

**Town of Hertford**  
**Town Regular Session Minutes**  
**Monday, January 11, 2021**  
**7:30 PM**  
**Town of Hertford Community Center/ZOOM**

The Town of Hertford's Town Council held its Regular Session on Monday, January 11, 2021. Mayor Earnell Brown called the meeting to order at **7:30 pm**.

COUNCIL MEMBERS PRESENT

Mayor Earnell Brown, Mayor Pro Tem Ashley Hodges, Councilman Frank Norman, Councilman Jackson, and Councilman Jerry Mimlitsch.

STAFF PRESENT

Town Manager Pamela Hurdle, Police Officer John Duncan, and Police Chief Dennis Brown.

OTHERS PRESENT

ZOOM and Facebook viewers

Sara Winslow, Murielle Harman, Gracie Felton Tim, and Kim Brinn, and Barry Ford.

**QUORUM**

With five (5) members, a quorum was confirmed.

The invocation was offered by Councilman Norman.

Mayor Pro Tem Hodges is the Parliamentarian. A motion was made by Mayor Pro Tem Hodges and seconded by Councilman Mimlitsch to accept Mayor Pro Tem Hodges as the parliamentarian.

The vote:

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

Vote 4-1

Council voted to approve Mayor Pro Tem Hodges as the parliamentarian.

**ADJUSTMENT/APPROVAL OF AGENDA**

Mayor Brown- under Continued Business- 1) Strategic Plan, 2) Community Center  
Councilman Jackson – 1) Censorship of the Mayor, 2) Discussion with Councilman Mimlitsch, 3)  
Response to 12/6, 6/20,5/17,5/28, 6/18,6/19, Summer 2020, and 12/11 under Council concern, Closed  
Session-Modify Announcements.

Some discussion was amongst the Board about the adjustments.

Mayor Pro Tem Hodges suggested to Councilman Jackson a different time limit on all of his added items.

Mayor Pro Tem Hodges added the SOG Water and Wastewater Finance Strategies Workshop class.

A motion was made by Mayor Pro Tem Hodges and seconded by Councilman Norman to accept the adjustments to the agenda.

Councilman Norman called for a question. Councilman Norman wanted clarity on the twenty minutes allowed and the second to a motion. Councilman Norman stated that Councilman Jackson is being limited to 20 minutes when Mayor Brown was not timed. This is unfair to Councilman Jackson. Mayor Pro Tem Hodges asked Mayor Brown if they were continuing with no second. Mayor Brown answered yes, that is what was done at the last meeting. Councilman Norman wanted it noted in the minutes that not to have a second on a motion is against the charter. Councilman Norman stated this will be a violation of the charter and the charter has been ratified by the NC General Assembly. Councilman Jackson stated he

spoke against this action at the last meeting and it clearly stated in the charter that a second to a motion is necessary. Mayor Brown stated the no second was from Trey Allen's book of rules. To keep the meeting and to proceed in a productive timing and professional manner, a second can be done on a motion. Mayor Brown stated there is a motion on the floor and Councilman Mimlitsch seconded it.

The vote:

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

Vote 5-0.

Council voted to approve the amended adjusted agenda.

### **APPROVAL OF MINUTES**

A motion was made by Councilman Norman and seconded by Mayor Pro Tem Hodges to withhold the approval of minutes to the next month's meeting so that correction of two errors in the minutes and allow Councilman Norman time to read the minutes. The vote:

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

Vote 5-0.

Council voted to hold the approval of minutes to the next month's meeting so that correction of two errors in the minutes and allow Councilman Norman time to read the minutes.

### **ANNOUNCEMENTS**

Councilman Jackson stated that the announcement item of the agenda is for what is going on in the Town. There should be no reason that anyone should have thirty-three minutes for announcements. Councilman Jackson made the motion that nothing but announcements be allowed during the announcement section on the agenda. The motion was seconded by Councilman Norman. The vote:

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

Vote 5-0.

Council voted to withhold the approval of minutes that nothing but announcements be allowed during the announcement section on the agenda.

Point of Order- Councilman Norman had an announcement. NAACP will have a motorcade drive in honor of Dr. ML King Day. Afterward, at the Community Center, St. Paul AME Zion Church will have an event at Missing Mill Park and Community Center until 4:00 pm. All are invited and there will be food.

### **CITIZEN CONCERN**

Muriel Harmon- Mrs. Harmon stated she was in agreement with Councilman Jackson, she is a little confused herself. Mrs. Harmon stated that she is referencing the Schedule Business agenda item. She stated that she is familiar with what the scheduled business time is for. Mrs. Harmon feels the Mayor or Manager should seek what the scheduled business is about. Mrs. Harmon spoke on broken letters. There have been two letters read recently and the citizens should come and read the letters themselves. Mrs. Harmon stated that is what citizens' concerns are for. A time that citizens can come and air their concerns. Lastly, she wanted to speak about the river Christmas tree. Mr. Skip Matthews had built the trees. Mrs. Harmon has received praises on the

river trees and it reflects normalcy, in which it was stated the only normalcy in Town Mr. Riddick-Mr. Riddick gave a historic speech with his ten minutes but she was not sure if that was the proper place for it. Mr. Riddick asked for additional minutes and the Council discussed for nine minutes if he was allowed five extra minutes.

## **CONTINUED BUSINESS**

### PAY STUDY

Councilman Norman stated the Council should say what they are going to do. Mayor Brown asked if the Council could circulate their questions and concerns through emails. This will create a strategy to bring this to a conclusion. Manager Hurdle suggested that the Council go through the personnel policy and make notes of issues. Manager Hurdle also stated that the pay study should be part of the budget process. Mayor Pro Tem Hodges suggests a special call meeting in March.

A motion was made by Councilman Norman and seconded by Mayor Pro Tem Hodges to have a meeting on the second Tuesday in March (March 9) for the Personnel Policy only. And the Council will circulate their concerns by the first Monday in March (March 1). The vote:

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

5-0.

The Council voted to have a meeting on the second Tuesday in March (March 9) for the Personnel Policy only. And the Council will circulate their concerns by the first Monday in March (March 1). Point of Order-Councilman Norman.

There is a second part. Scheduling discussion of the Pay Study(What the employees will be paid). The meeting will be on March 23<sup>rd</sup>. Councilman Norman will do a friendly motion to his motion, to meet on March 23<sup>rd</sup> to decide what the employees will be paid. The vote:

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

5-0.

Council voted to meet on March 23<sup>rd</sup> to review the Pay Study, to determine what the employees will be paid.

### STRATEGIC PLAN

Mayor Brown stated the strategic plan can be used to facilitate the budget process. Councilman Jackson stated the goals have changed over the course of the year. Mayor Pro Tem Hodges stated that is fair. The strategic plan needs to be updated. Councilman Norman stated the strategic plan needs to be updated. He suggests it be scheduled at the beginning of the meeting. Councilman Mimlitsch suggests meeting on February 1 at 6:00 pm. Councilman Norman stated that this is a consent item and everyone agreed.

### COMMUNITY CENTER

Mayor Brown would like to install drapes with her in-kind or personal funds. Mayor Brown has looked into estimates, material, and the installation cost. Mayor Brown asked the Council for a yay or nay for the Manager to proceed.

Comments-Mayor Pro Tem Hodges- with the willingly of the Mayor donating her personal funds and in-kind funds for the look of the room, he is in favor. Mayor Pro Tem Hodges made a motion to allow the manager to go ahead with installing a drape on the back wall not exceeding Mayor Brown's in-kind funds. The motion was seconded by Councilman Mimlitsch.

Question- Councilman Jackson suggested talking to the fire marshal. There are some important electrical lines on that wall. Mayor Brown stated in summary that the purpose is to get the room looking more professional.

Councilman Norman- the Community Center is their space.

Mayor Pro Tem Hodges stated he would like to amend his motion by approving going forward with getting samples of material and getting with the fire marshal. This can be reported at the February work session. The vote:

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

3-2.

Council voted to approve the amended motion by approving going forward with getting samples of material and getting with the fire marshal. This can be reported at the February work session.

Point of Order-Councilman Jackson- asked Attorney Gallop if you can vote if there is a financial gain or interest. Attorney Gallop if there is a financial gain or interest, then no. Mayor Brown asked if it matters if in-kind or personal funds. Attorney Gallop answered no. Attorney Gallop stated that the Mayor will be donating funds so there is no financial gain.

5-MINUTE Recess **9:00pm**

Back in session. **9:06 pm**

### **TOWN MANAGER**

Waterfront & Community Plan- Manager Hurdle stated there is a schedule of meetings and because the Council did appoint the committee, she is asking the Council to approve the schedule.

Manager Hurdle stated there is a Hertford survey with the community plan. Manager Hurdle urged everyone to take the survey and get others to take the survey. Copies of the survey can be found on the town's website, at the Municipal building and citizens are distributing the survey. A motion was made by Councilman Mimlitsch to accept the Waterfront and Community Plan schedule and also the meetings need to be Zoom and the link provided. The motion was seconded by Mayor Pro Tem Hodges. The vote

Mayor Brown	yay
Mayor Pro Tem Hodges	yay
Councilman Jackson	No Vote
Councilman Norman	yay
Councilman Mimlitsch	yay

5-0.

Council voted to accept the Waterfront and Community Plan schedule and also the meetings need to be Zoom and the link provided.

### **NEW BUSINESS**

#### Chamber Dues

Councilman Jackson made the motion to pay the dues from the fund balance. The motion was seconded by Councilman Mimlitsch.

Question- Mayor Brown asked how much are the dues? Councilman Jackson stated \$1,200.00. The vote:

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

4-1.

Council voted to pay the dues from the fund balance in the amount of \$1,200.00.

#### Foreign Language Class

Councilman Norman told the Council that the Swahili language will be taught three days, twelve weeks, and one hour each. Councilman Norman stated that Swahili is the language spoken in

Tanzania. This can be a start of partnering with the Community College to hold classes at the Community Building. Councilman Jackson asked for the motion.

Question- Mayor Brown asked the classes will be three days per week, one hour and twelve weeks and when will they start. Councilman Norman stated that was correct on the classes and Ms. Jacobs would like to start in February but the starting date will be determined. Councilman Norman made the motion to approve the Swahili language classes at the Community Center for three days per week, for one-hour segments, for twelve weeks and the starting date will be determined. The vote:

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

5-0.

Council voted to approve the Swahili language classes at the Community Center for three days per week, one-hour segments, and for twelve weeks and the starting date will be determined.

Water and Wastewater Financial Strategies Workshop - Mayor Pro Tem Hodges stated that UNC-SOG is offering this class on February 24-26, 2021. The Environmental Finance Center's annual Water and Wastewater Finance Strategies workshop will provide utility practitioners with new skills and up-to-date information on pricing, infrastructure finance planning strategies, and funding resources.

Councilman Jackson made a motion to approve Mayor Pro Tem Hodges taking this class with all covered expenses paid. Councilman Norman stated he will be attending the class as well. Manager Hurdle stated she will be attending the workshop also. Councilman Norman also stated he will be attending the Congressional Conference in March. The Council consented to the approval of the workshop class for Mayor Pro Tem Hodges, Councilman Norman, and Manager Hurdle, and Councilman Norman for the annual Congressional Conference. Manager Hurdle's class will be paid by LFGCU scholarship.

#### Councilman Jackson

1) Councilman Mimlitsch—Councilman Jackson stated that Councilman Mimlitsch stated that they are supposed to be leaders, they are not over departments, not supposed to call the outside a meeting and it is one thing to use your position or name as a councilperson but it is different if they recognize you. Councilman Mimlitsch state regardless they are supposed to be leaders and that is important. How people perceive you is important. Being pulled over by law enforcement, if they recognize you are different but you should not say, for example, *I am Councilman Mimlitsch*, this should never be used. Councilman Jackson stated he does not mean to demean Councilman Mimlitsch but wanted to quote his exact words: “regardless if he was right or not”. Councilman Norman interrupted to say the conversation is between Councilman Jackson and Mimlitsch, and he resents being torn into the conversation. Councilman Mimlitsch apologized to Councilman Norman and he did not mean to call out anyone.

2) Councilman Jackson asked Chief Brown several questions about an incident that happened on May 17<sup>th</sup> at 6:23 pm. Chief Brown stated he will have to look back and review the report and he is not sure if it is an ongoing investigation. Councilman Jackson read from the document read by Mayor Brown in a previous meeting that the Chief took a female to the magistrate office for a warrant on Councilman Jackson. Chief Brown answered yes, she wanted to seek criminal process. Councilman Jackson asked Manager Hurdle if Mr. Farquharson had called her that night. Manager Hurdle answered she had received a call from Mr. Farquharson in the afternoon, not the nighttime. Councilman Jackson stated he has taken a lawsuit against the Mayor and he knows it will not sit well. Councilman Jackson stated there are so many lies in the document that the Mayor read. Councilman Jackson said he wanted to explain why he is asking for censorship of the Mayor. Reasons are: asking employee for 6-months of minutes, Mayor happy employee was leaving and stated now we can get someone more qualified, going out to police calls, hijacking the budget, getting clerk to sign a contract, drug testing policy for the council taken off agenda, not talking to employees, meetings with the sheriff about the company she keeps, smell of marijuana in the municipal building, furnishing the Mayor office, murder of young man in Winfall, ABC report off the agenda, tried to get the public works director to give a gentlemen a free dumpster, calling former

employees(police officers), produce ethics certification, calls from people around the state about the Mayor, NCLM delegate but she did not attend or voted, 35 Mayor round table and the Mayor attend zero, took someone to magistrate office to file charges against Mr. Jackson, call Jackson a thief (tags off Tahoe), in line with the elected officials at the Christmas parade before sworn in, and change the rules ad procedure weekly. Councilman Jackson is asking to be allowed a censorship hearing to censure the Mayor. Councilman Norman called for discussion. A motion was made by Councilman Jackson to hold a censorship hearing against Mayor Brown.

After much more discussion, the motion was seconded by Councilman Norman. The vote:

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

2-3.

Council voted not to hold a censorship hearing against Mayor Brown.

Councilman Jackson made a motion that the Governing Body adheres to the same drug test as the employees. The vote:

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

Councilman Mimlitsch stated he is subject to drug testing at his job and this is why he voted no.

2-3.

Council voted that the Governing Body will not adhere to the same drug test as the employees.

## **COUNCIL CONCERNS**

*Council will rotate turns of speaking with a ten-minute allowance.*

### Councilman Norman

1. Decorum and breaking the law are not the same.
2. Financial report from Manager Hurdle.
3. Calling people by their title and their name.
4. Mayor ProTem Hodges uses "I". It is a "we" board.

### Councilman Mimlitsch

None.

### Councilman Jackson

1. Read the rules of the Mayor.

### Mayor Pro Tem Hodges

1. Town of Winfall wastewater service contract
2. Smoother meeting with the speaking rotation and time limit

### Mayor Brown

1. 2019-911 Bill strategy planning with Town Manager, Police Chief, Mayor Brown
2. Working together – accustomed to getting along – agree to disagree

A motion to go into closed session was made by Mayor Pro Tem Hodges and seconded by Councilman Mimlitsch.

The vote:

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

Vote 5-0.

**10:59 pm**

Back into open session. **11:50pm**

A motion was made by Councilman Jackson and seconded by Mayor Pro Tem to adjourn the meeting. The vote:

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

5-0.

Council voted to adjourn.

**11:52 pm**