
6:00 p.m.

The Council of the Town of Hertford held a Recessed Meeting at the Perquimans County Courthouse (also by Zoom) on Monday, January 24, 2022 at 6:00pm.

COUNCIL MEMBERS PRESENT

Ashley Hodges, Mayor Pro Tem  
Connie Brothers

Jerry Mimlitsch  
Sandra Anderson

COUNCIL MEMBERS ABSENT

Earnell Brown, Mayor

STAFF PRESENT

Janice McKenzie Cole, Interim Town Manager  
Ben Gallop, Attorney

A quorum was present

Mayor Pro Tem Ashley Hodges called the meeting to order and then recognized the Rev. Todd French, St. Paul AME Zion Church, Hertford to give the invocation. This was followed by the pledge of allegiance.

**APPROVAL OF AMENDED AGENDA**

Mayor Pro Tem Hodges explained that the January 10, 2022 meeting was recessed on our attorney's advice rather than adjourned to facilitate a second meeting in January since a new work session schedule for 2022 had not yet been adopted by the Council. Since the items on the January 10, 2022 agenda had been exhausted, the agenda was being amended to add additional business for tonight's meeting. At the request of the Town Manager, Item 7a was removed from the agenda. A motion was made by Councilwoman Brothers to approve the amended agenda minus Item 7a, seconded by Councilman Mimlitsch and passed 4-0 by the following voice vote:

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

**CONSENT AGENDA**

On the motion of Councilman Jerry Mimlitsch and the second of Councilwoman Brothers, the consent agenda was approved unanimously by the following voice vote:

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

The consent agenda consisted of the appointment of Town Manager Janice McKenzie Cole as the Deputy Clerk and adoption of the work sessions schedule which is attached.

**HERTFORD FIRE DEPARTMENT**

Hertford Fire Chief Drew Woodard requested permission from Council to proceed with applying for a 50/50 grant that the fire department applies for annually. The Town's share would be \$30,000 and would not be due until the 2022-2023 budget. The money would be used to replace their airbags. The ones they are currently using are 21 or 22 years old and they can no longer get parts for them. The costs is about \$8,000 each. The fire department expects to have money left over from this years budget that can be applied. Chief Woodard invited the new Councilwomen to tour the fire station. Councilman Mimlitsch made the motion to authorize the Hertford Fire Department to proceed with applying for the grant. Councilwoman Sandra Anderson seconded the motion. It was unanimously passed with the following voice vote:

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

**SALE OF BRINN HOUSE**

Manager Cole explained that the Board was being asked to reject the former bid on the Brinn House because there was an error made by the Town in the procedure. The Board was also being asked to start the process over using the Negotiated Bid and Upset Bid option. A motion was made by Jerry Mimlitsch to approve Resolution 1.24.2022-01 Disapproving and Rejecting any and All Bids for Property and Withdrawing Property for Sale. The motion was seconded by Councilwoman Brothers and approved by the following 4 to 0 vote:

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

A motion was made by Jerry Mimlitsch to approve Resolution 1.24.2022-2 Authorizing Negotiated Offer and Upset Bid. The motion was seconded by Councilwoman Anderson and approved by the following 4 to 0 vote:

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

A copy of each resolution is attached.

**NCEMPA BOARD**

Pamela Hurdle's retirement created a vacancy for the Town on the ElectricCities (NCEMPA) Board of Commissioners. Currently Mayor Brown is the First Alternate and the Second Alternate position is vacant. A motion was made by Councilwoman Brothers and seconded by Councilman Mimlitsch for Mayor Brown to serve as the Commissioner, Manager Cole as the First Alternate and Mayor Pro Tem Hodges as the Second Alternate. The motion was approved 4-0 by a voice vote as follows:

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

**Finance Officer**

The Council is required to have a Finance Officer who must be an employee or Council member. Before her resignation Niaisha Stokely held this position. Councilwoman Anderson made the motion to remove Niaisha Stokely as the Finance Officer and as a signatory on all accounts and to appoint Mayor Pro Tem Hodges the Town of Hertford Finance Officer and that he serve without compensation. Councilwoman Brothers seconded the motion. And it was approved by a 4-0 voice vote as follows:

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

Manager Cole reported that the EMS Annual Officials Conference will be Monday, March 7, 2022 at 7pm during the County Commissioners meeting. Also she explained the new unified procedure instituted by EMS for notification/approval of events. Those wishing to give events will complete a form found on the County EMS webpage under Emergency Management. For The Town of Hertford, that request would be sent to us to approve/disapprove, but also sent to the sheriff, EMS, fire department or any other agency that needs to be notified. Mayor Pro Tem requested that a link to the form be placed on the Town’s website.

**COUNCIL’S REPORTS & OBSERVATIONS**

Councilwoman Sandra Anderson - She serves on the Historic Hertford Inc. Board. The Carolina Moon, 110 W Academy will be holding auditions February 5<sup>th</sup> and 6<sup>th</sup> for “Til Beth Do Us Part.” On Saturday, March 26<sup>th</sup> there will be a performance of “Little Dickie & the Misfits.” April 23<sup>rd</sup> they are planning Dine, Drink & Dance in the Marina Parking Lot. They are also seeking nominees for the Volunteer of the Year Award. The person does not have to be a resident of the Town and there is no age limit. The deadline to apply is March 1<sup>st</sup>. Applications are at the HHI Building, Carolina Trophy, the library at 514 So Church Street, at the municipal building and online at [www.historichertfordinc.org](http://www.historichertfordinc.org). Individuals can also go to that site to become members.

Councilman Jerry Mimplitsch – He thanked Public Works for the cleanup after the snowstorm. He announced that the Museum’s opening at 104 Dobbs Street will be February 19<sup>th</sup> from 10am to 2pm, with the ribbon cutting being at 11am. He complimented Stacy Layden on the good job that she is doing.

Councilwoman Connie Brothers said she serves on the Economic Resurgence Committee and announced the schedule for the Friday Night Strolls is 6/12, 7/10, and 8/14. Susan Cox is spearheading a meeting of all the business owners. Also, she announced that on Saturday, 1/29 there would be the dedication of the Police Department building for Robert Harvey at 10am and the Community Center for former Mayor Horace Reid at 10:45am.

Mayor Pro Tem Hodges reported on a meeting about the S-Bridge Truss attended by him, County Commissioner Chair Nelson, County Manager Frank Heath, Town Manager Cole and DOT staff. The legislature has allocated \$800K earmarked for this project. At the February DOT Board meeting they are expected to vote to approve this allocation by the legislature. The money should be available by middle to late February. That money is for mobilization/demobilization, install support bents, perform move and lead abatement/repaint (full encapsulation of the paint). The Truss will be launched from Missing Mill Park. Pilings will be built and the work will be done from barges and DOT will cover the rent for those barges. McClain Company is already on site working on the S-Bridge so they will be used for the Truss as well. There is a piling moratorium in existence from February to June. Once the Truss is completed ownership will be turned over to the Town and the Town will be responsible for the upkeep. That upkeep would probably be painting every 25 to 30 years. For about \$5,000 DOT will send an engineer to inspect it periodically. The path to walk out to the Truss is not included in the \$800.

Mayor Pro Tem Hodges also reported on the H-CAT Committee meeting. The Coastal Resiliency Open House was January 18<sup>th</sup>. Representatives from the Resilient Coastal Communities Program were present and it was set up like a science fair. There was a lot of discussion and talk regarding grants to bury the overhead power lines. Ocracoke did it and the consultants said they would find out and let us know what programs they used to accomplish this. The focus of this strategy is flooding, but wind damage is an issue for us also.

Mayor Pro Tem Hodges read the announcements

A motion was made by Councilman Mimplitsch and seconded by Councilwoman Brothers to adjourn the meeting. The vote was 4-0 with the following voice vote:

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

Meeting adjourned at 6:43pm.

## **2022 SCHEDULE FOR WORK SESSIONS**

February 28, 2022

March 28, 2022

April 25, 2022

May 23, 2022

June 27, 2022

July 25, 2022

August 22, 2022

September 26, 2022

October 24, 2022

November 28, 2022

**RESOLUTION DISAPPROVING AND REJECTING ANY AND ALL BIDS  
FOR PROPERTY AND WITHDRAWING PROPERTY FROM SALE**  
Resolution 1.24.2022-01

WHEREAS, the Town of Hertford owns a 2.62-acre tract of land and house at 1000 West Grubb Street, Hertford, NC known as the Brinn House, MAP No. 3-0039-00056 (the "Property"); and

WHEREAS, North Carolina General Statute § 160A-269 permits the Town to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town Council authorized the potential sale of the Property via the upset bid process by a Resolution Authorizing Upset Bid Process Resolution 11.08.2021-1 dated November 8, 2021 (the "Resolution"); and

WHEREAS, North Carolina law and the Resolution require that the Town Council vote to affirmatively to approve the final high offer before the sale is closed and that the Town reserves the right to withdraw the Property from sale at any time before the final bid is accepted and the right to reject at any time all bids; and

WHEREAS, the Town received upset bids for the Property, including a high bid of \$34,700; and

WHEREAS, the Town Council believes there was a procedural error in the upset bidding process which requires the Town not to approve the sale, to withdraw the Property from sale and to reject any and all the bids received;

THEREFORE, the Town Council of the Town of Hertford resolves that:

Any and all bids received for the 2.62 acre tract of land and house located at 1000 West Grubb Street, Hertford, NC are hereby disapproved and rejected, and the

tract is withdrawn from sale until such time as the Town Council may decide to approve its sale in the future.

Adopted January 24, 2022

A handwritten signature in black ink, appearing to be 'A. Hodges', written over a horizontal line.

Ashley Hodges, Mayor Pro Tem

A handwritten signature in black ink, appearing to be 'Janice McKenzie Cole', written over a horizontal line.

Janice McKenzie Cole, Deputy Clerk

RESOLUTION AUTHORIZING  
NEGOTIATED OFFER AND UPSET BID  
Resolution 1.24.2022-02

WHEREAS, the Town of Hertford owns a 2.62-acre tract of land and house at 1000 West Grubb Street, Hertford, NC, known as the Brinn House, MAP No. 3-0039-00056,

WHEREAS, North Carolina General Statute §160A-269 permits the Town to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the Town has received an offer to purchase the property described above, in the amount of \$34,700, submitted by One Chase Construction Company; and

WHEREAS, One Chase Construction Company has paid the required five percent (5%) deposit on his offer;

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HERTFORD RESOLVES THAT:

1. The Town Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute §160A-269.
2. The Town Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Town Clerk within 10 days after notice of sale is published. At the conclusion of the 10-day period, the Town Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first bid received will become the new offer.
4. If a qualifying higher bid is received, the Town Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Town Council.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The Town will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The Town will return the deposit of the final high bidder at closing.
7. The terms of the final sale are as follows:
  - a. The Town Council may set a date for closing of the sale of the Property at the time of the approval of the final highest bid, and if not, the closing of the sale is set for thirty (30) days from the date of approval or the date of

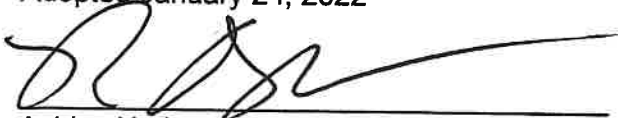
the end of the initial upset bid period if no bids are received. Time is of the essence for the closing of the sale of the Property; and

- b. The Property is sold in its current condition, as is, as of the date of closing and the Town gives no warranty with respect to usability of or title to the Property; and
- c. The Buyer must pay with cash, certified funds or via wire transfer at or before the time of closing; and
- d. The Buyer must bring the Property into compliance with the Town's Code of Ordinances, the Town's Zoning Ordinance and any applicable North Carolina building codes within two years of closing or date deed is delivered to the Buyer whichever is earlier. Said requirement shall survive the closing and be made a restriction upon the deed transferring the property. This is an affirmative covenant and time is of the essence.

8. The Town Council must approve the final high offer before the sale is closed which it will do within a reasonable time after the final upset bid period has passed. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate Town officials are authorized to execute the instruments necessary to convey the property to One Chase Construction Company.

Adopted January 24, 2022



Ashley Hodges, Mayor Pro Tem



Janice McKenzie Cole, Deputy Clerk