

**Town of Hertford**  
Regular Session (In Person/Zoom)  
Monday, May 9, 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 by Zoom) on Monday, May 9, 2022, at 6:00 pm.

COUNCIL MEMBERS PRESENT

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

STAFF PRESENT

Janice McKenzie Cole, Interim Town Manager  
Gina Durante, Town Clerk  
Ben Gallop, Attorney

A quorum was present.

Mayor Brown called the meeting to order. Councilman Mimlitsch led the invocation which was followed by the pledge of allegiance.

**APPROVAL OF AGENDA**

A motion was made by Mayor Pro Tem Hodges and seconded by Councilwoman Brothers to approve the agenda. The motion was approved unanimously with the following voice vote:

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

**CONSENT AGENDA**

Mayor Brown asked that the Consent Agenda be amended with the following change:

5a) approval of minutes for April 28, 2022, be corrected to April 25, 2022

A motion was made by Councilman Mimplitsch and seconded by Mayor Pro Tem Hodges to approve the amended agenda. The motion was approved unanimously with the following voice vote:

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

### **SCHEDULE APPOINTMENT**

Cheryl Downing, the new Custodian, was introduced. Ms. Downing retired after working for the county for 25 years and is now working part-time with the town.

### **CITIZENS CONCERNS**

None

### **CONTINUED BUSINESS**

#### **DAQ GRANT FOR ELECTRIC VEHICLE CHARGERS**

Manager Cole gave an update on the DAQ Grant that she was asked to move forward with and get additional information. She has been in touch with DAQ and Electricities. She was given names of companies that provided the chargers in Edenton and Elizabeth City and will be receiving an estimate from them later this week. Our lead electric lineman did identify the municipality parking lot as a preferred location for the chargers considering where the transformers are to be located. The grant is for either two fast (25 minute) chargers or four slower (90 minute) chargers. Council had previously discussed the installation of the fast chargers, but it was suggested that the slower chargers be installed as it will allow people more time to visit downtown and patronize businesses as well as enjoy the water. DAQ did indicate that although Hertford is not a priority corridor, being located on the 17-evacuation route could be helpful in getting the grant. It appears that there are less applicants for the current grant than the number of applicants for Phase One. The application is due Monday, May 16, and we must identify the number of chargers and locations for those chargers.

Mayor Pro Tem Hodges made a motion to approve Manager Cole completing the application and requesting four slower chargers to be installed in the municipality parking lot due to the accessibility to downtown and the water. Councilman Mimplitsch seconded the motion. The motion passed unanimously 5-0 with the following voice vote:

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

#### CLOSING OF EAST ACADEMY STREET FOR JUNETEENTH CELEBRATION (6/18)

Mayor Brown noted that the Juneteenth Celebration had previously been approved by Council, but approval to close Academy Street for the event had not been approved. No discussion was made by Council.

Councilwoman Brothers made a motion to close East Academy Street on June 18, 2022, from 9-6 for the Juneteenth Celebration. Councilwoman Anderson seconded the motion. The motion passed unanimously 5-0 with the following voice vote:

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

#### CEMETERY GRASS CUTTING CONTRACT

Due to the turnover of our street maintenance staff, Manager Cole would like to reverse the previous request and proceed with an RFQ (request for quote) to have the cemetery grass cut by an outside source.

Mayor Pro Tem Hodges made a motion to authorize Manager Cole to proceed with the RFQ. Councilwoman Brothers seconded the motion. The motion passed unanimously 5-0 with the following voice vote:

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

#### CEMETERY SIGNS/FENCE

Manager Cole is getting estimates for signs and a fence at the back of Roadside Cemetery. Once estimates are received, Manager Cole will be asking that Council fund those items through the cemetery fund.

## **NEW BUSINESS**

### **RESOLUTION TO REMOVE ABC BOARD MEMBER AND REDUCE BOARD COMPOSITION TO THREE (3) MEMBERS**

Mayor Pro Tem Hodges made a motion to accept the resolution prepared by the Town attorney. The motion was passed unanimously 5-0 with the following voice vote:

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

### **CHANGE/ADDITION OF BANK ACCOUNT SIGNATURES**

The following signatory changes are being requested: 1) add new Account Specialist, Ashley Eure, and Town Administrator, Sarah Nixon, as signatories on the PNC and FNB accounts, and 2) remove Judy Bateman as a signatory on those accounts.

Mayor Pro Tem Hodges made a motion to add Ashley Eure and Sarah Nixon as PNC and FNB signatories and remove Judy Bateman a signatory. Councilwoman Brothers seconded the motion for those changes. The motion passed 5-0 with the following voice vote:

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

## **SPRAY FIELD**

Manager Cole led the discussion regarding the issue of the Spray Field. The Spray Field was used as a backup for wastewater management and is available in the event the Town reached or surpassed 80% of our capacity. It has not been used in about three years. Currently the town averages 500,000 gallons of water per day and the capacity is 700,000 gallons per day. The Spray Field is inoperable and to bring it back to an operable standard will be a significant cost and an engineer would have to evaluate and assess what needs to be done to achieve that. The wastewater director

has told us that a fulltime employee would need to be designated to the maintenance of it, mowing the large property it occupies, clearing the sprinkler heads, valve maintenance and other issues. The Spray Field occupies about 50-75 acres of the 165-acre colloquial Brinn Farm and no revenue is generated from that to sustain the cost of this backup wastewater management site. Council needs to consider if there is an advantage in investing in the significant repairs and personnel needed to bring the Spray Field up to an operational state or rescind our permit. The permit is granted to Hertford by the state and there is a process for rescinding it. The state may require us to do things to the land that may incur unknown costs.

Mayor Pro Tem Hodges indicated that we are unlikely to exceed our 80% capacity cap and require the use of the Spray Field. The state only requires us to have a backup plan in the event of exceeding 80% capacity and the current wastewater plant could be expanded to handle that. Councilman Mimplitsch stated that the prime real estate that the Spray Field occupies is non-revenue generating and the costs of the permit may not seem high but the extensive financial resources restoring and maintaining the Spray Field are not a wise use of our resources and those costs could result in unfavorable higher fees.

Mayor Pro Tem Hodges made a motion to have Manager Cole and her staff explore the specifics of rescinding the permit for the Spray Field. Councilwoman Brothers seconded the motion. The motion passed 5-0 with the following voice vote:

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

#### EVENT APPROVALS

All town events are being registered online. EMS and the Sheriff's Department are being made aware of these, even when they are small events, and no street closures are needed. It is beneficial for Council to be made aware of these and if there is a concern, a Special Call Meeting can be called to discuss it.

#### BILLING FOR MUTUAL ASSISTANCE

Manager Cole wanted to inform Council that when the Town receives assistance from neighboring counties, we are billed for their time and equipment. Hertford recently assisted Winfall and Manager Cole wants Council to be aware of her plan to send them a bill for that assistance.

#### WEBSITE CONTRACT

Manager Cole would like to use GovPro, the company that provides website contracts to Edenton and Elizabeth City. Manager Cole has contract terms and costs for two

options, one being the premium package that will fit the town's needs. Transition time between websites may be three months, and we would require the use of our current website until the new one is functioning. She is exploring the term of our contract with Granicus. Mayor Pro Tem Hodges suggested we have our attorney confirm that our purchasing policy allows us to proceed without a formal bid process.

Councilwoman Brothers made a motion authorizing Manager Cole to proceed with contracting with the new company and Mayor Pro Tem Hodges added the amendment that this motion is pending confirmation from our attorney that this does not conflict with our purchasing policy and Mayor Brown added provided we did not incur a penalty terminating the existing contract. Councilman Mimplitsch seconded the motion The motion passed 5-0 with the following voice vote:

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

## **TOWN MANAGER'S REPORT**

### **GRANT UPDATES:**

#### **Viability Utility ARP**

Due 5/2/2022. We contracted with an engineering company and those have been filed.

#### **Rural Transformation**

Due 5/4/2022. Although we had short notice of this, Council wanted Manager Cole to proceed. Sharon Smith at Albemarle Commission completed the narrative of the application. Manager Cole focused on the purchasing of abandoned property and filled in information on the number of abandoned properties and their tax value. Included in this application was the clean-up of the Spray Field. Barrows Alley was not included. Engineers are needed to evaluate the alley and determine the core of the issues as it is most likely not only an asphalt issue. Part of Barrows Alley is privately owned, and the owner has agreed to cooperate with the work and permits that will be required. Manager Cole had the attorney draw up an agreement with the owner, but it has not been signed. The owner is an agreement to have the work done but has concerns about legally binding themselves. Mayor Brown asked if we could just do the work if they agree, but their signature is needed on the legal agreement due to legal liability in the event of damage or further repairs. It would be optimal to have the entire project done at the same time, which would include the areas privately owned.

#### **Golden Leaf**

We are moving forward with pursuing this grant. We have an AIA grant to study water, sewer, and how to manage rainfall. A pre-performance document needs to be submitted along with an RFQ filed. All three studies can be completed together.

#### STRAP

This grant is through the North Carolina Department of Agriculture. The focus for this grant is to clean up Jenny's Gut and find out what needs to be done to the pipes. The Department of Agriculture informed us that they are only concentrating on cleaning up the vegetation and not the sediment and other debris. They gave us the opportunity to adjust our application and we estimated what part of that clean up would be vegetation and indicated that we will seek funding elsewhere for the remainder of the clean-up. They are continuing to review applications and we hope to hear back around May 18, 2022.

#### 2022 Resilience Strategy

The 2022 Resilience Strategy was completed by the SWAC, a unit of the Division of Coastal Management through their Resilient Coastal Communities Program and they reached out to communities and held many meetings with community groups to complete this report. Seven priorities have been identified as we move to Phase 3. The grant application must be filed by June 3, 2022, at 5PM. The grant is primarily for study of these seven priorities. Manager Cole invited members of the H-CAT group that participated in the process to share their perspectives and thoughts on the priorities with Council this evening. Larry Sandeen has done a lot to keep everybody updated on what was going on. Sara Winslow, Rhonda Waters, Tommy Harrell and Sandra Anderson were part of the H-CAT group and have been invited to speak tonight.

Sara Winslow stated that of the seven priorities, Jenny's Gut is the key priority that needs to be addressed. West Hertford and East Hertford are impacted by this as water from Jenny's Gut will eventually flow behind the high school, under the railroad tracks, through the roadside cemetery, Walter's Creek, 52nd and Church Creek. It has had a large impact on past flooding. Edenton Road is a state-maintained road, and the town can ask the DOT to handle that. She has taken pictures of Edenton Road and the cemetery where trash, tree stumps, log and debris are preventing proper flow. In the cemetery the pump stations are working non-stop. Maintenance and repair, pumping lift stations are all part of the collection system. There needs to be a study to determine what is the actual amount of I&I. The water and sewer systems are infiltrated by water from Jenny's Gut. The North Riverfront Retaining Wall is a long-term work in progress.

Rhonda Waters, who was the Director of the Housing Authority during Isabel, spoke of the flooding and the severe impact it had on residents. Water from Jenny's Gut rose four feet into some units. There were discussions of retaining walls to hold back the rising water. The housing authority had a difficult time relocating residents while repairs were made.

Mayor Brown stated that the council agrees with this process and the priorities. Research and analysis are needed to proceed. She thanked the H-CAT group for their

diligent work identifying the priorities when there are several issues with sewer and water and reiterated that Jenny's Gut is an important in that area.

Mayor Pro Tem Hodges thanked the H-CAT members for their work and time attending numerous meetings. He did attend some of the H-CAT meetings and from the beginning, Jenny's Gut was a high priority and identified as a project they could begin working on. Items such as relocator or fitting facilities are a long-term effort that will require a lot of planning and a lot of funds. Money can be spent on the collection system and pumping lift stations. The Northern Riverfront project could cost as much as \$8 million, and funds may need to be lobbied from the legislature for that. Earlier this month in our budget workshop we learned that burying electric power lines is 3x the cost of hanging them on polls. That is another very expensive project that would occur over a longer time period. Jenny's Gut - where we can remove vegetation and debris, then examine our lines and have the water flowing well enough so there is no water backing up including into public housing – is the obvious place to start. It has been a very neglected area of the town's infrastructure. The pumps work 24/7 in the cemetery and we are pumping swamp water through our water plant. Mayor Pro Tem Hodges endorses this priority list and starting with Jenny's Gut.

Manager Cole said the AIA grant is for the sewer system. The engineering company we have contracted with is familiar with our system has said it will take about 1.5 years to complete the study. Manager Cole has been contacted by another engineering company offering to assist us with the Phase 3 application. She will check with Bob Taylor at WithersRavenel to find out if a study of Jenny's Gut will fit into what they are currently doing for us, confirm that the studies are not overlapping or repetitive, how long the study could take and how quickly we can act. We still need to identify who can perform the work. We would be looking for a timeline of how long research will take and do we need a study to start looking at Jenny's Gut. STRAP Grant would be used to remove vegetation in Jenny's Gut and Council could designate funds to remove the sediment. The study can determine what needs to be done, types of pipes, etc. We will coordinate the grants and the work. Reminder the application is due June 3, 2022.

Councilwoman Brothers thanked the H-CAT group and Manager Cole for all their efforts and work.

Mayor Pro Tem Hodges made a motion to direct Manager Cole to proceed with the STRAP Grant application, focusing on Jenny's Gut as the top priority. Councilman Mimplitsch seconded the motion. The motion passed unanimously with the following voice vote:

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

### Audit Presentation

Manager Cole advised Council of the Audit Presentation. The legislature enacted legislation that now requires auditors to come before Council and do a presentation. To save money, Mayor Cole has indicated Council would be willing to do that by Zoom. This morning, there were 14 more requests of items they would like to see and those are being collected. That meeting is currently scheduled for May 23, 2022. If that date should change, Council will be informed.

### Budget Deadlines Fiscal Year 22-23

Our budget deadline is Monday, May 16, 2022. We are on local government Unit List assistance so a proposed budget is due May 16, 2022. Because we have USDA loans, they want an approved budget by June 1, 2022. We will schedule additional dates later in the month to go over the budget.

### Street Water Leaks

Progress is being made on the street water leaks. The leaks on Punch Alley, Market Street and Williams Drive are all done. There is still water on the backside of the Sheriff's Office on Front Street, but that may have been from the rain.

### Tradewinds Advertising

We are eligible for free advertising in the Tradewinds magazine that is distributed to many stores. We will be utilizing that. We must submit our advertisement to them by the third Wednesday of the month, and the magazine goes out at the first of the month. We will be including our Saturday Morning Live Flea Market, Juneteenth Celebration and Friday Night Strolls.

### SECU Summer Intern from ECU

We will have a summer intern from ECU. Pam Hurdle started the process and Manager Cole is continuing it and will establish what the intern will be doing. It will be a hybrid internship as most students don't live local. It will mainly be conducted virtually, and the young man will come into the office about once a week. The duration of the internship is mid-May through mid-August. The young man Manager Cole has selected lives in Greenville and has family in Elizabeth City. He is in a planning program at ECU and has completed coursework in marketing and branding. There is a virtual introductory meeting on Tuesday, May 10<sup>th</sup> with a staff member. Following that meeting, the internship can begin.

### ZLS Update at County Commissioner's Meeting 6/6

ZLS will be coming to the County Commissioner's Meeting on 6/6/2022 to give an update of what they have done. The County is not happy as they have not seen any results. ZLS will be there and some of Council may want to attend to get an update.

## **COUNCIL REPORTS/CONCERNS**

### **Councilwoman Brothers**

A reminder of Community Pride Day on June 4<sup>th</sup>. It is a day to take pride in our community and clean up our properties. Councilwoman Brothers has been driving around town and contacting owners who in turn have contacted lawn care personnel to get their properties cleaned up. On June 4<sup>th</sup>, we will be meeting at the railroad tracks at 7:30AM and volunteer to help those that need assistance in cleaning up and clearing out debris. Juneteenth Celebration is Saturday, June 18, 2022. It will begin at the monument on Hyde and King Streets where a reenactment will take place and then a Freedom March to Central Park. We would like to see all our churches, businesses and organizations take part in this event by setting up a table or vendor booth. The North Carolina Association of Black Storytellers and African drummers will be there. Miss Ruffin will be doing a reenactment. Historical persons who have been in Hertford all their lives will be there to share their stories and history. On May 23<sup>rd</sup>, June 6<sup>th</sup>, and June 13<sup>th</sup> there will be rehearsal for a mass choir of all the churches in Perquimans County singing together at 7PM. There will be live media coverage. Mayor Brown thanked Councilwoman Brothers for the level of detail, coordination, logistics and the variety of participants for this Juneteenth Celebration.

### **Mayor Pro Tem Hodges**

For the last couple of weeks, he has been working on the Strategic Plan Update with manager Cole and is very excited and happy to see it accomplished and approved tonight. It will be helpful as we proceed with budgeting and tying in our priorities. Mayor Pro Tem Hodges has been working with Manager Cole and the finance department on preparing for budgets and answering any audit questions. He is also representing us at the Harbor Town Project. We received an email from their board requesting feedback on when we might be able to start supporting their dinner party excursions. He will email them with dates of things we have going on in town and coordinate a date to have something available on the river. He thanked Manager Cole for all that she is doing. She is keeping us aware of the many upcoming deadlines so that we don't miss out on any money. She is keeping us aware of statutes not to violate or statutory requirements for reporting, so we don't lose access to future funding. She and our staff are hitting the deadlines and that's crucial for us to move forward as a town. Manager Cole has exceeded any expectations we had for her. We are very appreciative of her.

### **Councilman Mimlitsch**

Complimented Manager Cole for all her efforts and keeping a busy schedule of deadlines and work on task. He also noted that our meetings are very professional, organized and things are getting done daily. Council is working well together. Thanked Councilwoman Brothers and Councilwoman Anderson for being productive team members. He recognized Mayor Pro Tem Hodges for all the time and effort he puts into meetings. Councilman Mimlitsch also recognized the Sheriff's Department for the great community Easter event. He spoke of the return of the Indian Summer Festival September 9<sup>th</sup> and 10<sup>th</sup>. Over 40 vendors have already registered. There will be food,

games, vendors, and dancing. Information on becoming a vendor is available on FaceBook.

#### Councilwoman Anderson

She recognized and thanked Manager Cole for all she has been doing. Also thanked everyone for their prayers for her surgery and recovery. She is doing well and hopes to return in person soon. Councilwoman Anderson announced the EMS Life Training that will be held Tuesday, May 10<sup>th</sup> at 6pm-9pm, at the Horace Reid Community Center. She also commented on the Saturday Morning Live Flea Market in Downtown Hertford. Vendor spaces are filling up so any potential vendors should get their application in soon. Applications can be picked up at the municipal building, Carolina Trophy, Hertford Hub and online. She also encouraged citizens to communicate concerns and ideas to Council.

#### Mayor Brown

Thanked Public Works and Manager Cole for all their hard work. Landscaping in front of the municipal building and community center is beautifying our town. The Seeds of Success is hosting a Father's Day Basketball Tournament on Saturday, June 11<sup>th</sup> from 10AM-5PM, at the Community Center. PAL is partnering with SOS to host a jewelry making event at the Perquimans Art League on Saturday, May 14<sup>th</sup> from 1-3PM. Mayor Brown also said that she is working with the Perquimans Chamber of Commerce as they are going through a major revamping. She will be officiating a work session with them on Tuesday to rewrite their bylaws.

### **ANNOUNCEMENTS**

The announcements were read. Additional announcements include:

On May 21, 2022, from 7AM-2PM there will be a Hertford Community Fishing Derby at the Hertford Bay Marina Park. There will be activities for the kids. Volunteers are still needed. Information about that event is available at the Hertford Hub and a flyer has been posted at the municipal building.

More information will be posted about the EIC Community Resource Fair on Thursday, June 2, 2022, 11AM-2PM at the Parks and Recreation Center. Volunteers are needed. Their website is [eicca.org](http://eicca.org).

Town Attorney Ben Gallop announced that his last day with the law firm representing the Town of Hertford will be July 6, 2022. His last meeting with Hertford Town Council will be in June. Mr. Gallop recommended and introduced Mr. Leidy to fulfill his role as primary attorney to Hertford. Mr. Gallop will prepare a resolution for Mr. Leidy to replace him.

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

Councilwoman Brothers    aye

Mayor Pro Tem Hodges    aye

Councilman Mimplitsch    aye

Councilwoman Anderson    aye

Mayor Brown                aye

The meeting adjourned at 7:44 p.m.