

**MINUTES
REGULAR MEETING
HERTFORD COUNTY BOARD OF COMMISSIONERS
MULTI-PURPOSE ROOM -JUDICIAL CENTER
Tuesday, January 21, 2020
7:00 PM**

PRESENT:

Com. Ronald J. Gatling, Chairman
Com. John D. Horton, Vice-Chair
Com. Leroy Douglas
Com. Andre` Lassiter
Com. William F. Mitchell, Jr.

ALSO PRESENT WITH THE BOARD:

Mr. David Cotton, Interim Asst. County Manager
Dr. Renee Fleetwood, Clerk to the Board
Mr. Charles L Revelle, III, County Attorney

Ms. Maria R. Jones, Attorney ~ Revelle &
Lee, LLP

Chairman Ronald J. Gatling called the meeting to order at 7:00 pm and welcomed everyone. Invocation was provided by, Reverend James Campbell, Associate Pastor, Calvary Missionary Baptist Church, Ahoskie, NC.

CONSENT AGENDA

On a motion by Com. William F. Mitchell, Jr. and second by Com. Andre` Lassiter, the Board unanimously approved the Consent Agenda as follows:

1. Approval of January 6, 2020 Minutes
2. Approval for Tax Refund Core Logic Mortgage Co.

Refund to Core Logic Mortgage Co. for over payment of 2019 taxes, Larry Overton Pin #6916-35-5640 \$150.81, Takiya Lewis Pin# 5985-55-3131- \$2,207.65, Lee Sawyer Pin #6905-39-9915- \$1871.59, Joshua Seese Pin# 5992-09-1110- \$2,702.83, John Tingen Pin#5994-42-0952- \$99.25, Lori Harders- Pin# 5958-74-9487- \$1,720.32, Steven McLenachen Pin# 5978-23-2314- \$1,675.91, Martha Sneed Pin#5958-14-2358- \$585.81, William Turner Pin#5989-32-1102- \$1,215.60 Payee: Vendor #11016 Amount: \$13,129.77

3. Approval for Tax Refund JAHEK, LLC

Refund to JAHEK, LLC because account was paid in full by mortgage company before the taxpayer mailed the funds. Payee: Vendor #2846 Amount: \$1,305.33


4. Approval for Tax Refund Roberta D. Matthews

Refund to Roberta D. Matthews per Tax Assessor, land use was not applied prior to calculation of 2019 bills. (Account # changed) Payee: Vendor #15300 Amount: \$126.82

5. Approval for Tax Refund James T. Riddick

Refund to James T. Riddick for Debt Setoff refund that was received June 18, 2019 is being requested by Dept of Revenue to be returned to Mr. Riddick Payee: Vendor #15296 Amount: \$945.01

6. Approval for NCVTS Refund Wilhemenia/Laron



North Carolina Vehicle Tax System

NCVTS Pending Refund report

Report Date 1/7/2020 9:04:48 AM

Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description	Refund Reason	Create Date	Authorization	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
DICKERSON, WILHEMENIA BLONDELL	DICKERSON, WILHEMENIA	DICKERSON, LARON KANEF	744 BOONES BRIDGE RD		COMO, NC 27618	Provision	0036812297		PENDING	58688667	Refund Generated due to procreation on Bill # 0036812297-2019-2019-0000-00	Tag Surrender	12/09/2019		G01	Tax	(\$129.74)	\$0.00	(\$129.74)
																	Refund	\$129.74	

REQUEST APPROVAL OF BOARD APPOINTMENT – MEDICAL SERVICES TRANSPORTATION ADVISORY COUNCIL

On a motion by Com. Mitchell and second by Com. Lassiter, the Board unanimously approved the appointment of Melanie Davis to the **Medical services Transportation Advisory Council** for a one-year term to expire on December 30, 2020.

REQUEST APPROVAL OF DEED OF GIFT FROM EMILY COPELAND CATO & JAMES W. COPELAND, JR. & BUXTON SAWYER COPELAND TO HERTFORD COUNTY

On a motion by Com. Lassiter and second by Vice-Chair John Horton, the Board unanimously approved the Deed of Gift, portrait of Justice William Copeland, from Emily Copeland Cato, James W. Copeland, Jr. & Buxton Sawyer Copeland to Hertford County with the stipulation that should the Board decide that the portrait not continue to be displayed, it would be transferred to the Murfreesboro Historical Association.

It was announced that Chairman Gatling will attend the ceremony on January 23, 2020 at 11:30 a.m. and accept the portrait.

NEW AHOSKIE ELEMENTARY SCHOOL CONSTRUCTION PROJECT: A. REQUEST APPROVAL OF RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT TO FINANCE THE CONSTRUCTION AND EQUIPPING OF A NEW AHOSKIE ELEMENTARY SCHOOL; B. REQUEST APPROVAL OF INSTALLMENT FINANCING CONTRACT TRUIST BANK

On a motion by Com. Lassiter and second by Com. Mitchell, the Board unanimously approved the Resolution Authorizing the Execution and Delivery of an Installment Financing Contract to Finance the Construction and Equipping of a New Ahoskie Elementary School as follows:

Chairman Ronald J. Gatling	Aye
Vice-Chair John D. Horton	Aye
Com. Leroy Douglas	Aye
Com. Andre` Lassiter	Aye
Com. William F. Mitchell, Jr.	Aye

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN
INSTALLMENT FINANCING CONTRACT TO FINANCE THE
CONSTRUCTION AND EQUIPPING OF A NEW AHOSKIE ELEMENTARY
SCHOOL**

WHEREAS, the Board of Commissioners (the "Board") of the County of Hertford, North Carolina (the "County") desires to finance the construction and equipping of a new Ahoskie Elementary School (the "Project"); and

WHEREAS, the County desires to finance the Project by executing and delivering an installment financing contract, as authorized under Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the County sent out a request for proposals to a number of banks relating to the financing on December 5, 2019; and

WHEREAS, Truist Bank (the "Bank") submitted a proposal to the County dated December 11, 2019 (the "Proposal"), pursuant to which the Bank shall enter into an installment financing contract with the County in the amount of up to \$5,000,000 (the "Agreement") to finance the Project and to pay certain costs associated with the financing, to be secured by a deed of trust, assignment of rents and leases, security agreement and financing statement that creates a lien on the Project for the benefit of the Bank (the "Deed of Trust"); and

WHEREAS, on January 6, 2020, the Board of Commissioners of the County held a public hearing regarding financing the Project through the execution and delivery of an installment financing contract;

WHEREAS, in connection with such financing, the Hertford County Board of Education (the "School Board") will execute a deed to the County, transferring to the County the land (the "Land") on which the Project will be constructed (the "Deed"); and

WHEREAS, in connection with the financing, the County will lease the Project upon its completion to the School Board pursuant to a Lease Agreement between the County and the School Board pursuant to which the School Board will operate the Ahoskie Elementary School (the "Lease"); and

WHEREAS, the parties anticipate that the School Board will construct the Project on behalf of the County pursuant to an Agency Agreement between the County and the School Board (the "Agency Agreement");

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Hertford County, North Carolina, as follows:

1. The Board of Commissioners hereby accepts the Proposal, and authorizes and directs the Chairman, the Interim County Manager, and the Clerk, or any of them, to execute, acknowledge and deliver the Agreement and Deed of Trust on behalf of the County, with such changes and modifications as the person executing and delivering such instruments on behalf of the County shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County to the Agreement and the Deed of Trust and to attest the same.

2. The Board of Commissioners hereby approves the transfer of the Land to the County, the construction of the Project by the School Board on behalf of the County, and the lease of the Project by the County to the School Board, and authorizes and directs the Chairman, the Interim County Manager, and the Clerk, or any of them, to execute, acknowledge and deliver the Agency Agreement and the Lease on behalf of the County, with such changes and modifications as the person executing and delivering such instruments on behalf of the County shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County to such documents and to attest the same.

3. Each of the Interim County Manager and other appropriate officers of the County is hereby authorized and directed to execute and deliver any and all papers, instruments, agreements, tax certificates, opinions, certificates, affidavits and other documents, and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution, the Agreement and the Deed of Trust, and the acquisition, construction, financing and leasing of the Project.

4. All other acts of the Board of Commissioners and the officers of the County, which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Project, are hereby ratified, approved and confirmed.

5. This resolution shall take effect immediately.

Signed this the 21st day of January, 2020.
ATTEST:

HERTFORD COUNTY BOARD OF COMMISSIONERS

Dr. Renee Fleetwood, Clerk to the Board

The Honorable Ronald J. Gatling, Chairman

The Board also reviewed the Installment Financing Contract – Truist Bank.

PUBLIC COMMENT

No public comments were given.

REQUEST APPROVAL OF PETITION & RESOLUTION REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM - FORM SR-2 (3/2006) TO NCDOT: HUNTER LANE & DEER CIRCLE (HABITAT FOR HUMANITY)

On a motion by Com. Mitchell and second by Com. Leroy Douglas, the Board unanimously approved the Petition & Resolution Request for Addition to State Maintained Secondary Road System - Form SR-2 (3/2006) to NCDOT: Hunter Lane & Deer Circle (Habitat for Humanity) as presented by Interim County Manager Cotton.

On a motion by Com. Mitchell and second by Com. Douglas, the Board unanimously approved to leave Regular Session and convene as the Board of the Hertford County Northern Rural Water District.

REQUEST ADOPTION OF RESOLUTION PROVIDING FOR APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER SYSTEM REVENUE BONDS; AND CERTAIN RELATED MATTERS AND FINDINGS

On a motion by Com. Lassiter and second by Com. Mitchell, the Board unanimously approved the Resolution Providing for Application to the Local Government Commission for Approval of Water System Revenue Bonds; and Certain Related Matters and Findings as follows:

Chairman Ronald J. Gatling	Aye
Vice-Chair John D. Horton	Aye
Com. Leroy Douglas	Aye
Com. Andre` Lassiter	Aye
Com. William F. Mitchell, Jr.	Aye

RESOLUTION PROVIDING FOR APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF WATER SYSTEM REVENUE BONDS; AND CERTAIN RELATED MATTERS AND FINDINGS

WHEREAS, the Board of Commissioners of the County of Hertford, North Carolina (the "Board of Commissioners"), acting as the Board of Commissioners of the Hertford County Northern Rural Water District (the "District"), is authorized by Article 6 of Chapter 162A and Article 5 of Chapter 159 of the North Carolina General Statutes to issue revenue bonds and notes; and

WHEREAS the District previously borrowed funds from the Hertford County Southern Rural Water District (the "Southern Rural Water District"), which the District used to pay for certain capital improvements to the water system located in the District (collectively, the "Project"); and

WHEREAS, the District is considering the issuance of not to exceed \$936,000 in aggregate principal amount of the District's Water System Revenue Bonds (the "Bonds") to refinance the Project and repay the Southern Rural Water District; and

WHEREAS, the District wishes the District's staff to file with the Local Government Commission of North Carolina (the "LGC") an application for its approval of the Bonds on a form provided by the LGC and make certain findings therefor; and

WHEREAS, the District wishes to retain McGuireWoods LLP, Raleigh, North Carolina, as bond counsel for the issuance and sale of the Bonds; and

WHEREAS, it is anticipated that the Bonds will be purchased by the United States of America, acting through Rural Utilities Service, an agency of the United States Department of Agriculture (hereinafter "USDA");

NOW, THEREFORE, the Board of Commissioners for the County of Hertford, North Carolina, acting as the Board of Commissioners of the Hertford County Northern Rural Water District on January 21, 2019, does hereby resolve:

1. The Bonds are to be issued by the District for the purpose of providing funds to refinance the costs of the Project and to pay the costs of issuing the Bonds as set out in the District's application to the LGC.

2. The Interim County Manager is hereby authorized, directed, and designated to file an application with the North Carolina Local Government Commission, on behalf of the District, for its approval of the issuance of the Bonds.

3. The Chairman of the Board of Commissioners, the County Manager, the Finance Officer, and the Clerk (or each of them acting alone) are hereby authorized and directed to take all actions in furtherance of the issuance of the Bonds.

4. In connection with the application to the LGC, the Board of Commissioners hereby makes the following findings:

- (a) The Bonds are both necessary and expedient to refinance the cost of the Project.
- (b) The Project is feasible.
- (c) The amount of debt to be incurred in connection with the Project and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of constructing, installing and equipping the Project.
- (d) A rate increase *will not* be required in order to pay debt service on the Bonds.
- (e) The District has not defaulted on any debt obligation.
- (f) The District follows the debt management guidelines of the LGC.

5. Pursuant to Section 159-123 of the North Carolina General Statutes, the District hereby requests the LGC to sell the Bonds in a private sale, without advertisement, to the USDA.

6. McGuireWoods LLP shall be retained to serve as bond counsel to the District with respect to the Bonds.

7. All other acts of the Board of Commissioners, and the officers of the County, acting for the District, which are in conformity with the purposes and intent of this resolution and in furtherance of the issuance of the Bonds and the refinancing of the Project, whether such actions were taken before or after the adoption of this resolution, are hereby ratified, approved and confirmed.

8. The District intends that the proceeds of the Bonds be used to repay the loan from the Southern Rural Water District and to reimburse the District for capital expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The District intends that the adoption of this resolution confirms its "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

9. This resolution shall take effect immediately.

Signed this the 21st day of January, 2020.

ATTEST:

Honorable Ronald J. Gatling, Chairman

Dr. Renee Fleetwood, Clerk to the Board

On a motion by Com. Mitchell and second by Com. Lassiter, the Board unanimously approved to close the Board of the Hertford County Northern Rural Water District and return to Regular Session.

REQUEST APPROVAL OF AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE FISCAL YEAR 2019-2020 AMENDMENT A-11

On a motion by Com. Lassiter and second by Com. Mitchell, the Board unanimously approved the Amendment to Hertford County Budget Ordinance Fiscal Year 2019-2020 Amendment A-11 \$350 donation for Department of Aging.

INTERIM COUNTY MANAGER'S COMMENTS

Interim County Manager Cotton shared the following: FY 2020-2021 budget preparation process has commenced and on February 7th outside agencies will receive their budget request forms.

COMMISSIONERS' COMMENTS

Com. Douglas, Com. Mitchell and Com. Lassiter thanked everyone for attending the meeting and wished them a Happy New Year.

Vice-Chair Horton requested a status update of the Sheriff Vehicle purchase from USDA. After the discussion with Interim Manager Cotton, it was determined that the USDA proposal had not been submitted as reported by previous County Manager Loria Williams. Vice-Chair Horton asked Interim Manager Cotton to research and provide an updated status to the Board after he communicates with Mr. Bryant Buck.

Vice-Chair Horton also discussed the excessive trash concerns on private property in the Carver Park community. Chairman Gatling stated that the concern should be directed to Murfreesboro.

Chairman Gatling's comments were as follows: plans are going forward to review historical districts and surrounding counties for tourism information; February 3, 2020 -Board Retreat; reminded the Board to bring five recommended goals and county expectations to the retreat; Interim Manager Cotton will provide a calendar of the 2020 Budget during the retreat; and Clerk Fleetwood will begin to look at the Agenda for the Board Retreat.

On a motion by Com. Mitchell and a second by Com. Douglas, the Board unanimously approved to move to Closed Session as allowed under G.S. 143-318.11 (a) (3) to consult with the County Attorney.

Minutes of Closed Session are on file in the Office of the Clerk to the Board.

On a motion by Com. Lassiter and second by Com. Douglas, the Board unanimously approved to return to Regular Session.

On a motion by Com. Lassiter and second by Com. Douglas, the Board unanimously approved allocating an additional \$1.0M for the New AES Construction Project, to add an auditorium to the project, provided the total cost of the project will not exceed \$21.0M, with \$15.0M from a DPI Grant and \$6.0M of County funds.

On a motion by Com. Lassiter and second by Com. Douglas the Board unanimously approved to adjourn the meeting.