

Town of Hertford
Regular Session Meeting (In Person/Zoom)
Monday, August 9, 2021 – 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, August 9, 2021, at 6:00 pm.

COUNCIL MEMBERS PRESENT

Mayor Earnell Brown	Frank Norman
Ashley Hodges, Mayor Pro Tem	Quentin Jackson
Jerry Mimlitsch	

STAFF PRESENT

Pamela Hurdle, Town Manager
Olga Simpson, Town Clerk
Ben Gallop, Attorney

A quorum was present.

CLERK'S STATEMENT FOR OFFICIAL MEETINGS

After the audience said the Pledge of Allegiance, Clerk Simpson was called to read a statement provided by Mayor Brown for official meetings. As Clerk Simpson began to read the statement, Councilman Jackson objected to the statement because Council had not seen or approved it and challenged the legality of the statement. Council has rules or procedure they have adopted. Mayor Brown only has the authority to enforce, not make the rules. No official vote has come from the Hertford Town Council regarding the statement.

Mayor Brown proceeded to go to the next agenda item.

Councilman Norman motioned to strike everything that has been previously stated because it cannot be a rule because it has not been adopted by this board. Councilman Jackson seconded but stated there was no need to strike the statement being read by the Clerk because it was illegal.

The motion to strike everything that was previously read by Clerk Simpson failed (3-2) with the following roll call vote:

Councilman Mimlitsch	nay
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	nay
Mayor Brown	nay

ADJUSTMENTS TO THE AGENDA

Agenda items under New Business #6 and #11 were combined for discussion.

Mayor Pro Tem Hodges moved that Council strike agenda items 8 and 14 under New Business and approve the rest of the agenda as presented.

Councilman Norman questioned the removal of his agenda item since his read-aheads were timely and valid for discussion. Mayor Pro Tem Hodges explained Councilman Norman's agenda items were stricken because he thought it would take much conversation and would be better discussed in a break-out Special Call Session as well as thinking Manager Hurdle had withdrawn the item from the agenda. Councilman Norman objected because his item of discussion had nothing to do with what Manager Hurdle did or did not do. Secondly, Councilman Norman's agenda items were a result of his own concerns or in response to a citizen's concern. He felt that striking it off the agenda was not the way to address a subject needing more discussion because it was thought it should be discussed in a break-out session. Councilman Norman conveyed his amazement of every council meeting held, he and Councilman Jackson's items are stricken from the agenda because Mayor Pro Tem Hodges thinks it should be taken off. Councilman Norman thought it was unfair to the individuals who bring him their concerns and requests then Mayor Pro Tem Hodges takes it off.

Councilman Mimlitsch seconded with an added amendment to the motion to combine agenda items 6 and 11 and motioned to have a Special Call Meeting because there is a lot of detail to discuss. Mayor Pro Tem Hodges accepted the added amendment.

The motion to strike agenda items 8 and 14 with the added amendment to combine agenda items 6 and 11 and have a special call meeting for discussion passed (3-2) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	nay
Councilman Jackson	nay
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Councilman Norman motioned to place agenda item 14 back on the agenda to allow Council to hear what he has to say and give his subject matter expert the opportunity to speak. Councilman Jackson seconded.

The motion to place agenda item 14 back on the agenda to allow Council to hear what Councilman Norman has to say and give his subject matter expert the opportunity speak failed (3-2) with the following roll call vote:

Councilman Mimlitsch	nay
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	nay

Mayor Brown nay

APPROVAL OF MINUTES

Mayor Pro Tem Hodges motioned that Council approve the minutes for June 3, June 7, June 15, June 29, 2021 and stated Mayor Brown had comments on the others. Councilman Mimlitsch seconded.

The minutes of June 3, June 7, June 15 and June 29, 2021 were approved (4-1) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	aye
Councilman Jackson	nay
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Councilman Norman motioned to approved the June 1, June 8, June 14, and July 12, 2021 minutes as presented and open for discussion. The motion to approve the minutes of June 1, June 8, June14, and July 12, 2021 failed (3-2) with the following roll call vote:

Councilman Mimlitsch	nay
Councilman Norman	aye
Councilman Jackson	nay
Mayor Pro Tem Hodges	aye
Mayor Brown	nay

SCHEDULED BUSINESS

Manager Hurdle introduced the presenters of the Merger Regionalization Feasibility Study, Ms. Smith from Albemarle Commission and Mr. Bob Taylor of Withers Ravenel.

Councilman Norman motioned that because of the lack of read-ahead, the Council table this to give him and Councilman Jackson the opportunity to read the information and come back at a later date. Councilman Jackson seconded.

The motion to table the presentation failed (3-2) with the following roll call vote:

Councilman Mimlitsch	nay
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	nay
Mayor Brown	nay

The presentation continued. Ms. Sharon Smith presented the role of Albemarle Commission in the region. It had come to their attention that several counties had water and infrastructure needs. The American Rescue Plan Act had provided funds to help citizens invest in their water and sewer infrastructure. Ms. Smith introduced Mr. Bob Taylor of Withers Ravenel. Councilman Jackson made noises that disrupted the

presentation and was called to order by Mayor Brown. Subsequently, he stopped, and the presentation continued.

Mr. Taylor explained that the Town of Winfall was interested in the Town of Hertford taking ownership and/or full management of their sewer collection system. Since Withers Ravenel was familiar with the process, Mr. Taylor advised the Town of Hertford to take advantage of the grant of up to \$50,000. A small match is required that can be satisfied with in-kind services. The feasibility study will allow the Town of Hertford to assess what the impact of taking over Winfall's sewer and water management system will be to the Town of Hertford. The town is under no obligation to pursue any action. Mr. Taylor assured the assessment would be beneficial to the citizens of the towns of Hertford and Winfall regarding their utility bills. It is really a financial assessment document that will provide information and show the impact it will be to the residents' bills. Mayor Brown asked Mr. Taylor questions regarding the grant.

Point of Order: Councilman Jackson voiced his questions and concerns that the citizens were being misled about what was really happening. How much is this going to cost the Town of Hertford? For how long will the grant be sustained? If Hertford takes over Winfall, the town's capacity will go up. Winfall will have to be billed at the same rate as other citizens. Winfall needs to carry their own weight and pay at a great rate.

Questions and Concerns: Councilman Norman has difficulties working with Mr. Taylor again, when Mr. Taylor did nothing to resolve problematic issues nor worked successfully with the Town of Hertford. He questioned what will the feasibility study entail and how will he incorporate the use of historically underutilized businesses? Mr. Taylor explained the grant and made it perfectly clear he would not use minorities and disenfranchised businesses because he is not required to.

As Ms. Smith began to clarify Mr. Taylor's response, Councilman Jackson called a **Point of Order:** Every contract or grant the town has obtained, if the person is not Caucasian, they do not get it. In December of 2019 Mayor Pro Tem Hodges made it a policy to use underutilized businesses. He raised the problem of Allison Platt not employing historically underutilized businesses as well as addressing the issue of racism. He objected to working with Albemarle Commission due to disparaging remarks made against Council members.

Point of Order: Mayor Brown recapped the point of the discussion and asked questions regarding the benefits of the grant to the citizens, then allowed Ms. Smith to continue. According to Ms. Smith, Mr. Taylor has worked successfully with the town and of course they will get paid to write the grant. The grant was the only way the town can afford the assessment and move forward with the improvement. The deadline is September 30, 2021.

Manager Hurdle asked for approval from Council for the three resolutions that were combined to fall under the grant. Councilman Norman pointed out there are other firms

that could submit the grant and that the read-ahead does not have information about the grants, which breaks the rules that were set. He questioned when further information about what the grant entails will be provided so that he may make an informed decision. Manager Hurdle said she will provide more details about the grant this week.

Council took a five-minute recess and reconvened at 7:51PM.

CITIZENS CONCERNS

Tim Brinn discussed and provided Council with the substandard housing list and data that had been compiled in 2017 to assist them in the process of addressing the substandard housing situation.

Matthew Cyr has been a resident of Hertford for a year now. His concern is with accountability and privacy. He raised the issue of a private citizen's utility bill being given to Council. Mr. Cyr believes it could be a privacy violation. He spoke of censoring Councilman Jackson's actions for verbal attacks on citizens, abhorrent conduct, and disrespect towards the Mayor.

James Logan raised the issue of city beautification on King Street and Edenton Road Street. The crew he usually sees cleaning the street has not been seen lately. He named designated areas of the town where trash and debris has been disregarded causing the deep drain to clog and flood. City workers pick up the bulk of yard debris. When they leave, they don't clean up after themselves. When a person in the truck finished, everyone packs up and leaves. There has been a sofa on the sidewalk for about a month. Trash cans sit out on the side of the street week after week and are unsightly. He helps to clean up and suggested city workers use a rake when cleaning.

Connie Brothers heard the words accountability and misinformation. She spoke of the hearing at the board election that challenged her residency. Ms. Brothers stated that Councilman Jackson gave misinformation and told lies about her father and requested that Councilman Jackson keep her father's name out of his mouth. She also discussed the responsibilities and rights of citizens regarding their bills. Ms. Brothers cited the rights of privacy of billing data and informed the Council that she has sought legal counsel. She doesn't know who gave out her information and thanked Councilman Jackson for his challenge.

Councilman Jackson addressed the problem of the three shootings in the town of Hertford. \Council was not notified of them and stated that this is what happens when there is no police department. Citizens were calling him at 1:00AM or 2:00AM. He had no answers. Secondly, the documents he submitted to the state board were usage from a residence with no personal information on it. It only had what the bill would be at the base rate. Anyone who has property has a bill regardless of the usage. When he certifies a document, the board as well as the mayor and this board can subpoena the Town of Hertford for any documents they would like. The Town Council or staff did nothing improperly. Additionally, there was a write-off list given wherein the Town of

Hertford can seize income taxes when a significant amount is owed to the town. Council can also subpoena that list.

Councilman Jackson asked the person who is consistently taking picture of him and is an opponent of this to mind their own affairs and stay out of his business. He informed the audience no charges are being filed and discussed what happens when an elected official is intimidated. The democratic process provides citizens with the right to choose whomever they want as well as provide checks and balances. Everyone is not going to agree.

Councilman Jackson questioned why Council concerns are heard after everyone leaves the room and has what Council previously instituted change? The court date is August 18, 2021 and can't wait to see others there.

Muriel Harmon stated that there is an election board that has made a decision. It's time to move on. Some things need clarity and require answers. Sometimes, people do not like who is asking the questions. If Mr. Jackson is accusing the body revising this and changing that, he deserves an answer. She and other citizens need answers. When Councilman Norman and Councilman Jackson make statements, other council members do not deny it. If someone is being accused of something, make sure you have the facts to refute. There are questions being asked by Mr. Jackson that are not being answered. No one gives answers to the technical problems raised, yet we keep paying money for it. Citizens are more confused than when they came to the meeting. Citizens don't know who to believe. Mr. Jackson raises enough questions, and he deserves answers as well as providing clarity for us.

Ms. Harmon said that if anyone is going to make a presentation, people need to appear in person. She has asked the town at other times, and this is now the third time. Minutes matter, not council minutes. She has suggested to put on the bottom of the utility bill the house number. On two occasions, Ms. Harmon came to Council to discuss having the numbers placed on her house. It is a requirement. It is a good tool for EMS. They are losing minutes. Those minutes can make the difference between a good and bad outcome.

NEW BUSINESS

ABC Chairman Appointment

Councilman Jackson motioned to appoint Commissioner Joseph Hoffler as the Chairman of the ABC Board. Councilman Mimplitsch seconded. Councilman Jackson stated that there is a list of people ready to serve on the ABC Board and requested Council to find that list, since the prior members did not do such a good job.

The motion to appoint Joseph Hoffler as Chairman of the ABC Board passed (4-1) with the following roll call vote:

Councilman Mimplitsch	aye
Councilman Norman	nay
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Code of Ordinance

Manager Hurdle explained the Business License and Code of Ordinance and recommended replacing the words Board of Commissioners with Town Council, replace Police Chief with Town Manager, replace Hertford Police with Administration Offices, and replace Privilege License with Business License. The recommended changes and updating of the Ordinance were to make it compliant with the operation of the business license. The Code of Ordinance was brought to Council for approval of the recommended changes. The multiple versions of ordinances were raised. It was suggested that the ones already in place be amended because it will be tough to justify tearing down houses under an ordinance that has language that no longer corresponds to town operations. Council also discussed sending the Ordinance to Attorney Gallop for review and for the governing board to handle the appeals process to give citizens recourse.

Councilman Mimplitsch motioned to accept the wording with that change to the bill to the governing board to write a disclaimer to send it to them to revise it in the process. Councilman Norman seconded. Mayor Brown offered a friendly amendment to edit pages 150 and 151 where it refers to the Police Chief or his designee in several places and to change the narrative to the Council which was accepted by Councilman Mimplitsch.

The motion to change the appeal to the Council and have the Attorney Gallop review the document with the friendly amendment of doing edits on pages 150 and 151 passed unanimously (5-0) with the following roll call vote:

Councilman Mimplitsch	aye
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

RFQ On-Call Professional Engineer

Manager Hurdle requested permission from Council to establish an engineering firm for on-call professional engineering services for emergencies, small projects, and information. Manager Hurdle's request will give the town a choice of engineers. For example, the town is in the process of installing sidewalks at Albemarle Landing, which will take an engineer to do that. According to Manager Hurdle, an RFQ will go out soliciting a letter of interest and statement. The company can send in their qualifications

and Council will have the opportunity to decide who they will choose to provide the on-call services.

Councilman Mimlitsch motioned to allow Manager Hurdle to process with putting out the RFQ. Councilman Norman seconded.

The motion passed unanimously (5-) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Brinn House

Manager Hurdle presented the resolution for the bidding process for the sale of the Brinn House, located at 1000 West Grubb Street on a 2.6-acre lot. Bids will be accepted until September 17, 2021. Manager Hurdle needs Council to assess and agree to allow the bidding process.

Councilman Jackson motioned to hold on to the Brinn House a little while longer, not to sell it. Councilman Norman seconded with the option to have an open discussion and questioning. Councilman Norman suggested placing a minimum bid of \$30,000. Councilman Mimlitsch agreed that Council should take advantage of the opportunity to sell it. Councilman Jackson amended his motion to allow Council to get bids starting at \$30,000 with the right to reserve Council to come back and reject all bids. Councilman Norman accepted the friendly amendment.

The motion to proceed with the sale, starting bid at \$30,000 with the option that Council can reject bids, which is factored in the resolution, passed unanimously (5-0) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Budget Amendment #6

Councilman Jackson motioned to accept Budget Amendment #6. Councilman Norman seconded.

The motion passed unanimously (5-0) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye

Mayor Brown aye

Downtown Parking

The existing ordinance has designated 10-, 15-, 60- and 90-minutes parking. Manager Hurdle asked Council to choose one of the four-minute options in the ordinance to rectify the downtown parking issues, add 30 minutes to the ordinance, or leave parking as it is. Manager Hurdle recommended: 1) Install signs on both sides of downtown and limit parking to 60-minutes; 2) Erect a sign at the Municipal Building that will be a miniature of the Town of Hertford signs that will be placed throughout the Town to direct parking in the rear of it.

Councilman Jackson reminded Council that the option had been explored in 2018. The outcome was that it could not be done, since there was no way to enforce it, businesses polled had complaints, as well as the Town of Hertford does not own the road. Mayor Pro Tem Hodges suggested Attorney Gallop address the legality of the proposal. Councilman Norman questioned the destination of the revenue generated, raised the issue of enforcement, recommended a two-hour option, and stated there was no clear-cut plan for this.

Councilman Jackson motioned to deny the Downtown Parking Resolution. Councilman Norman seconded.

The motion to deny the Downtown Parking Resolution failed (3-2) with the following roll call vote:

Councilman Mimplitsch	nay
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	nay
Mayor Brown	nay

Mayor Pro Tem Hodges motioned to approve the Town Manager's recommendation but add two signs, one on Church Street and one on Market Street, that read Additional Parking and use arrows to direct people into the Hertford Baptist Church parking lot so that we can maximize the use of that space. Councilman Mimplitsch seconded.

The motion to proceed with Manager Hurdle's recommendations and add two signs, one on each Church Street and Market Street, that read Additional Parking and use arrows to direct people into the Hertford Baptist Church parking lot passed (3-2) with the following roll call vote:

Councilman Mimplitsch	aye
Councilman Norman	nay
Councilman Jackson	nay
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Surplus Resolution

The Town of Hertford has two police vehicles. One was a total loss in an incident. The second vehicle needs a transmission. The Surplus Resolution is to sell the vehicles As-Is on gov.deals. The surplus consists of a 2011 and 2012 Dodge Charger as well as old office equipment, but not the furniture in the police department. They are items from Public Works and administration. Manager Hurdle would like to put the items up for auction.

Councilman Jackson motioned to approve the Surplus Resolution. Councilman Norman seconded.

The Surplus Resolution passed (5-0) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	aye
Councilman Jackson	aye
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Water/Wastewater

Manager Hurdle presented Council with a Resolution regarding grants for the infrastructure. The three grant resolutions were combined: AIA Water, AIA Wastewater, and the Regional Merger for the Town of Winfall and the Town of Hertford. These funds will aid the Town of Hertford with its infrastructure issues and its placement on the distress list. It may also aid Winfall in getting on the distress list too. The grant will be able to identify problems, give a plan, and provide funds to repair the issues identified. The assessment study must be done because the town is on the distress list. Manager Hurdle clarified that it will be Withers Ravenel not Green Engineering submitting the AIA grants and doing the regionalization feasibility study under Albemarle Commission.

Councilman Mimlitsch motioned that council move forward with the Resolution on Wastewater. Mayor Pro Tem Hodges seconded.

The Motion that Council move forward with the Resolution on Wastewater passed (3-2) with the following roll call vote:

Councilman Mimlitsch	aye
Councilman Norman	nay
Councilman Jackson	nay
Mayor Pro Tem Hodges	aye
Mayor Brown	aye

Mayor Brown took a two-minute recess.

Man's Plumbing on East Academy Street

Councilman Norman presented information by a citizen who had a problem with his plumbing who believes it was the responsibility of the town to resolve it because it was a town problem. Councilman Norman brought it to Manager Hurdle's attention, and she has not responded to him regarding the issue. Whenever a citizen brings a problem to him, he investigates it. The citizen has been waiting two years for an answer. Manager Hurdle read to Council the Public Works Director response to the issue: Public Works Director has done all he could do to restore water pressure and it is not typical to go inside homes to make such repairs. The town does not go beyond their right-of-way. The property owner needs to correct the problem. The town has not heard from him until he contacted Councilman Norman. The citizen stated that he had communicated the problem to the administrator several times and received no response. The problem was the shower not functioning in his bathroom. Councilman Norman will get the information from the plumber and bring that information back to Council to be on Continued Business next month.

Trip to Utah

Councilman Norman presented his plans to travel to Utah for municipal business. NLC has opened back up and he will be travelling on November 18, 2021. Councilman Norman gave several reasons why it is so important to be at the meeting and at the table. It is important, not only for the valuable information gained and invaluable relationships formed, but many of the things occurring on a federal level have been lobbied through NLC. Councilman Norman requested Council's approval to allow the clerk to arrange his and Councilman Jackson's trip to Utah. The later one waits, the more expensive it becomes.

Mayor Pro Tem Hodges objected because he thought the cost will exceed \$1,000 and did not think it would be fiscally responsible in light of the upcoming election. He suggested Councilman Norman attend virtually.

Mayor Pro Tem Hodges recognized Mayor Brown.

Mayor Brown motioned to deny travel because travel will be done after the election, as we don't know who will be elected. Councilman Mimplitsch seconded. Councilman Jackson brought up the point that Councilman Norman will still be an elected official until December 2021 and what if he does win his re-election? Will Council eat the cost of his going? He also has a budget from which that comes, and November 2nd might have a different outcome. For the record, Councilman Norman discussed the difference in what he should have paid and what he would have paid for travel. It will be far more expensive for him to make arrangements later. He did not want it deducted from his travel and training budget.

The motion to deny travel because travel will be done after the election, as we don't know who will be elected passed (3-2) with the following roll call vote:

Councilman Mimplitsch aye

Councilman Norman nay
Councilman Jackson nay
Mayor Pro Tem Hodges aye
Mayor Brown aye

Mayor Brown requested a motion to go into Closed Session.

Mayor Pro Tem Hodges motioned to go into Closed Session pursuant to personnel.

Question: Councilman Jackson asked if personnel was all they were going to discuss in Closed Session.

Mayor Pro Tem Hodges amended his motion to go into Closed Session for personnel and meeting minutes. There was no second.

The motion to go into Closed session failed (3-2) with the following roll call vote:

Councilman Jackson nay
Councilman Norman nay
Councilman Mimlitsch aye
Mayor Pro Tem Hodges nay
Mayor Brown aye

Mayor Pro Tem Hodges motioned to adjourn the meeting. Councilman Norman seconded.

Manager Hurdle stated she did not care what Council did in Open Session or Closed Session, she has a statement that will be made tonight.

The motion to adjourn the meeting failed (3-2) with the following roll call vote:

Councilman Jackson nay
Councilman Norman aye
Councilman Mimlitsch nay
Mayor Pro Tem Hodges aye
Mayor Brown nay

Councilman Jackson motioned to go into Closed Session for personnel and minutes. Councilman Mimlitsch seconded.

The motion to go into Closed Session passed (4-1) with the following roll call vote:

Councilman Jackson aye
Councilman Norman nay
Councilman Mimlitsch aye
Mayor Pro Tem Hodges aye
Mayor Brown aye

Council recessed for five minutes at 10:35 and went into Closed Session at 10:40PM.