



**TOWN OF HERTFORD  
TOWN COUNCIL MEETING  
REGULAR SESSION  
MONDAY, MAY 10, 2021 @ 6:00 P.M.  
HERTFORD COMMUNITY CENTER**

The Town Council of Hertford held their Regular Town Council Meeting on Monday, May 10, 2021 at the Town of Hertford Community Building. The meeting was called to order by Mayor Earnell Brown at 6:00 p.m. The invocation was offered by Mayor Earnell Brown.

**COUNCIL MEMBERS PRESENT**

Councilman Quentin Jackson, Mayor Pro-Tem Hodges, Mayor Earnell Brown, Councilman Frank Norman, Councilman Jerry Mimlitsch.

**QUORUM**

A quorum of 5 was present and established.

**STAFF PRESENT**

Town Manager, Pamela Hurdle, Olga Simpson, Town Clerk.

**OTHERS PRESENT**

Matthew Cyre, Gracie Felton, Susan Winslow, Tim Brinn, Kim Brinn, Sandra Anderson, Facebook viewers, and Zoom Audience.

**ADJUSTMENT/APPROVAL OF AGENDA**

Mayor Pro-Tem Hodges Motioned to adjust the agenda: To move announcements to after the approval of the minutes, to move the high school prom fireworks discussion to announcements or just read the statement, to strike Agenda items in continued business number 4, and new business numbers 6-10 for failure to send read-ahead documents for those Agenda items.

**Point of Order:** Councilman Jackson-Objection to the removal of his and Councilman Norman's Agenda items for failure to send read-ahead documents. Councilman Jackson explained some items may not require a read-ahead but may be for informational purposes only. Councilman Norman has previously stated on the record that he is not going to be required to send read-ahead documentation. Some information requested by him was not provided necessary for his read- ahead. If he has the time to do it, he will. If he does not have the time, he will not send a read ahead document. Councilman Mimlitsch Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Yay),  
Councilman Norman (Nay),  
Mayor Pro-Tem Hodges (Yay)  
Councilman Jackson (Nay),  
Mayor Brown (Yay).

Council approved the Adjustments to the Agenda (3-2).

**Point of Order:** Councilman Jackson: Questioned who is chairing the meeting, Mayor Brown, or Mayor Pro-Tem Hodges? Mayor Brown's response was the Point of Order is that Council will only be discussing the issues necessary to address for the progression of the Town of Hertford.

## **APPROVAL OF MINUTES**

Mayor Brown asked Council if there were any adjustments to or approval of the minutes: April 12, 2021 (*Regular Council meeting*) April 13, 2021 (*Finance Committee meeting*), April 23, 2021 (*Emergency Call Meeting*).

Councilman Jackson Motioned to Adjourn the Meeting. Councilman Norman Seconded. Mayor Brown called for a Roll Call Vote. **Point of Order:** Councilman Jackson: Once an adjournment is motioned and seconded, there must be a vote.

### **Roll Call Vote:**

Councilman Mimlitsch (Nay),  
Council Norman (Yay),  
Mayor Pro-Tem Hodges (Nay),  
Councilman Jackson (Yay),  
Mayor Brown (Nay).

The Motion to Adjourn the meeting failed (3-2).

Mayor Pro-Tem Hodges reviewed the minutes and saw some inaccuracies in them. Mayor Pro-Tem Hodges Motioned to Approve April 13, 2021 (*Finance Committee meeting*), April 23, 2021 (*Emergency Call Meeting*) and not to approve April 12, 2021 until discussion at the next regular session. Councilman Mimlitsch Seconded. Councilman Jackson requested that the reference to him by Mayor Brown as a “Special Needs” person be reflected in the minutes.

### **Roll Call Vote:**

Councilman Mimlitsch (Yay),  
Councilman Norman (Abstain),  
Councilman Jackson (Just Whistled),  
Mayor Pro-Tem Hodges (Yay)  
Mayor Brown (Yay)

The Motion to approve the minutes of April 13, 2021, and April 23, 2021 and deny approval of the April 12, 2021 minutes until discussion at the next regular session was approved (5-0).

Councilman Jackson Motioned for a Recess. Councilman Norman Seconded.

### **Roll Call Vote:**

Councilman Mimlitsch (Nay),  
Councilman Norman (Yay),  
Mayor Pro-Tem Hodges (Nay),  
Mayor Brown (Nay),

Councilman Jackson (Yay). The Motion to recess the meeting failed (3-2).

## **ANNOUNCEMENTS**

### **FIREWORKS: PERQUIMANS COUNTY HIGH SCHOOL PROM**

Mayor Brown read the cover letter for the Perquimans High School prom regarding a Shot in the Dark (fireworks) at the Nixon complex, on May 15, 2021. Manager Hurdle approved it, since the school

has met all pre-requirements and certifications to shoot the fireworks at the prom. The county and the Fire Marshall have given their approval.

There was no consent agenda and no scheduled business.

## **CITIZEN CONCERNS**

### **Matthew Cyre**

Mr. Cyre thanked Chief Roman and Sheriff White for the Friday night interaction. Mr. Cyre had a concern about Council members not standing and saying the pledge allegiance to the flag.

### **Gracie Felton**

Miss Felton was concerned about the speed at which people travel through Meads Trailer Park and asked if any speed bumps and signs that say Children Playing will be placed out there. She has concerns about eliminating the police department, dog excretions, and the removal of Councilman Jackson and Councilman Norman's items from the agenda. She questioned, when will the items that were removed be discussed, if not done in the council meeting? The items removed from the agenda were things she and other citizens would like to see discussed. She would like a response from Council regarding her concerns. There is an increase in traffic speed on Dobb Street and may need a speed bump there too. Councilman Norman addressed the ordinance for dealing with dog excretions and the Police Department's responsibility to enforce it.

### **Councilman Norman**

A transcript of Councilman Norman's concerns will be provided and included as part of the minutes.

### **Councilman Jackson**

Councilman Jackson had concerns about the publishing of the arrest of some council members but not others and the removal of his agenda items. The items removed from the agenda were related to doing something for the daughter of Andrew Brown, a resident of the Town of Hertford, the resolution to honor Pastor Franklin of First Baptist Church with a day, and the entrance of a sheriff from another municipality into Pasquotank County, which resulted in the killing of a man. Councilman Jackson was going to share information with the county so that they could get body cams for free, but the sheriff's dept. was not interested. Some Town Council members have been meeting with the county; however, Council has not received any updates of those meetings. Rules of procedure should be adhered to as well as transparency in all council activities. Councilman Jackson voiced concerns regarding Mayor Brown's Facebook posts. Although Councilman Jackson is a veteran, his reasoning for not standing for the Pledge of Allegiance and is that there is no liberty and justice for all.

## **CONTINUED BUSINESS**

### **Resolution 5.10.2021-1: Town Council Meeting Protocol (Addendum)**

Mayor Brown began to read the resolution. Point of Order: Councilman Jackson-Mayor Brown is bringing back a resolution that cannot be brought back. The motion was not to reconsider the resolution. It should not have been on the agenda and stricken. Mayor Pro-Tem Hodges read the rules regarding bringing back the resolution. Despite the approval of the March 8, 2021 minutes, Council members differed in opinion regarding the status of the resolution. Councilman Norman added, the minutes are incorrect and requested the audio to validate the written minutes and to ensure the action

will be legally executed. Mayor Pro-Tem Hodges cleared up the misunderstanding that Council was dealing with the amendment to the resolution not the former resolution. Councilman Jackson's objection will be in order when they address resolution #2. Mayor Brown proceeded to read the resolution and Motioned to accept the Resolution as read. Councilman Mimlitsch Seconded.

**Point of Order:** Councilman Norman. There was no discussion before the second was made. Mayor Pro-Tem Hodges ruled there can be no motion and second without opportunity for discussion by Council. After discussion, Mayor Brown called for the vote.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)

Councilman Norman (Nay)

Mayor Brown (Yay)

Councilman Jackson (Nay)

Mayor Pro-Tem Hodges (Yay)

The Motion to approve Resolution 5.10.2021-1 Town Council Meeting Protocol (Addendum) was passed (3-2).

**Resolution 5.10.2021-2: Resolution to Establish the Youth Center in the Town of Hertford**

Mayor Brown began reading the resolution. **Point of Order:** Councilman Norman-Mayor Brown should not be going into the resolution until we hear the audio and see if it is lawful for Council to discuss the matter. Mayor Brown clarified the resolution by detailing the amendments made to demonstrate the difference between the former resolution and the one now being presented. Attorney Gallop was unsure of the criteria for determining if the resolution was different or the same. Attorney Gallop's recollection was that the motion on the Nevuary was not to prevent reintroduction, but to table and further explained how to proceed. Councilman Jackson and Norman challenged Attorney Gallop's recollection of the motion and that the motion was to deny the Resolution and it should have never been brought up again. Councilman Norman contended the minutes were incorrect and should not have been approved. A decision should not be made until Council has heard the audio of the meeting relating to the resolution.

Councilman Mimlitsch Motioned to Revive Resolution 5.10.2021-2 to Establish the Youth Center in the Town of Hertford. Mayor Brown Seconded. Councilman Jackson Motioned to Table the whole matter until the audio is provided to the Council. Councilman Norman Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)

Councilman Norman (Yay)

Mayor Brown (Nay)

Councilman Jackson (Yay)

Mayor Pro-Tem Hodges (Nay).

The Motion to Table the Resolution until Council has heard the audio failed (3-2).

Councilman Jackson objected to the Motion to Revive and bringing the resolution back up again. Councilman Norman stated the action was illegal, and asked if the resolution is found to be as such after hearing the audio, will this decision be rescinded? Councilman Norman has again requested the audio. **Point of Order:** Councilman Jackson-The time has elapsed for speaking on this Agenda item. By default, Council should proceed to the next Agenda item. Council returned to the Motion to Revive the Resolution.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)  
Councilman Norman (Nay)  
Mayor Brown (Yay)  
Councilman Jackson (Nay)  
Mayor Pro-Tem Hodges (Yay)  
The Motion to Revive the Resolution was approved (3-2).

**Point of Order:** Councilman Norman: Mayor Brown does not have the right not to speak into the microphone. The purpose of the open meeting is so that the citizens may hear her vote. Mayor Brown apologized to the audience if they did not hear her vote. Councilman Jackson voiced his objections regarding the time spent on the agenda item. Mayor Pro-Tem Hodges called for a Motion to Approve the Resolution. Councilman Jackson Motioned to Table. Councilman Norman Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)  
Councilman Norman (Yay)  
Mayor Brown (Nay)  
Councilman Jackson (Yay)  
Mayor Pro- Tem Hodges (Nay)  
The Motion to Table the Approval of the Resolution failed (3-2).

Councilman Mimlitsch Motioned to Accept the Motion to Approve the Resolution.

**Point of Order:** Councilman Norman again asked, if the audio confirms Councilman Norman's assertion regarding the legality of bringing back the resolution, and if attorney Gallop was wrong, will this particular motion be rescinded? Attorney Gallop explained the proper procedure for reviving the Resolution and thought the action was correctly done. If Councilman Norman is correct, the Motion to Revive is probably not correct and he will assist in taking other steps to fix it. Councilman Jackson Motioned to Table until the next meeting. Councilman Norman Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)  
Councilman Norman (Yay)  
Mayor Brown (Nay)  
Councilman Jackson (Yay)  
Mayor Pro-Tem Hodges (Nay)  
The Motion to Table until the next meeting failed (3-2).

After further comments by Councilman Jackson, Council continued with a Roll Call Vote to Accept the Motion to Approve the Resolution.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)  
Councilman Norman (Nay)  
Mayor Brown (Yay),  
Councilman Jackson (Nay)  
Mayor Pro-Tem Hodges (Yay).  
The Motion to Accept the Motion to Approve the Resolution passed (3-2).

**Note\*\*After listening to the recording several times, Clerk Simpson did not hear a Second on the Motion to Accept the Motion Approve the Resolution.**

Mayor Brown called for a recess. Councilman Jackson objected and Motioned to Override the Mayor's call for a recess. Councilman Norman Seconded:

**Roll Call Vote:**

Councilman Mimlitsch (Nay)

Councilman Norman (Yay)

Mayor Pro-Tem Hodges (Nay)

Mayor Brown (Nay)

Councilman Jackson was overlooked, but when called upon he gave no response (No vote). The Motion to Override Mayor Brown's call for a recess failed (4-1).

Town Council Regular Session Meeting was recessed at 8:05.

Council was called back to order at 8:12.

**Public Records Request: Platt emails regarding the Waterfront**

Councilman Jackson was provided an update from Attorney Gallop and Manager Hurdle regarding all emails of Ms. Platt relating to the Waterfront Plan. Attorney Gallop stated he needs to see the contract Ms. Platt has with town to see what may be possible to obtain. Attorney Gallop has requested Ms. Platt's contract and has not received anything yet. Councilman Jackson Motioned to have Attorney Gallop to go over Ms. Platt's contract, come back next month, and let Council know his findings. Councilman Norman Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)

Councilman Norman (Yay)

Councilman Jackson (Yay)

Mayor Pro-Hodges (Nay)

Mayor Brown (Nay)

The Motion for Attorney Gallop to go over Ms. Platt's contract, come back next month, and let Council know his findings failed (3-2).

**FOIA Requests**

Point of Order: Councilman Norman FOIA requests were removed from the agenda. Councilman Norman thought the FOIA requests had been sent to all Council members and they were not. He apologized for the misunderstanding.

**NEW BUSINESS**

**Resolution 5.10.2021-3: Bids for Property**

The resolution outlined the procedure for sale of the property at 100 W. Grubb St. that is on 2.6 acres of land. The town will begin to accept bids until June 25, 2021 @ 4 pm and delivered to Town Manager. The bids will remain open until Council accepts the highest bid from a responsible bidder. Council will award the bid by its regular meeting on July 12, 2021. The town has the right to reject all bids. The procedure for sale is according to NC General Statute 160(a)-260(a). Manager Hurdle suggested Council determine a starting bid of \$41,000. After discussion, Councilman Norman

Motioned not to sell the property, not add any stipulation on the building, and not add any stipulation on the time to get things done. Seconded by Councilman Jackson.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)  
Councilman Norman (Yay)  
Mayor Pro-Tem Hodges (Nay)  
Councilman Jackson (Yay)  
Mayor Brown (Nay).

The Motion not to sell the property, not add any stipulation on the building, and not add any stipulation on the time to get things done failed (3-2). Councilman Jackson Motioned to Table until the June Council meeting after the Budget process. Councilman Norman Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)  
Councilman Norman (Yay)  
Councilman Jackson (Yay),  
Mayor Pro-Tem Hodges, (Yay),  
Mayor Brown (Yay).

The Motion to Table until the June Council meeting after the Budget process passed unanimously by Council (5-0).

**Town Facebook Page & Comments by Attorney Gallop**

Councilman Mimlitsch commented on the rude comments being made on the Town Facebook page and asked if there is a way for Manager Hurdle to investigate it. Councilman Norman stated, Facebook has their own means of managing comments. Councilman Norman will support any citizen attempting to sue the town for infringing upon their right to speak. According to Attorney Gallop, policy can be adopted to manage Facebook to some degree but will have to do further research and prepare a policy.

**Budget Hearing Date**

Manager Hurdle requested to reschedule the May 3<sup>rd</sup> Budget Public Hearing and is asking the Council to approve May 25, 2021 at 6:00 p.m. Councilman Norman objected to the change in time.

Councilman Norman stated for the record, if there was a vote via email, he did not see the results because it was not publicized in a way in which it should have been. If there was going to be a vote, it is public record. If the vote had been done through the clerk, she could have informed Council of what happened without making it a public meeting problem. If Council was voting on something that has to do with a major motion, in his opinion, it is a public meeting anyway and was illegal.

Councilman Jackson Motioned to Accept the manager's recommendation. Mayor Pro Tem Hodges Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)  
Norman (Abstain)  
Councilman Jackson (Yay)  
Mayor Pro-Tem Hodges (Yay)  
Mayor Brown (Yay)

The Motion to Accept the manager's recommendation to reschedule the Budget Public Hearing for May 25, 2021 passed unanimously (5-0).

**Police Officers Request**

Two previous police officers have made a request. One has requested the chief badge and the other has requested the duty weapon and badge. Councilman Jackson and Councilman Mimlitsch objected to giving out guns but approved of giving out badges. Councilman Jackson Motioned to give badges to both officers, but not weapons. Mayor Pro-Tem Hodges Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)  
Council Norman (Yay)  
Councilman Jackson (Yay)  
Mayor Pro-Tem Hodges (Yay)  
Mayor Brown (Yay).

The Motion to give badges to both officers, but not the guns passed unanimously (5-0).

**MAYOR/COUNCIL CONCERNS**

Councilman Mimlitsch had no Council concerns.

Councilman Jackson was appalled at the removal of his and Councilman Norman's agenda items. Councilman Jackson Motioned Council donate \$1,000 to Miss Janea Dunbar, the daughter of Andrew Brown, a long-time resident of Hertford. Attorney Gallop stated Council could not donate to a person. Councilman Jackson discussed what happened in Elizabeth City in the Andrew Brown matter and the possibility of it happening in Hertford. Councilman Jackson Motioned Council to support and request the sheriff look into wearing body cams. Mayor Pro-Tem Hodges stated the issue is in the hands of the County Commissioners. Councilman Jackson Motioned to end speculation of dis-banning the Hertford police department and retain the police department. Councilman Norman Seconded. After further discussion, Councilman Jackson asked to amend his motion and asked what he needed to say to retain the police department. Mayor Pro-Tem Hodges suggested the motion state to end all discussion related to transitioning away from HPD. Councilman Jackson Motioned to end all discussions related to transitioning away from HPD. Seconded by Councilman Norman.

**Roll Call Vote:**

Councilman Mimlitsch (Nay)  
Councilman Norman (Yay)  
Councilman Jackson (Yay)  
Mayor Pro-Tem Hodges (Nay)  
Mayor Brown (Nay)

Councilman Jackson would like to make a resolution to honor Pastor Jonathan Franklin with a Day and a Proclamation. Mayor Pro-Tem Hodges stated he would support Councilman Jackson bringing the resolution to the next agenda.

Councilman Hodges had no concerns.

Mayor Brown began her concerns. Point of Order: Councilman Jackson- Mayor Brown gets the last word of the night. Mayor Brown stated, she was following the schedule Council approved. Code Enforcement: Mayor Brown has seen improvement but has seen homes that have items on the porches and in yards that need to be addressed. The Brown and Franklin families were offered the town's condolences and prayers by letter and posted solidarity from Hertford to Elizabeth City. Trees: Mayor Brown has emailed the Hertford Housing Authority and they are going to attempt to plant flowering trees coming off the gateway of Hwy 17 in front of the Church St. housing authority for beautification and shade. Mayor Brown has collaborated with Councilman Norman to get Census data so that Council can be given an update relative to Hertford.

Councilman Norman: A citizen reported a tree on Hyde Park Road right off King Street that needs some attention. It is a risk to power lines. Councilman Norman asked for the Public Works Director to report on it, but Manager Hurdle told him not to come. Councilman Norman suggests a resolution to support the State Senate and House of Representatives law that all tapes by law enforcement be produced and establish a resolution for the sheriff department to wear cameras. He asks the record to state, the mayor speaks for the office of the mayor and not the governing board.

Mayor Brown: Motioned to Adjourn the meeting.

**Point of Order:** Councilman Jackson-Rules were adopted for closed session. Council must entertain a Motion to Amend the Agenda or not do it. To say Council will not have a closed session is not proper. Mayor Brown asked for objections to not going into closed session:

Mayor Pro-Tem Hodges (No Objection)

Mayor Brown (No Objection)

Councilman Jackson (No Vote)

Councilman Norman (Objection)

Councilman Mimlitsch (No Objection)

Mayor Pro-Tem Hodges Motioned to Amend the Agenda to Remove the Closed Session.

Councilman Mimlitsch Seconded.

**Roll Call Vote:**

Councilman Mimlitsch (Yay)

Councilman Norman (Nay)

Councilman Jackson (Nay)

Mayor Pro-Tem Hodges (Yay)

Mayor Brown (Yay).

The Motion to Amend the Agenda to remove the Closed Session passed (3-2)favor.

Councilman Mimlitsch Motioned to Adjourn the Meeting. Mayor Pro Tem Hodges Seconded.

**Roll Call Vote:**

Councilman Norman (Nay)

Councilman Jackson (Whatever)

Mayor Pro-Tem Hodges (Yay)

Mimlitsch (Yay)

Mayor Brown (Yay).

The Motion to Adjourn the meeting passed (4-1).

**ADJOURNMENT**

The meeting was adjourned at 10:19 pm.

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