

**TOWN OF HERTFORD  
REGULAR SESSION MEETING  
MONDAY, JUNE 14, 2021 6:00PM  
HERTFORD COMMUNITY CENTER(in person and on Zoom)**

The Town Council of Hertford held its Regular Session Meeting Monday, June 14, 2021 at 6:00pm.

**COUNCILORS PRESENT**

|   |                             |
|---|-----------------------------|
| Mayor Earnell Brown                               | Mayor Pro Tem Ashley Hodges |
| Councilman Frank Norman                           | Councilman Jerry Mimlitsch  |
| Councilman Quentin Jackson (arrived late on Zoom) |                             |

**STAFF PRESENT**

Town Manager Pam Hurdle, Clerk Olga Simpson

A quorum was present

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

**ADJUSTMENT/APPROVAL OF THE AGENDA**

Mayor Pro Tem Hodges moved to strike under Continued Business items 3 & 4 (Mayor Brown wants them removed), Items 8 & 9 (they are public records and can be provided by the clerk), Item 10 (no read ahead material was provided), Items 11,13,14,15 (nothing was presented). He included in his motion to strike under New Business Item 6 (no read ahead material was provided), Item 7 (the resolution was not brought to Council by Councilman Jackson for their approval), Item 12 (Mayor Pro Tem Hodges in-kind donation, which can just be announced).

The motion to approve the agenda as amended was approved 3-2. The voice vote was as follows:

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

**APPROVAL OF MINUTES**

Mayor Pro Tem Hodges moved to approve the minutes of April 12, 2021, May 10, 2021, May 18, 2021 and May 25, 2021 as presented. Councilman Mimlitsch seconded the motion and it passed on a 3 to 2 vote. The voice vote was as follows:

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

## **CITIZENS CONCERN**

-Tim Brinn acknowledged the progress occurring in Hertford over the past year with the establishment of a single standard for tax collection and law enforcement, which he felt would free up funds for other pressing needs in the Town such as code enforcement and housing issues. He is in hopes that the Council will enforce the current codes and ordinances to a single standard for all citizens in the Town. New residents and businesses are asking, "What is with the Town Council and what about blighted housing?"

-Keith Rouse & Anita Rouse Phillips came before Council on behalf of their parents Rufus and Lenora Rouse who by proclamation of Mayor Reid and Mayor Yates received an honorary day in the Town of Hertford and Winfall. The family is now ready and able to do something and so would like to on July 10, 2021 from 4pm to 8pm on Hyde Park between King and Dobbs . It will be a day of giving to have fun, food, entertainment, dancing and good spirits. They requested that King & Dobbs Streets be blocked off and the presence of law enforcement on that day. They also requested the town provide a stage and generator for the event. They are working on getting a port-a-potty. All of Council was in favor, however, Councilman Norman stated that the Town did not own the stage That request should be made to the County. The Town does not have a police department so the law enforcement presence would have to be provided by the Sheriff. Mayor Pro Tem Hodges suggested that Manager Hurdle work on the logistics with Mr. Rouse and his group. Mayor Brown asked Mr. Rouse to submit the request in writing.

~Rhonda Waters requested the codes be enforced

~Marvin Sutton thanked Council for the use of the community center for the youth and asked for Council's continued support.

~Tony Riddick was concerned about Academy Greene and the historically black areas being torn down under the guise of code enforcement. It appears to him that code enforcement has been mainly enforced primarily outside of Front Street. He believed the process of redlining is the cause of some areas of the town being improved more than others. He discussed the importance of Academy Green, the old Sutton building, and the Savoy as it relates to movie production and its historical value in conjunction with the role it could play in tourism. Lastly his concern was the removal of the police department. He felt no governing body should ever be without its own security entity. After turning over all of Hertford PD equipment for three years. If the County does not do a good job your equipment remains gone. Removing the security is the removal of

its strength and control of the governing body. No town can properly manage two security systems at the same level.

~Murrielle Harmon: Opted not to make any comments

~Councilman Frank Norman spoke about his concern that audio recordings were missing and stated the nefarious reasons why he thought they had disappeared

~Connie Brothers requested that Councilman Norman apologize publicly for disrespecting her mother at a meeting held at the Louise Event Center and then he placed the entire conversation in the newspaper. Secondly she spoke about the grass and trees across the railroad track that blocks the view and wanted the Town to address the problem.

~Councilman Jackson complained about the attack on his and Councilman Norman's agenda items. He felt the code could not be enforced without a police department. He commented on money spent on Microsoft and Apple devices, the audit being late, money being unaccounted for, why the Main Street program got \$86,000 and King Street got none, the Town still having to pay the dispatch fee even though the Town accepted the law enforcement contract and how after paying \$25,000 no waterfront plan was produced and it would cause the tax values to go up anyway.

### **SCHEDULED BUSINESS**

~ Edrith Gatling, Jr. an upcoming senior at Perquimans County High School, has been honored to participate in the Hawaii Tikki Bowl. He came to inform Council of his accomplishment and that he is proud to represent Perquimans County on a national level.

### **CONTINUED BUSINESS**

#### **PROPERTY BEHIND THE HERTFORD MARINA TAP HOUSE**

Per Resolution 6.14.2021-1 Upset Bid for Property

The sale has gone through the process advertised for an upset bid. There were none. No additional resolution is required. The Town will proceed with closing.

#### **AUDIT UPDATE**

The Audit is seriously past due. Jeff Best is holding up the presentation of the audit until he receives the pending action of the State audit. Councilman Jackson addressed the drop in the fund balance from 84% to 50% to the now 43% and demanded the results of the audit and whereabouts of the \$93000. Mayor Pro Tem shared his concerns about the late audit. According to the attorney the audit was late because the Town had \$93000 in adjustments in October of 2020 and was questioned about the adjustments. The adjustments were why Mr. Best decided not to produce the audit until he received the state audit results. Manager Hurdle explained the adjustments were due to a trial balance posting error that has since been corrected. Mayor Pro Tem Hodges stated that he did not believe that any of Council knew anything about what

Manager Hurdle just explained regarding the audit until the receipt of the June 7, 2021 email from the attorney.

#### CEMETERY BIDS

Manager Hurdle presented five bids to Council to discuss and choose the lowest responsive responsible bidder, and asked Council to refer to the bids by number, not by names. Mayor Pro Tem Hodges made a motion for the Manager to reach out to Vendor #4 to negotiate the price or she can look at the scope of reducing the contact to get the Town within the budget amount of \$40,000 per year and bring her recommendation back to Council for review. Councilman Mimlitsch seconded the motion. Councilman Norman made a friendly amendment to reject all bids and allow the bidders to resubmit bids since no one did it properly rather than just give the opportunity to that one bidder. Mayor Pro Tem Hodges declined to accept the friendly amendment. Councilman Jackson was concerned about the poor job done in the past and the cost. The motion passed 3-2, with the following voice vote

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

#### TRASH/RECYCLABLE COLLECTION CONTRACT

Manager Hurdle received one bid proposal. The cost increase is from \$10.25 to \$13.00. The contract expires June 30, 2021. Council discussed their options, including if the Town ate the \$3.00. Mayor Pro Tem Hodges made a motion, seconded by Councilman Mimlitsch that the Manager look into three options: the Town doing it themselves, bi-weekly pickup, or not recycle at all. The motion passed unanimously

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

Mayor Brown call a five-minute recess at 8:00pm and Council reconvened at 8:05pm

#### TAX COLLECTION AGREEMENT

The County has sent a new agreement for collecting the Town's taxes with an increase from 2% to 3%. Mayor Pro Tem Hodges moved and Councilman Mimlitsch seconded the motion to approve the agreement as presented. The motion passed 3-2 with the following voice vote

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

## NEW BUSINESS

### RESOLUTION 6.14.2021-2 AMERICAN RELIEF PLAN

The Town is eligible to receive the American Relief Plan funds and the resolution is required in order to get the funds. Councilman Mimlitsch made a motion to accept the American Resolution Relief Plan Act Resolution 6.14.2021-2. Mayor Pro Tem seconded the motion. The motion passed 3-2 with the following voice vote

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

## BUDGET AMENDMENTS

According to Manager Hurdle, budget amendment #5 is the one that actually balances the budget. There will be a budget amendment #6 for this current year to finalize the budget. In the following departments, funds will be decreased and then increased by the same amounts to balance the line items. Governing Body Expenditures: decreased by and increased to \$21,999.84; Administration: decreased by and increased to \$17,333.59; Police Department: decreased by and increased to \$36,450.37; Fire Department: decreased by and increased to \$4,320.00. The \$4,320 I miscellaneous revenue. \$4,320 will be taken out of miscellaneous and moved to a line item. Street Dept: decreased by and increased by \$15,000; Industry Dept: decreased by and increased by \$15,337.86; DMV: decreased by and increased by \$306.89; Planning and Main Street: decreased by and increased by \$615.25; Water/Sewer: decreased by and increased by \$1,000; Sewer Collection: decreased by and increased by \$3,268.43; Treatment: decreased by and increased by \$32,248.11; Electric: decreased by and increased by \$112,772.67. A portion of that was for the smart meters. The budgeted line items are projected to carry through June 30, 2021. Manager Hurdle offered the budget to any citizen who asks for it.

Mayor Pro Tem Hodges made a motion to approve Budget Amendment #5, Councilman Mimlitsch seconded it. It passed unanimously with the following voice vote

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

## PUBLIC HEARING (PZBOA(160D))

Attorney Gallop explained that the legislature merged General Statutes §§160A and 153A for consistency between county and municipal governments regarding zoning, subdivisions and building code enforcement. This resulted in the creation of Gen. Stat.§160D. Attorney Gallop followed a checklist generated by the school of government and looked at the Town code, subdivision ordinance and looked for the provisions that changed to ensure the Town ordinances complied with §160D. Attorney Gallop advised Council to hold a public hearing to hear citizens comments or concerns and then vote to approve or deny the text. The Planning Board considered the matter

and voted to approve it. There were no comments from citizens. Mayor Brown closed the public hearing at 8:33pm and opened the floor from Council's comments. There were none. Mayor Pro Tem Hodges made a motion, seconded by Councilman Mimplitsch to approve the recommendation of our attorney. It passed 3-2 with the following voice vote:

|                       |     |
|-----------------------|-----|
| Councilman Mimplitsch | yay |
| Councilman Norman     | nay |
| Councilman Jackson    | nay |
| Mayor Pro Tem Hodges  | yay |
| Mayor Brown           | yay |

#### HHI -TOAST THE PERQUIMANS (Street Closure/ Use of Town Dock, Marina & Parking Lot)

Request by Hertford, Inc. for annual Toast for Perquimans. They want to use the Town dock & marina. They submitted a letter of request for September 18, 2021, 6pm to 10pm. It is the same thing they had last year. Councilman Jackson expressed concern that there would be adequate security. Councilman Jackson made a motion to approve the event pending written documentation that a deputy will be present at the event.

Councilman seconded the motion. It passed unanimously with the following voice vote:

|                       |     |
|-----------------------|-----|
| Councilman Mimplitsch | yay |
| Councilman Norman     | yay |
| Councilman Jackson    | yay |
| Mayor Pro Tem Hodges  | yay |
| Mayor Brown           | yay |

#### ABC CHAIRMAN/BOARD MEMBER

The chairman has stepped down and decided not to seek reelection. Councilman Norman made a motion to appoint Todd Tilley and Councilman Jackson seconded it.

The motion passed 4 to 1 with the following voice vote:

|                       |     |
|-----------------------|-----|
| Councilman Mimplitsch | yay |
| Councilman Norman     | yay |
| Councilman Jackson    | yay |
| Mayor Pro Tem Hodges  | yay |
| Mayor Brown           | nay |

#### ABC BOARD – POLICE FUNDS

Every year Council must donate money to some type of alcohol educational program. The ABC Board wants to know if they can spend the money on an alcohol treatment related program. The amount is approximately \$4,000. Councilman Norman made a motion to give the funds to the Health Department and Councilman Jackson seconded it. Mayor Pro Tem Hodges made a friendly amendment to have educational programs on the front end and Health Department counseling and treatment on the back end. This would split the money between the Dare Program and the Health Department. Councilman Norman rejected the friendly amendment saying that his motion was broad enough. The motion passed 3-2 with the following voice vote:

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

#### ABC BOARD MEMBER COMPENSATION

The current compensation is \$75 for Board members and \$100 for the Chair. It has been the same for the past 15 to 20 years. Councilman Norman made a motion, seconded by Councilman Mimlitsch to increase everyone's salary by \$50 (Chair \$150 & Board members \$125). Councilman Jackson serves on the Board. The motion passed 4-0 with the following voicevote:

Councilman Mimlitsch     yay  
Councilman Norman        yay  
Councilman Jackson       (recused himself)  
Mayor Pro Tem Hodges     yay  
Mayor Brown               yay

#### FY21-22 WATER/SEWER RATES

Mayor Pro Tem Hodges introduced his proposed increases for Water/Sewer Rates. This would do away with commercial versus residential, institutional versus municipal. Currently, everyone pays the same rate. It would get rid of inside and outside of town designation and will focus on two factors: the amount of water used as well as add a provision for multi-tenant facilities. The new rates divide usage into two blocks 0-12000 gal. per month and 12,001 gal. per month and up. The base rate is what NCRWA recommended to the Town for 0 – 12,000 gal. usage. For 12,001 gal. and above, the base per thousand gallon rate will double and the per gallon use rate goes up by 25%. For multi-tenant facilities the usage rate is the same as 12,000 gal. The facility pays the fee times the number of units in the building. With these rates, most people will see a \$12 increase in their utility bills. The proposed rate increase enables the cost to be applied fairly. A tier system will be implemented with this plan. The discussion on the motion came from Councilman Norman who stated businesses can write-off their bills whereas residents cannot. Councilman Mimlitsch made a motion to accept the resolution for water and sewer rate change. Mayor Pro Tem Hodges seconded it. The motion passed 3-2 with the following voice vote

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

#### RESOLUTION AUTHORIZING ATTORNEY CONTACT

Council members are not allowed to engage with the attorney without the consent of Council. Mayor Pro Tem Hodges moved that he and Mayor Brown could engage with the attorney at their discretion. The motion passed 3-2 with the following voice vote

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

#### RETURN OF POLICE EQUIPMENT

Mayor Pro Tem Hodges said the Town is missing a bullet proof vest and three police radios. He said Chief Brown provided Councilman Jackson with a bullet-proof vest and radio. Mayor Pro Tem Hodges made a motion to report the items as stolen by close of business on Thursday if they were not turned in. Mayor Pro Tem Hodges amended his motion to require that the property be returned by close of business on Thursday and Council members be prohibited from entering the police department building until the end of the fiscal year. Councilman Norman offered a friendly amendment that a list of the equipment be made so they can see if they have it. Mayor Pro Tem Hodges did not accept the friendly amendment. Councilman Jackson said he had returned the equipment a long time ago. The motion passed 4-1 with the following voice vote

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

#### CLOSED SESSION

Mayor Pro Tem Hodges made a motion to go into closed session pursuant to GS§143.318.10(e) to approve the Closed Session minutes of February 8, 2021, April 23, 2021 and to discuss personnel issues. Councilman Mimlitsch seconded the motion. The motion passed unanimously with the following voice vote

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

The Board resumed Open Session and adjourned.