

HERTFORD COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
COMMISSIONER'S CHAMBERS/MULTI-PURPOSE ROOM – JUDICIAL CENTER

Monday, February 1, 2021 - 9:00 AM .

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

Also Present with the Board: Mr. David B. Cotton, County Manager, Dr. Renee Fleetwood, Clerk to the Board, Attorney Charles L. Revelle, III, County Attorney

Chairman Ronald J. Gatling called the meeting to order at 9:00 AM and provided the Invocation.

CONSENT AGENDA

On a motion by Com. Leroy Douglas and a second by Vice-Chair John Horton, the Board unanimously approved the Consent Agenda as follows:

Consent Agenda

1. Approval of January 19, 2021 Minutes
2. Approval of Taxpayer Refund to Core Logic

\$6653.79-Core Logic-Vendor#11016 for overpayment on paid mortgage accounts
(Accounts were paid in full before mortgage payment was received)

INTRODUCTION OF FEBRUARY 2021 NEW HERTFORD COUNTY EMPLOYEES

Ms. Kimberly Turner, Director Human Resources/Risk Management, introduced the February 2021 New Hertford County Employees as follows:

Hertford County Personnel Report
February 2021

<u>Employees Hired</u>	<u>PT/FT</u>	<u>Department</u>
Kristin Bryant	PT	Detention Center
Willie Grant	PT	Sheriff Office
Austin Hollowell	FT	Sheriff Office
Destiny Rankins	PT	E911
Ryan Everette	PT	E911
Laura Whalen	PT	E911

Chairman Gatling and the Commissioners welcomed the new employees and introduced them to County Manager David B. Cotton.

REQUEST APPROVAL OF AMENDMENT TO THE HERTFORD COUNTY FAMILY AND MEDICAL LEAVE POLICY

On a motion by Com. William F. Mitchell, Jr. and a second by Vice-Chair Horton, the Board unanimously approved the Amendment to the Hertford County Family and Medical Leave Policy to reflect three calendar days instead of 10 calendar days on page four for section (b) and (c) as presented by Director Kimberly Turner.

Hertford County

Family and Medical Leave Policy

Purpose

The Family and Medical Leave Act of 1993 was passed by the Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote the national interest in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

Eligible Employees

Regular Employees An employee who has been employed with Hertford County for at least 12 months and who has worked at least 1,250 hours during the previous 12 month period is entitled to a total of 12 workweeks, paid or unpaid, leave during any 12 month period for one or more of the reasons listed below. A workweek is defined as the number of hours an employee is regularly scheduled to work each week. A calendar year is defined as a 12-month period that runs from January 1 through December 31.

1. For the birth of a child and to care for the child after birth, provided the leave is taken within a 12 month period following birth.
2. For the employee to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a 12 month period following the adoption or Foster care placement.
3. For the employee to care for the employee's child, (Under age 18, or age 18 or older and incapable of self-care because of a disability) spouse, or parent (in-laws not included), where that child, spouse, or parent has a serious health condition; or because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position.
4. Employees who are married to one another are limited to a combined total of 12 weeks of leave during the 12 month period if the leave is taken for: The birth of employees child or to care for the newborn child; the placement with the employee of a child for adoption or foster care; or care of the employees parent with a serious health condition.

as not unduly to disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse, or parent. The employee must also give 30 day's notice if practicable of the intention to take leave.

The employee shall be deemed to have applied for leave under this policy when: (a) the employee is on approved leave but has not given written notice of the intent to take family or medical leave to the supervisor, (b) the employee utilizes leave for any purpose whether with or without pay for a period in excess of 3 calendar days and (c) the basis for the leave fall within the scope of this policy. In these cases, the County shall notify the employee that time spent on paid leave or leave without pay during the 3 calendar day period is a part of the 12 workweeks of leave.

If the employee will not return to work after the period of leave, the County should be notified in writing immediately. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

Certification

For leave pursuant to this policy, the County may require that a claim for leave because of adoption be supported by reasonable proof of adoption.

The County may require that a claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent be supported by a doctor's certification which includes the following:

- The date on which the serious health condition began
- The probable duration of the condition
- The appropriate medical facts regarding the condition
- A statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed; or that the employee is unable to perform the functions of the position, whichever applies
- Where certification is necessary for intermittent leave for planned medical treatment, the date on which the treatment is expected to be given and the duration of the treatment

Where the County has reason to doubt the validity of the certification, the county may require the employee to get the opinion of a second doctor designated or approved by the County. Where the second opinion differs from the opinion in the original certification provided, the County may require the employee to get the opinion of a third doctor designated or approved jointly by the employer and the employee. The third opinion is final and is binding on the County and the employee. The County may require that the employee get subsequent recertification's on a

reasonable basis. The second and third certifications and the recertification must be at the County's expense.

Employment and Benefits Protection

1. Reinstatement — The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The County may require the employee to report at reasonable intervals to the employer on the employee's status and intention to return to work. The County also may require that the employee receive certification that the employee is able to return to work.
2. Benefits — The employee shall be reinstated without loss of benefits accrued when the leave began, and all benefits accrued during any period of paid leave. However, no benefits will be accrued during any period of leave without pay.
3. Health Benefits — The County shall maintain coverage for the employee under the County's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. The County may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

Interference with Rights

1. Actions prohibited - It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.
2. Protected Activity — It is unlawful to discharge or in any manner discriminate against any employee because the employee does any of the following:
 - a. Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy.
 - b. Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.
 - c. Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy

Enforcement

A violation of or denial of leave request pursuant to the Family and Medical Leave Act of 1993 is not a contested case and creates no right of grievance or appeal under the State Personnel Act and the Hertford County Grievance Procedure. Violations can result in any of the following or a combination of any of the following and are enforced by the U.S. Secretary of Labor:

- a. U.S. department of labor investigation, or
- b. Civil liability with the imposition of court cost and attorney's fees,
- c. Administrative action by the U.S. Department of Labor

For further information, see the Federal Regulations Part 825 of the Family and Medical Leave Act of 1993.

REQUEST APPROVAL OF BOARD APPOINTMENT: NORTHERN REGIONAL ADVISORY BOARD (TRILLIUM HEALTH RESOURCES)

On a motion by Com. Andre` Lassiter and a second by Vice-Chair Horton, the Board approved the reappointment of Com. Mitchell to the **Northern Regional Advisory Board (Trillium Health Resources)** for a three-year term effective February 1, 2021 and expiring December 1, 2023.

REQUEST CONSIDERATION OF BID PROPOSAL ON TAX FORECLOSED PROPERTY JOHN & JOANNE BELL PIN#5061-72-4902

Attorney Charles Revelle, III presented the bid proposal on Tax Foreclosed Property John & Joanne Bell PIN # 5061-72-4902 for Board consideration. After a brief discussion, Chairman Gatling tabled the bid proposal consideration pending further discussion during the Called Board Budget Retreat immediately following the Regular meeting.

REPORT OF UNPAID 2020 TAX LIENS REPORT & REQUEST APPROVAL TO ADVERTISE AS PER NCGS § 105-369(A)

Mrs. Tammy Eason, Hertford County Tax Collector, presented the Report of Unpaid 2020 Tax Liens totaling \$1,529,527.97 in unpaid taxes for the 2019-2020 FY as of January 25, 2021 and requested approval to advertise as per NCGS § 105-369(a).

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board unanimously approved the request to advertise to collect the unpaid 2020 Tax liens on real property totaling \$1,529,527.97 after March 9, 2021 and through June 30, 2021 as per NCGS § 105-369(a) as presented by Mrs. Eason

The Board requested Mrs. Eason be prepared to address how to move forward with increasing tax revenue for Ad Valorem Tax collections during an upcoming Board Budget Work Session.

FISCAL YEAR 2019-2020 HERTFORD COUNTY AUDIT PRESENTATION

Mr. Stuart Hill, Senior Staff CPA representing Thompson, Price, Scott, Adams and Co., P.A., presented the 2019-2020 Hertford County Audit highlighting the following: 1) Hertford County Government has a clean audit. Meaning that TPSA has offered an unmodified opinion of the audit performed on Hertford County's financial statements, policies and procedures, which is the goal of every local government; 2) there were no significant findings outside of a few document items that were out of place and corrected; 3) the County's accounting practices are proper; 4) the General Fund Balance increased nearly \$2 million; 4) a healthy 39.36% fund balance is available; which was over six-percent higher than the FY 2019-20 fund balance total (33.43%); 5) the County's FY 2019-2020 unassigned fund balance increased to \$4.85 million as compared with \$4.36 million at the close of FY 2019-2020; and 6) surplus cash revenues show \$1,781,981 for General Fund, \$345,920 for Water District Fund and \$63,535 Sanitation Fund.

Chairman Gatling expressed concern not receiving copies of the audit report to review prior to today's presentation. The Board thanked Mr. Hill for the clean audit opinion of the County's financial status and his presentation of the basis examined by Thompson, Price, Scott, Adams and Co., P.A. for the financial opinion.

Vice-Chair Horton suggested that Mrs. Draper and Manager Cotton present financial statistics to the Board during the Board Retreat in order for direct financial questions from the Board could be answered.

ROANOKE-CHOWAN COMMUNITY COLLEGE (RCCC) FINE ARTS & INDUSTRIAL SKILLS BUILDING PROJECT PRESENTATION

Dr. Deborah Lamm, Interim RCCC President, and Mr. Joshua Lassiter, Interim Dean of Administrative & Fiscal Services, presented the Roanoke-Chowan Community College (RCCC) Fine Arts & Industrial Skills Building Project to the Board highlighting the following: 1) the project involves the construction of a new 16,000 square foot building on the Roanoke-Chowan Community College campus; 2) Fine Arts is the teaching focus; 3) the Building will house art-related courses taught in the Associate in Fine Arts program; 4) courses taught will include 100 and 200-level art courses and continuing education courses related to art; 5) lab space will include areas for painting, drawing, ceramics, and digital arts; 6) space for a Mechatronics Program and space for robotics, electronics and additional lab space to create a STEM-type area to be used by various technology-related courses; 7) inclusion of a lecture hall/art display/event space; and 8) requested County local budget support of the estimated operating/utility annual cost for the RCCC capital improvement project totaling \$54,676

After a brief discussion, on a motion by Com. Mitchell seconded by Com. Lassiter, the Board unanimously approved the request for local budget support of the estimated operating/utility annual cost for the RCCC Fine Arts & Industrial Skills Building Project totaling \$54,676.00 as presented by Dr. Deborah Lamm, RCCC Interim President, and Mr. Joshua Lassiter, Interim Dean of Administrative & Fiscal Services.

On behalf of the Board and the County, Chairman Gatling thanked Dr. Lamm for successfully providing resources that have never been a part of RCCC.

Com. Lassiter thanked Dr. Lamm and Mr. Lassiter and shared they both hit the ground running and that he is proud to be a part of the future that looks bright for RCCC and the community.

Dr. Lamm expressed her pleasure working with a committed leadership team and that she looks forward to following the successes of RCCC.

**REQUEST APPROVAL OF AMENDMENT TO HERTFORD COUNTY BUDGET
ORDINANCE FY 2020-2021 AMENDMENT #14**

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board unanimously approved the Amendment to Hertford County Budget Ordinance FY 2020-2021 Amendment #14 totaling \$157,248.00 for the DSS Low Income Energy Asst. Program-COVID and E911 funds for employee training.

AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE FISCAL YEAR 2020-2021

BE IT ORDAINED by the Governing Board of the County of Hertford, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

REVENUE:

REVENUE				
Department	Account Number	Account Description	Amount Increase	Amount Decrease
DSS	100063-418704	Low Income Energy Asst. Prgm COVID	\$157,218	
General Fund	100100-415300	Miscellaneous Revenue	\$ 30	
	Total Changes in Revenue		\$157,248	
		Net Change in Revenue	\$157,248	

EXPENDITURE:

Department	Account Number	Account Description	Amount Increase	
				Amount Decrease
EXPENDITURE:				
DSS	104440-563006	Low Income Energy Asst. Prgm COVID	\$157,218	
E911	104206-531200	Employee Training	\$ 30	
	Total Changes in Expenditures		\$157,248	
		Net Change in Expenditures	\$157,248	

Explanation:

State Authorization Funding Allocation for Low Income Energy Assistance Program-COVID to assist Hertford County citizens ages 60 and older or disabled.

Funds from Employee to retake exam

Amendment # 14
 Approved: _____
 Posted: _____

 Finance Director Date

HERTFORD COUNTY ABC BOARD & TRI-COUNTY AIRPORT AUTHORITY TERM LENGTH AND APPOINTMENTS

Attorney Charles Revelle, III shared with the Board findings from Clerk Fleetwood as follows: the previous reappointment of Lonnie Simmons and new appointment of Roy T. Barnes were not staggered as outlined by NCGS § 18B(7) for Local ABC Boards and the term length for the Tri-County Airport Authority reflect three-year terms and should be four-year terms as outlined in the Tri-County Airport Authority 2013 Bylaws.

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board approved for the appointment of Lonnie Simmons to the **Hertford County ABC Board** to be corrected to a one and a half -year term effective January 4, 2021 and expiring June 30, 2022.

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board approved for the appointment of Roy T. Barnes to the **Hertford County ABC Board** to be corrected to a two and a half-year term effective January 4, 2021 and expiring June 30, 2023.

On a motion by Com. Mitchell and a second by Com. Lassiter, the Board approved for Clerk Fleetwood to add one year to the current expiration dates of the current **Tri-County Airport Authority** members, Russell Joyner, Com. Leroy Douglas, and Michael Bunch, and change the term length to four-year terms.

REQUEST APPROVAL OF THE 2021 PROPERTY TAX LISTING EXTENSION AND REQUEST APPROVAL TO ADVERTISE EXTENDING THE 2021 TAX LISTING THROUGH FEBRUARY 16, 2021

Ms. Sandy Brock addressed the Board requesting approval of the 2021 Property Tax listing extension as a result of property tax assessments being mailed later than normal and requested approval to advertise extending the 2021 Tax Listing through February 16, 2021. She also shared that because of the new data software conversion, information did not transfer properly with the County property assessments.

After discussion, on a motion by Com. Mitchell and a second by Com. Lassiter, the Board approved the Property Tax Listing Extension and approval to advertise extending the 2021 Tax Listing through March 1, 2021 as presented by Tax Assessor, Ms. Sandy Brock, as follows:

WHEREAS, under G.S. 105-307(a) the period during which property is to be listed for taxation begins on the first business day of January and ends on January 31; and WHEREAS, pursuant to G.S. 105-307(b), the Hertford County Board of Commissioners (the Board) has the authority to extend the listing period; and WHEREAS, the Board finds that it is in the best interest of the taxpayers of the county that the listing period for the calendar year 2021 be extended; NOW, THEREFORE, BE IT RESOLVED that the Hertford County Board of Commissioners hereby extends the 2021 listing period to and including March 1, 2021, said action to be recorded in the minutes of the Board and published as required by G.S. 105-296(c).

After further discussion with Attorney Charles Revelle and Ms. Brock regarding a property owner's request to file property taxes through fax, on a motion by Vice-Chair Horton and a second by Com. Mitchell, the Board affirmed the County's past practice not to accept property tax listings by fax as a property owner's final listing.

Com. Lassiter advised Ms. Brock to look into the processes for citizens to electronically list property taxes.

COUNTY MANAGER'S COMMENTS

No comments were made by Manager Cotton.

COMMISSIONERS' COMMENTS

The Board made the following comments:

Vice-Chair Horton thanked the County employees for attending the meeting.

Com. Mitchell commented that this year has been challenging and that he was proud of the administrative leadership and that all employees contributed to the success of County operations.

Com. Douglas and Com. Lassiter thanked everyone for attending the meeting.

CLOSED SESSION

On a motion by Com. Lassiter and a second by Com. Douglas, the Board unanimously approved to move to Closed Session as allowed under NCGS § 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 a second by Com. Douglas, the Board unanimously approved to return to the Regular session.

On a motion by Vice-Chair Horton and a second by Com. Lassiter, the Board unanimously approved to advise the Hertford County Board of Education that the Board of Commissioners is not interested in purchasing the 1.09-acre Union tract known as 820 NC Hwy. 961, PIN # 5984-26-5560, but the Board of Commissioners will accept a donation of the tract should the Hertford County Board of Education decide to do so.

ADJOURN MEETING

At 10:37 AM, on a motion by Com. Lassiter and a second by Com. Douglas, the Board unanimously approved to Recess the Regular meeting to convene in the Government Center Conference Room for the Called Board Budget (Goals and Objective) Retreat.

Chairman Gatling announced the Called Board Budget (Goals and Objective) Retreat adjourned at 2:26 PM.

Approved: February 15, 2021

Com. Ronald J. Gatling, Chairman

Dr. Renee Fleetwood, Clerk to the Board